Letter from the Editors

We are proud to present the 15th edition of *Historia*, a journal entirely written and edited by students of the Epsilon Mu Chapter of Phi Alpha Theta and the Eastern Illinois University's history department. *Historia* received a record number of submissions this year, leading to difficult decisions in what proved to be an arduous selection process. These papers represent some of the very best student writing of the past year.

The selection process was long and difficult. Every editor read all sixty five submissions and voted on every paper. The process, although long, helped to ensure that the best papers were selected. This year we had a wide range of selections, including papers on the Irish Famine and the Irish Rebellion; theories of slavery in the United States, including the idea of paternalism and an analysis of the slave clause during the Constitutional Convention; constitutional issues, including in Britain with both the problem of the abdication of Edward VIII and the abolition of capital punishment, and the issue of eugenics in the United States during the early twentieth century; the problem of war atrocities during World War II, including the practice of Nazism and the issue of the Korean comfort women in Japan. Also included in this year's *Historia* are an analysis of the lack of action by the United States during the Rwandan genocide and a student movement in Tlatelolco, Mexico; an examination of the shift from cotton to wool underwear in Britain; the role of the Cherokee in the Civil War; the relationships between women and food on the Overland Trail; and the influence of Machiavelli on Ivan IV. We are particularly grateful to Dr. Walter L. Arnstein, Professor Emeritus of History at the University of Illinois at Urbana-Champaign, for allowing us to print his plenary talk at the Regional Conference of Phi Alpha Theta, which was held this year At Eastern Illinois University.

This journal was completed with the assistance of many people. First and foremost, we owe a debt of gratitude to our faculty advisor Dr. Michael Shirley. Without his guidance and sense of humor, this journal would not have been completed. We would like to thank all the authors who submitted papers this year. For those whose papers were not selected for publication, we encourage you to submit again next year. We would also like to thank Ms. Donna Nichols and the history faculty for their assistance and support. Finally, we thank the alumni, for without them, *Historia's* audience is sorely diminished. All of these people are a factor in the continued success of *Historia*, and we sincerely thank them.

-The Editors

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HISTORY: A MATTER OF HONOR[1]

Walter L. Arnstein

Let me, first of all, thank Professor Shirley for his most generous introduction. I am delighted to play a small role in this successful regional Phi Alpha Theta conference. I have taken a personal interest in Phi Alpha Theta for a very long time. Indeed, Professor Shirley may have invited me to talk to you today merely in order to add chronological diversity to these proceedings. I was first initiated into Phi Alpha Theta, after all, when Harry Truman was President of the United States.

Now, if your first reaction is: "Who is Harry Truman?" then my response is: "Look it up in a History book!" Looking things up is, after all, one of the purposes that the study of History serves. But a study of History serves other purposes also. As I shall try to suggest in the course of the next half hour, the study and the writing of History may even be defined as a matter of honor! Admittedly, when you first informed your parents or other relations that you intended to become a History major in college, their reaction may have been less one of honor than one of puzzlement. And why are you doing that? In the short run, after all, to become a History major does not teach you to become an engineer or a physician or an accountant or the CEO of a large corporation.

In the short run, the study of history is more likely to encourage us to become generalists rather than specialists. By that I mean that a historian is compelled to take some degree of interest in the many different ways in which human beings both organize their world and make it understandable to themselves. Human beings are social creatures who almost always live in nuclear or extended families, and those families congregate in neighborhoods, towns, and countries. They are also political animals who organize cities and states and nations that alternately send armies into the field or negotiate treaties with one another. They are part of the economic world as well: as consumers and as producers, as managers and laborers and even as retirees. They also demonstrate all manner of cultural, artistic, ceremonial, and ritualistic behavior and ways of explaining their world that we may define as religious in some cases and as secular in others.

Obviously no single historian can be expected to become a specialist in all these various facets of human experience in all the different centuries and on all the different continents, but historians ought to be reminded at regular intervals that, even as they plow their particular furrow, their furrow is part of a broader landscape that extends as far as the horizon. In both survey courses and more specialized courses, as students of the past we should retain at least some concern with facets of that past far removed from those that we may know best.

Among the Ancient Greeks, Herodotus and Thucydides began to practice the trade of history two-and-a-half millennia ago, and in 1400 the Islamic historian Ibn Khaldun declared that "History is a discipline widely cultivated among nations and races. It is eagerly sought after. The men in the street, the ordinary people, aspire to know it. Kings and leaders vie for it. Both the learned and the ignorant are able to understand it."[2] And yet there have always been critics who have argued that the trick cannot be done. There have been philosophers, for example, who have contended, with a surface degree of plausibility, that the past cannot be recovered, however hard we may try. "The past is a foreign country," we are told; "they do things differently there."[3] Indeed they do, and yet with effort we may find it possible to understand the thoughts and actions of some of those foreigners, even if a perfect translation lies beyond our competence. Yet other skeptics have contended that we are permanently barred by our built-in biases and assumptions from ever understanding any nationality other than our own, any social class other than our own, any gender other than our own, even any age cohort other than our own. How can a militant Palestinian truly understand the frame of mind of an Israeli, or—one might add—vice-versa? How can an ivy-covered academic possibly understand the daily life of either a hereditary monarch or an agricultural laborer? How can a patriarchal relic conceivably understand the mind of a dedicated feminist? How can an aging stuck-in-a-rut professor possibly enter into the mindset of a college freshman?

My general answer to such skeptics is the same as the one that the eighteenth-century English sage, Dr. Samuel Johnson, applied to a dog walking on its hind legs: "One does not expect to see it done well! One is surprised to see it done at all!" Because, in defiance of the

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[1] A luncheon address presented to the Regional Conference of Phi Alpha Theta delivered on the campus of Eastern Illinois University on February 25, 2006. Walter L. Arnstein is Professor of History Emeritus and Jubilee Professor of the Liberal Arts and Sciences Emeritus at the University of Illinois at Urbana-Champaign. His publications include *Britain Yesterday & Today: 1830 to the Present*, 8th ed. (Boston, 2001), and *Queen Victoria* (London & New York, 2003).

[2] Cited in review of Ibn Khaldun, *The Muqaddimah: An Introduction to History* in the *Times Literary Supplement*, Feb. 17, 2006, 11.

[3] The first sentence of L. P. Hartley, *The Go-Between* (London, 1953).

philosophers and the skeptics, good history has been written and is being written all the time, history that has caused readers and listeners to conclude that they understand our own age and our own concerns better than before because a historian has placed them in context. History *has* been written that throws genuine light on the institutions that define our society. History *has* been written that clarifies why the decisions taken by particular governments, including our own, have turned out to be either wise or extraordinarily foolish. And why can such history be written? Because all human beings to some degree and some human beings to a very considerable degree possess the ability that we call empathy, the ability to place ourselves in the shoes of others, even others distant in time and place, distant in age and social status.

Such history *can* be written secondly because the discipline of history is and remains a collective undertaking, an undertaking that involves built-in checks and balances. A powerful and wide-ranging imagination may be a valuable characteristic for a historian to possess, yet it is a trait that does have to be kept within limits. Every fledgling historian who has ever had a bright idea and has wanted therefore to publish an article or even a book discovers--sometimes to his or her initial dismay--that it is not enough to complete the manuscript. One has to persuade editors and reviewers before any given piece is accepted for publication, and once the book is published one has to anticipate that other reviewers will publicly judge one's work. They will remind you of all the "facts" that you failed to check, of all the sources that you failed to consult, and of all the inferences that you failed to draw.

The difference between novelists and historians is that novelists too may use their imagination, but a novelist does not have to worry about an imagination that runs unchecked. Nothing need stop a novelist from imagining an Abraham Lincoln who bids farewell to his Springfield neighbors and catches an American Airlines jet to Washington, D.C. where he arrives just in time to be interviewed on television by Tim Russert on "Meet the Press." A historian who utilized his imagination in that particular manner would not be taken seriously, however, because collectively we know too much about the past. We possess a very good idea as to what was and what was not technologically possible during any given century and even what was plausible in the realm of social custom and ideas. For a historian deliberately to claim the privileges that we grant to the writer of fiction is to commit the crime of anachronism.

We ran into this phenomenon a few weeks ago when the author of a best-selling memoir called *A Million Little Pieces* turned out to have written a work of fiction. Oprah Winfrey, whose imprimatur had first turned the book into a best-seller, condemned the author for feeling "the need to lie," and she apologized to her audience for initially leaving the impression that "the truth is not important."[4]

The truth ought to be important to all historians to the extent that it can be known. For historians, the recoverable past may appropriately be looked upon as a vast jig-saw puzzle for which we do not possess all the pieces. On some subjects, we may have very few pieces—such as, for example, the original King Arthur, who lived (if he lived at all) in sixth century Britain at a time for which we have virtually no contemporary records whatever. We have one jigsaw puzzle piece but ninety-nine are missing. Yet on many other subjects, such as the American Civil War of 1861-1865, we possess a superabundance of records. Even those historians who differ somewhat on the precise combination of conditions that led up to war agree on a great many highly important matters. They do not argue as to how many people participated or died or were wounded or what contemporaries read about the conflict at the time in their books and newspapers and in records of congressional debates. Unlike contemporaries, historians also have had access to numerous diaries and private letters and records of discussions in President Lincoln's cabinet. In the case of the American Civil War, unlike that of King Arthur, we possess ninety-five pieces of the jigsaw puzzle pieces and lack at most five.

Now, I concede that there have long existed historians who have felt sorry that history was not a branch of a so-called "social science" that imposes theoretical models on the past. They regret that history has not become a branch of anthropology or a branch of sociology or political science or even a branch of psychology. Such critics have regretted also that history as a discipline has been largely free from the kind of jargon that all too often seems to afflict professional educators and sociologists and psychologists. Most historians have considered it a virtue to be able to communicate with a wide audience. They accept the need to use technical terms when talking about, say, the history of law or the history of naval construction, but they oppose the notion that historians as historians should create adopt a specialized language whose necessary consequence would seem to be to set themselves off from ordinary people as possessors of, and guardians of an esoteric knowledge all their own. As the British scientist Peter Madawar phrased the matter a few years ago: "No one who has something original or important to say will willingly run the risk of being misunderstood; people who write obscurely are either unskilled in writing or are up to mischief."[5]

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[4] Cited in an Associated Press article in the (Champaign, Illinois) *News-Gazette*, Jan. 31, 2006, C-3.

[5] *New Humanist*, December 1972, 314.

In recent years, other critics of the discipline of history have contended that historians should worry less about learning facts than about adopting theories and imposing them upon our understanding of the past. Thus a generation of literary critics has maintained that it is altogether impossible for historians to study or to write about anything real. All that historians have before them, according to such critics, are texts. Texts, they go on, have no fixed meanings. Every reader has the right to interpret every text in whatever manner he or of she finds plausible. No interpretation is superior to any other. All is open to interpretation. All is relative.

I have sometimes wondered what would happen if such a post-modernist literary deconstructionist historian were to take his university pay check to his local bank in order to transform it into cash. What if the bank clerk should explain to him: "What you have called a pay check is merely a text, merely a piece of paper, and it is as appropriate for me to interpret that text as idle scribble as it is for you interpret it as an order to me to pay you cash. It is therefore as appropriate for me to deposit that piece of paper into a wastepaper basket as into that theoretical construct that you call your bank account." That type of deconstruction necessarily undermines altogether the notion that historians ought to be concerned with the systematic collection of evidence and the systematic drawing of conclusions.

The fact remains that happily we do not live in a world today in which anything can mean anything to anybody. The amount of money you have in your checking account at any given time is definite and not relative. If you are driving a car, red means stop and green means go for everybody; nothing is relative there. If you want to vote in the next election, then if you are seventeen you cannot register; if you are eighteen and a citizen and not in jail you can. We may find aspects of our world confusing, and there may well be aspects of that world that we find difficult to understand—for example, nanotechnology and genetic engineering. But our world is not, in every respect, arbitrary. We *can* find maps on the internet that tell us precisely where specific people live and where particular stores are located and how to reach them. Although you and I may never have met until today, you *can* understand the words I use, because the meaning of words does not change every day. When somebody proclaims: "All things are relative," the appropriate answer is: "Who says so?"

If the world in which we live is sufficiently comprehensible to enable us to live in it, why should the world of one hundred or two hundred or even a thousand years ago be altogether unknowable—provided that we do our research and draw the inferences that the available evidence permits. Historians who seek truth are more like

to come close to finding it than are relativists who insist that there is no such thing as truth.

The discipline of history ought to serve as a remedy for present-mindedness rather than as an excuse for having us in the twenty-first century impose our sensibilities on people and events of earlier centuries. Historians cannot avoid judging altogether, and they should not, but surely their first task is to attempt to understand the past rather than to impose on that past the favored nostrums of a later era. The Marxist or Freudian or Social Darwinist or multiculturalist or feminist or post-colonialist or deconstructionist cart ought not precede the evidentiary horse. The discipline of history can enable us to place the events of our own day—whether they be wars or hurricanes or supreme court decisions—in a context that makes them more understandable.

Let me sum up then:

(1) A good historian is a generalist who seeks to learn a little about a great many matters. In the process that historian learns to understand better both his own society and that of earlier centuries. History remains a lynchpin of any liberal arts education.

(2) Good historians develop and enhance, as a central skill, their powers of empathy.

(3) Good historians learn that there is a difference between truth and falsehood. Absolute truth may elude us and, like many trial juries, we may often have to rely on circumstantial evidence, but such evidence should suffice to enable us to distinguish conclusions that are more probable from those that are less probable.

(4) Good history adds that fourth dimension known as time to the often static models fashioned by social scientists. It is the enemy of the provincial, of the parochial, and of the over-simple. Good historians do not take a holiday from complexity.

All of these are virtues. All of these are honorable goals. All of these are values promoted by Phi Alpha Theta, and Phi Alpha Theta is an honor society that celebrates the discipline of history as an honorable activity and as an honorable profession. Why then ought we not look upon History as a Matter of Honor?

CONSTITUTIONAL CONSTRAINTS:
LIMITATIONS THAT LED TO ABDICATION

Amanda Terrell

The 1930s were a time of ambiguity. Subsequently, the reality fails to coincide with recollection, or, at least, the desired recollection. Despite being mired in economic hardship and diplomatic tensions, the thirties are remembered with a sense of dramatic nostalgia because it was the period before the world was plunged into war. Many historians have not escaped the trap of wistfulness when chronicling the abdication of Edward VIII—the British king who relinquished his throne in order to marry the woman he loved.

The authors who are easily ensnared are the biographers and autobiographers. Most prominent of these are the Duke and Duchess of Windsor. In their respective memoirs, *A Kings Story* (1951) and *The Heart Has It's Reasons* (1956), the Duke and Duchess recount the abdication with a sense of dramatic longing, the Duchess more so than the Duke. James Pope-Hennessey, in his biography of Queen Mary entitled *Queen Mary: 1867-1953*, presents the abdication as the only thing to ever break the heart of Dowager Queen. This representation gives the story more than just a flair for the dramatic. Keith Middlemas and John Barnes in their 1969 biography of Stanley Baldwin, *Baldwin: A Biography*, present the abdication as a problem only Baldwin could have fixed. In making Baldwin the victim and hero, the authors added to the growing nostalgia.

Other historians have tackled the whole issue of abdication instead of one person's role or account. Christopher Warwick, in his 1986 book *Abdication*, relays the entire story in abundant detail making one yearn for the days when kings were not forced to choose between love and the throne. Susan Williams wrote her book *The People's King: The Betrayal and Abdication of the First Modern Monarch* in 2003 with the benefit of access to letters and papers that were previously withheld. Williams provides different angles to the abdication, telling the story from the King's perspective as well as the Prime Minister's. However, Williams' primary focus is the impact of the abdication on the English commoner.

There are historians who have only offered one-sided analysis of the abdication in the form of the "blame game." Lord Beaverbrook's 1966 posthumous book, edited by A.J.P. Taylor, places the blame of the abdication on the shoulders of Stanley Baldwin. Sir Oswald Mosely, in his 1968 autobiography *My Life*, accused Baldwin of manipulating the government in order to maximize his power. Conversely Robert Rhodes James reveals, in *Memoirs of a Conservative: J.C.C. Davidson's Memoirs and Papers 1910-1937*, that Davidson, a Baldwin supporter, faulted Edward's impossible demands for the abdication.

Other historians have provided more balanced analysis of the abdication. Some simply provide that the abdication was inevitable. Linda Rosenweig, in her 1975 article "Abdication of Edward VIII", argues that Edward's complex mental state cost him his throne. Rosenweig argues the abdication from a psychiatric point of view. In 1964 Ronald Blythe wrote *The Age of Illusion: Britain in the Twenties and Thirties 1919-1940*. In this book he maintains that the abdication was inescapable because Edward was just too different and the establishment could not handle change.

Still there are some historians who emphasize the political and constitutional aspects of the abdication. Alan Clark, in *The Tories: Conservatives and the Nation Sate 1922-1997*, expresses the enormity of the Tories, traditionally being supporters of the monarchy, as the ones who dethroned a king. M.M. Knappen proposes in the 1938 article, "The Abdication of Edward VIII," that, since the abdication, the position of the monarch has been aggrandized while the influence of the actual monarch has been diminished. Moreover, Arthur Keith's 1938 book, *The King, the Constitution, the Empire, and Foreign Affairs*, presents a similar argument. He argues that the office of the Prime Minister was increased while Parliament, the cabinet, and the sovereign's roles were decreased.

Clearly the abdication has been researched and arguments made on nearly every aspect. However, what was the real political climate like during the abdication? Ignoring causes and results of the abdication, what did the two sides really want? Moreover, why could these two sides not come together and avoid abdication? I contend that that both Stanley Baldwin and the King wanted a pleasant end to the situation in which Edward remained king; however, each man's means to that end were limited by constitutional constraints and thus a pleasant end could not be attained.[1]

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[1]Examining constitutional constraints can prove tricky because of the fluidity of the British Constitution. The British Constitution is made up of both written documents and unwritten precedent. Therefore, determining not only the positions of the King and Prime Minister in the government, but the things that constrain them requires an in depth knowledge and understanding

As a prince, Edward caroused and cavorted among London society. Throughout his bachelorhood the Prince of Wales never wanted for the company of a woman; however, Edward's companions tended to be married aristocrats. Edward met Wallis Simpson, a married American, in November 1930 at the home of mutual friends.[2] The Prince's initial romantic advances toward Mrs. Simpson failed when he first asked her about home heating systems in the United States.[3] Nevertheless Edward's frustrations did not persist. Soon he frequented the Simpson's flat for tea or dinner. Edward found himself captivated and influenced by the social atmosphere. Henry "Chips" Channon recorded in his diary several encounters with the Prince of Wales at Simpson's home; he wrote, "We had cocktails at Mrs. Simpson's little flat in Bryanston Court; there I found Emerald Cunard, David Margesson, the Prince of Wales and one or two others."[4] On another occasion Channon wrote, "Much gossip about the Prince of Wales' alleged Nazi leanings; he is alleged to have been influenced by Emerald Cunard…through Mrs. Simpson."[5] Rumors about Edward's political sympathies were rife; however, now that a woman was an influence, rumors began taking a serious overtone. Nonetheless, Wallis was sharp and funny and she surrounded herself with similar people and the Prince of Wales immediately fell in love with her. Edward's thoughts quickly moved to how he could marry a woman who already had a husband and had previously been divorced.[6]

As Prince of Wales, Edward's public life had been devoted to the service of the Empire. Before he could make major life decisions the effects on the Empire had to be considered. A prospective marriage proved no different. Edward said of the situation, "a prince's heart, like his politics, must remain within the constitutional pale. But my heart refused to be so confined."[7] However, Edward concealed his intentions, at least while his father was alive.

King George V died on 20 January 1936 after protracted illnesses. Edward was now King and believed that he could now marry Simpson. According to the Royal Marriages Act of 1772, as King, Edward could restrict the marriage of a family member but no one could restrict his marriage. The only prohibition on a monarch's marriage was that he, or she, could not marry a Roman Catholic. Since Simpson met the only written standard Edward looked to proceed with his intentions.[8] However, when Mrs. Simpson began divorce proceedings against her husband the situation became more difficult.[9] In the 1930s divorce was not looked upon favorably, especially by the elite. In fact, Simpson did not meet any of the elite's unwritten qualifications for acceptance into their social circle: she was American, she lacked status, she did not have money, and most importantly she was divorced.[10] The Cabinet and politicians were part of the British elite; consequently, they would not tolerate someone as inadequate as Queen.

Stanley Baldwin returned from a hiatus in mid October 1936, only to find a stack of papers waiting for him, all concerning the King and Simpson.[11] The Prime Minister was hesitant to intervene in Edward's personal life. Nevertheless, the King and Prime Minister met on 14 October 1936 and had subsequent meetings on the 20 October and 16 November.[12] It was not until the last meeting that the word "marriage" was spoken. Moreover, Edward communicated his intention to marry Simpson at the latter meeting. Thus a constitutional crisis was in the making.

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of the Constitution. Both Edward VIII and Stanley Baldwin demonstrated such an understanding of the British Constitution.

[2]Duchess of Windsor, *The Heart Has Its Reasons* (New York: David McKay Co, Inc., 1956), 154.

[3]Duke of Windsor, *A King's Story* (New York: G.P. Putman & Sons, 1951), 256.

[4]Henry "Chips" Channon, Diary entry 14th May 1935; Accessed at http://www.spartacus.schoolnet.co.uk/MONedwardVIII.htm.

[5]Henry "Chips" Channon, Diary entry 10th June 1935; Accessed at http://www.spartacus.schoolnet.co.uk/MONedwardVIII.htm.

[6] Wallis Simpson had been married before her marriage to Ernest Simpson. She married Earl Winfield Spencer Jr in 1916. Spencer was a naval pilot who was prone to alcoholism and spousal abuse and the couple divorced in 1927. Duke of Windsor, *A King's* Story, 257-259.

[7]Ibid., 259.

[8]Susan Williams, *The People's King: The True Story of the Abdication* (New York: Palgrave MacMillan, 2004), 53.

[9]Mrs. Simpson was granted a divorce hearing on 15 October 1936. The hearing was scheduled for 27 October 1926 at the Ipswich Assizes. The different location was granted at the behest of Mrs. Simpson's lawyer Mr. Goddard. If the proceedings were held at Ipswich they would be done faster and there would be less publicity. Duchess of Windsor, *The Heart Has Its Reasons*, 228. Mrs. Simpson was granted a *decree nisi* at the 27 October hearing. A *decree nisi* meant the divorce would not be final for six months. Christopher Warwick, *Abdication* (New York, Sidgwick & Jackson, 1986), 108.

[10]Williams, *The People's King*, 32.

[11]Baldwin returned on 12 October after a several month sabbatical due to exhaustion.

[12]The meeting on the 14 October was at the request of Stanley Baldwin because he wanted to gauge Edward's relationship with Mrs. Simpson, but to his chagrin, the topic was never brought up. Williams, 57. In the meeting on the 20 October the Prime Minister again skated around the issue of Edward's relationship with Mrs. Simpson. However, he did ask Edward to prevent Mrs. Simpson's divorce, which Edward declined to do. Baron Beaverbrook, *The Abdication of Edward VIII*, (New York: Atheneum, 1966), 47.

Why would a constitutional crisis be brewing? The only stipulation on Edward's marriage pertained to religion, and, as aforementioned, Simpson met that qualification. Well, at the meeting on 16 November, Stanley Baldwin told Edward that a marriage to Simpson would be unpopular with the people.[13] All his life Edward had been fashioned by the will of the people and he was finding that being King did not change his circumstances. However, as King, he could retaliate and responded to Baldwin's warning that he would marry Simpson or abdicate.[14] Edward did not disagree with Baldwin about the degree of public support; however, his resolve was strong. At the same meeting he received permission from Stanley Baldwin to meet with two cabinet members, Samuel Hoare and Duff Cooper, regarding the situation. Mr. Hoare provided no help or sympathy for the King's plight. Duff Cooper offered advice Edward did not want to hear. Cooper advised the King to wait until after his coronation to marry Simpson. Cooper reasoned that the government would not be able to prevent the marriage if Edward was crowned.[15] Perhaps thinking that by being crowned Edward would have garnered so much public support the government could not possibly oppose his marriage. Nevertheless, Edward rejected Cooper's proposal. The King believed he would be misleading his people if he proceeded in that fashion.[16] Instead, Edward wanted to marry Simpson before his coronation and either have her crowned with him or have her present at the ceremony and recognized as his wife. This led to Edward's mantra "No marriage, No Coronation."[17]

Another reason for Edward's insistence that the coronation take place with him either married, or not at all, was a religious one. Edward did not consider him self a religious man; nonetheless, he did recognize the religious aspects of coronation. He tells in his autobiography that the coronation "is essentially a religious service."[18] As head of the Church of England, he did not think he could participate in such a ceremony when he, as king "swears an oath to uphold the doctrines of the Church of England, which does not approve divorce."[19] Edward further noted:

For me to have gone through the Coronation ceremony while harboring in my heart a secret intention to marry contrary to the Church's tenet's would have meant being crowned with a lie on my lips. My soul contained enough religion for me to comprehend to the full the deep meaning attached to the coronation service.[20]

Despite Edward's overall ambivalent attitude toward the established religion and its leaders, he was decided on the fact that he could not blatantly disregard the church and be crowned intending to violate its teachings.[21]

On 21 November the "King's Matter", as it was know among London society, took a new turn. Esmond Harmsworth, heir to Lord Rothermer, presented Simpson with the idea of marrying the King morganatically.[22] According to Simpson's account neither she nor the King favored a morganatic marriage, but since both desired not only to marry, but a quick and favorable end to the developing crisis the option was explored further. Edward met with Baldwin on 25 November and had him pose the question of morganatic marriage not only to the Cabinet, but to the Dominion governments.[23] This action exhibits Edward's adherence to the Constitution. Here he is seeking the advice of his ministers and acting through his prime minister. The

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[13]Stanley Baldwin believed that he could speak for the people because he represented a government that was elected by the people.

[14] This is important because many historians contend that abdication was thrust upon the King. In fact, the King was the first to mention abdication as an option to the situation. Ibid., 34.

[15]J. Murphy V., and J. Bryan III, *The Windsor Story* (New York: Morrow, 1979), 246.

[16]Warwick, *Abdication*, 109.

[17]Beaverbrook, *The Abdication of Edward VIII*, 16.

[18]Duke of Windsor, *A King's Story*, 340.

[19]Ibid.

[20]Ibid.

[21] Another person that would not accept a marriage between the King and Mrs. Simpson was Dr. Cosmo Lang, Archbishop of Canterbury. Dr. Lang planned to use Edward's coronation as revival for the Church of England. Lang's proposed revival would serve as a counterattack on the increasing number of divorces in Britain. Duke of Windsor, *A King's Story*, 332. However, the movement would lack legitimacy if Edward, as head of the church, married a divorcee. Edward's thoughts about being head of the Church of England are unclear. There are times like the aforementioned when he treats the church with respect. There are other times when he displays his frustrations with the church. At his first, and only, state opening of Parliament, Edward objected to affirming the Protestant faith. He realized the historical importance, but still he said "the duty of uttering this outmoded sentiment was repugnant to me." Duke of Windsor, *A King's Story*, 325. As head of the church, Edward's thoughts are troubling. There are also instances during the abdication crisis when Edward reveals his feelings toward the Archbishop of Canterbury, he said: "I fully appreciate the quandary in which I had placed Dr. Lang." Duke of Windsor, *A King's Story*, 332. All of these occasions muddy the position of Edward toward the Church of England.

[22]A morganatic marriage is one in which a monarch marries but his or her spouse is not recognized his or her equal; therefore the spouse does not become the monarch's consort. Also, any children resulting from the marriage are excluded from the line of succession. Beaverbrook, *The Abdication of Edward VIII*, 50.

[23]Duchess of Windsor, *The Heart Has Its Reasons*, 240-241.

King's personal advisors, namely Lord Beaverbrook, warned him against such action. Beaverbrook argued that by posing the question to the government Edward was constitutionally bound to its advice and, hence, gave the government the upper hand.[24] Given the circumstances, Edward did not have Baldwin rescind the question but did tell the Prime Minster via Walter Monkton that "he wanted no advice on the marriage."[25] Nonetheless, since the question of morganatic marriage had already been posed, Baldwin was bound to give the King the government's answer. Channon perceived the political mood and noted in his diary on 28 November that "the Battle for the Throne has begun."[26]

By 2 December Baldwin had received answers from most of the Dominions and the Cabinet had reached a decision regarding the morganatic marriage. Therefore, on the 2 December the King and Prime Minister met at Buckingham Palace. There Baldwin told the King the unhappy news. Both the Cabinet and Dominions had rejected the idea of morganatic marriage.[27] With this the King's cause took a terrible blow. The next blow came from a most unexpected source. Bishop Blunt gave a speech on 2 December and in it spoke of his desire for the King to be more religious. Many newspaper editors believed Blunt was referring to the King's relationship with Mrs. Simpson and the next day ran the story.[28] According to the Duke of Windsor, then Edward VIII, the harsh words and actions of the

newspaper editors are what made the matter a political one. The Duke stated, "by that action the Monarchy was brought violently into politics."[29] Edward had been reared on the maxim 'the Crown must remain above politics,' so to be entrenched in such a situation was deplorable to him.[30] Nevertheless, Edward's next move was to meet with his Prime Minister in order to sort out his options. As it turned out the King did not have many options. When the two met on 3 December Baldwin presented the King with the following alternatives: give up the marriage, marry despite the government's objections and deal with its resignation, or abdicate. The King stood his ground. He now tried to find a way to marry and keep his throne while still keeping within the means of the Constitution.[31]

Despite holding firmly to his position, the King did weaken emotionally. However when Simpson proposed the idea that the King address his subjects via radio, Edward perked up. The King decided that even though the chances of the government allowing the broadcast were slim, he would prepare a speech and propose the idea to Baldwin for consideration.[32] In his proposed speech Edward wanted to tell his side of the story, which included this line, "neither Mrs. Simpson nor I have ever sought to insist that she should be Queen. All we have desired was that our married happiness should carry with it a proper title and dignity for her, befitting my wife."[33] Edward went to London to meet with Baldwin and ask permission to address the nation. Edward's request was rejected on the grounds that he would be superseding the government. However, something more important happened that day. The King saw the crowds that had gathered outside Buckingham Palace. Portions of the public were rallying to the King in defense of his cause.[34] Nevertheless, the King would soon find other channels of support. On 4 December the

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[24]Murphy & Bryan, *The Windsor Story*, 251.

[25] Walter Monkton acted as the King's emissary to Baldwin because the King no longer trusted his Private Secretary, Alexander Hardinge. Hardinge wrote the King a letter, which the King received on 13 November, the letter stated the following: the British Press would report Edward's relationship with Mrs. Simpson; the Cabinet was devising strategy on how to deal with the situation, one solution being resignation; a new government would not be able to function; new elections would be necessary and the King's personal life would be a political issue; and lastly Mrs. Simpson should leave Great Britain. Edward suspected Hardinge received his information from Stanley Baldwin and, therefore, utilized Monkton as his "go between." Beaverbrook, *The Abdication of Edward VIII*, 49.

[26]Henry "Chips" Channon, diary entry 28th November, 1936, accessed at http://www.spartacus.schoolnet.co.uk/MONedwardVIII.htm.

[27]Duchess of Windsor, *The Heart Has Its Reasons*, 244.

[28]Until then the British Press had been silent regarding Edward's relationship with Mrs. Simpson per a "gentleman's agreement" that the press would not report on the King's private life. Fred Siebert, "The Press and the British Constitutional Crisis," *The Public Quarterly* 1, no 4 (1937), 121. Dr. Blunt, Bishop of Bradford, was not referencing the King's relationship with Mrs. Simpson in his speech. In fact, Bishop Blunt was hoping to rebuke the King into taking his duties as head of the Church of England more seriously in the form of going to church. Williams, *The People's King*, 104.

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[29] The action the Duke is referring to is his harsh depiction in he print media. Duke of Windsor, *A King's Story*, 358.

[30]Ibid., 382.

[31]Ibid., 355.

[32]Ibid., 356-357.

[33] The King wanted to tell his side of the story because he thought the newspapers were portraying only one side of the issue. Ibid., 361.

[34]Ibid., 365-367. Edward's supporters came to be known as the "King's Party." According to Edward, the party was an unorganized group of young commoners spread throughout London and other cities. Mostly the groups just carried homemade signs and sang "God Save the King" or chant "God save the King from Baldwin." Edward reflected that had he supported the "King's Party" he would have begun a civil war. Hostilities may have been averted but definite war of words would have ensued which would have been just as devastating. The Duke wrote, "A civil war is the worst of all wars. Its passions soar highest, its hatreds last longest." Duke of Windsor, *A King's Story*, 383-84.

Catholic Times, an unlikely supporter, made Edward's case. The newspaper was anti-divorce, but sided with the King because it did not want to see the "Crown made the pawn of politicians."[35] However, ironically, the King's next means of support would come from a politician, Winston Churchill.

Churchill played only a small role in the abdication. Per the King's request, Lord Beaverbrook met with Churchill on 30 November because Baldwin had prevented the King from doing so. Beaverbrook informed Churchill of the situation and the King's position at that point.[36] Churchill only became actively involved in the crisis after the issue of morganatic marriage was denied by both the Cabinet and Dominions.[37] On 3 December Edward cut ties with his then advisor Lord Beaverbrook and received permission from Baldwin to confer with Churchill regarding his position.[38] Churchill joined the King for dinner on 4 December and was against the King abdicating from the start. Churchill reasoned that Simpson's divorce would not be absolute until April, nearly five months; therefore, the government could not advise the king, and certainly not threaten resignation, on matter that did not exist. Churchill's initial advice to the King was to delay.[39] That same night Churchill almost declared himself the *de facto* leader of the "King's Party" but thought better of it. Churchill agreed with Edward that kings should not be in politics, and by endorsing the growing party Churchill would have done just that.[40] Nevertheless when Edward did ask for help and advice Churchill did not hesitate. Both the King and Churchill left their meeting charged and ready to fight for the cause. In fact, the presence of Churchill seemed to reinvigorate all of the King's camp.[41] The next day Churchill wrote the King a letter. The letter makes one think the two were still soldiers fighting the Germans. Churchill wrote:

> News from all fronts! No pistol to be held at the King's head. No doubt that this request for time will be granted. On no account must the King leave the country. Windsor Castle is his battle station. When so much is at stake, no minor inclinations can be indulged.

Good advance on all parts giving prospects of gaining good positions and assembling large force behind them.[42]

By telling Edward to entrench at Windsor Castle, Churchill evokes monarchical sentiment. He tried to persuade Edward to defend his throne like kings of old. He succeeded, but only momentarily. The previous night Edward had been geared to defend his throne; however, something changed overnight. The same morning Churchill penned his letter, Edward sent Monkton to Baldwin in order to forewarn him that Edward would personally tell the Prime Minister of his decision to abdicate later in the day. At this point the King had to see no bright spots in his situation. However, Monkton quickly presented an optimistic point. Monkton told the King to ask Baldwin to add with the Bill of Abdication a bill finalizing Simpson's divorce, so she could marry right away. This proposal enlivened the King a bit.[43] But of course, once proposed, the matter was in the hands of Baldwin and the Cabinet.

Baldwin seemed receptive to the idea and according to both Beaverbrook's and the Duke of Windsor's accounts, Baldwin promised to resign if the two bills were not passed simultaneously.[44] Nevertheless the Cabinet rejected the divorce bill and it was never put before the House of Commons.[45] Thus, Edward was left with nothing. His abdication would not be complete until 11 December and the intervening six days was a big hullabaloo, the proverbial beating of a dead horse. The newspapers did not cease attacking Edward and Simpson. All throughout the crisis the papers daily called for the King to act wisely. The *Times* reminded the King and all of London that "the King is responsible for the Monarchy and for the Empire."[46] Readers of the *Daily Dispatch* read that "the privileges of kingship carry with them tremendous responsibility. The personal element must be subordinated."[47] Due to the majority of newspapers printing stories with the aforementioned sentiment, the public perception of the Edward was bound to seem selfish. People could not see how a

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[35]Beaverbrook, *The Abdication of Edward VIII*, 71.

[36]Ibid., 65.

[37]Lewis Broad, *Winston Churchill: The Years of Preparation* (New York: Hawthorn Books, 1958), 391.

[38]Beaverbrook, *The Abdication of Edward VIII*, 74.

[39]Ibid., 76-77.

[40]Roy Jenkins, *Churchill: A Biography* (New York: Farrar, Straus, & Giroux, 2001), 500.

[41]Beaverbrook, *The Abdication of Edward VIII*, 78.

[42]*CV*, V, pt 3, pp. 455-6; Quoted in Jenkins 500-01, n. 34.

[43]Duke of Windsor, *A King's Story*, 386.

[44]Beaverbrook, *The Abdication of Edward VIII*, 80 and Duke of Windsor, *A King's Story*, 391.

[45]The bill carried no support in the Cabinet. Non-Conformists argued that allowing a twice divorced person to remarry went against their doctrine. Anglicans simply considered divorce an "abomination" and thus refused. Other members of the Cabinet refused the bill because the believed they would lose support at the polls if they supported it. Beaverbrook, *The Abdication of Edward VIII*, 80-81.

[46]*The Times* (London), 4 December 1936, 18.

[47]Ibid.

king could choose love over a throne. Edward disagreed. In his memoirs he wrote:

> I certainly married because I chose the path of love. But I abdicated because I chose the path of duty. I did not value the Crown so lightly that I gave it away hastily. I valued it so deeply that I surrendered it, rather than risk any impairment of its prestige.[48]

Conversely to the public's and media's opinion, Edward did consider other matters beside his own feelings. In fact all throughout the abdication crisis Edward adhered to his constitutional role. He never consulted anyone without the permission of his Prime Minister. He did not address the nation despite his plight, nor did he rally his supporters. Edward maintained a working relationship with Stanley Baldwin, and when the situation came to a head could not take the advice of his ministers so he abdicated rather than plunge the nation into uncharted political waters.

Baldwin, the Prime Minister, never wanted to get involved in Edward's personal life. Baldwin considered himself a close friend to the King and did not want to jeopardize that relationship.[49] Nonetheless, after Baldwin's aforementioned hiatus he was compelled to action. Lord Beaverbrook and Winston Churchill claimed that there was no constitutional basis for Baldwin's actions. In other words there was no constitutional crisis, and thus Baldwin stepped outside his carefully crafted constitutional role.[50] However, according to the Parliamentary Council, Baldwin was still well with his role. On 5 November 1936 the council drafted a memo addressing the topic of ministers and their advice to a monarch. The memo stated that if a monarch refused the advice of the government the government can resign. However this action is a last resort, and to ensure that it does not happen the government should take the effort that no other party would form a government, hence forcing the monarch into submission. The Parliamentary Council reasoned that a monarch can no longer rule in Britain without ministers, thus he, or she, would have no other option but to abdicate.[51] Therefore, Baldwin was well within his limits when he consulted the oppositional parties to ensure that they would not form governments if he was forced to resign.

Baldwin covered all his bases. He spoke with both the Liberals and the Labour parties. Sir Archibald Sinclair was the leader of the Liberal Party and he wrote this to Beaverbrook years after the abdication: "It is true that Mr. Baldwin consulted me about the King's proposal to marry Mrs. Simpson and again on two or three other occasions about the development of the crisis, and the proposed morganatic marriage."[52]

Sinclair does not explicitly say Baldwin asked him not to form a government but that was the implied question and answer. In fact, Middlmas and Barnes write in their book *Baldwin: A Biography* that the Prime Minister met with both Sinclair and Clement Atlee on 25 November and the purpose of the meeting was to ensure neither man would form a government should Baldwin resign.[53]

Once Baldwin had garnered support and guaranteed the stability of his government he could tackle the "King's Matter" head on. The first issue was the morganatic marriage. It has already been noted that both the Cabinet and Dominion governments rejected a morganatic marriage between the King and Mrs. Simpson. However, there was logical, constitutional reason for them to be involved—they did not wholly reject the marriage out of spite. Great Britain holds no precedent for morganatic marriage. Therefore, the government would have had to enact legislation to set the precedent.[54] Since the Cabinet and the Dominions refused the morganatic marriage, Baldwin could do nothing else with the issue.[55]

As soon as Edward decided to abdicate in favor of marrying Mrs. Simpson, Baldwin was faced with the issue of the including a divorce bill with the Bill of Abdication. Previously mentioned was Beaverbrook's assertion that Baldwin promised to resign if the two bills were not passed concurrently. According to Middlemas and Barnes, Baldwin never made that promise.[56] Baldwin presented both bills to the Cabinet on 6 December and was met with a flood of opposition. Neville Chamberlain stated that if Parliament passed both bills it would be looked upon as "an unholy bargain," people would see the passing of the divorce bill as a prerequisite for the King's

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[48]Duke of Windsor, *A King's Story*, 385.

[49]Keith Middlemas and John Barnes, *Baldwin: A Biography* (London: Weidenfield & Nicolson, 1969), 980.

[50]Beaverbrook also disliked Baldwin; therefore, that also fueled his suspicions. Beaverbrook, 76-77.

[51]It most likely this memo that compelled Alec Hardinge to write his letter to the King which warned that the situation involving Mrs. Simpson could lead to the resignation of his current government and the impotence of a future government. Williams, *The People's King*, 71.

[52]Beaverbrook, *The Abdication of Edward VIII*, 58.

[53]Churchill was also at the meeting on the 25 November, but he did not cooperate with Baldwin's request. Middlemas & Barnes, *Baldwin*, 999.

[54]Beaverbrook, *The Abdication of Edward VIII*, 52.

[55]Beaverbrook has alleged that Baldwin influenced the Dominions by the wording of the telegrams sent about the morganatic marriage. However, this is not true because Baldwin did not write or sent the telegrams; they were sent by the Dominions Office. Middlemas & Barnes, *Baldwin*, 1000.

[56]Ibid., 1010.

abdication.[57] Baldwin tried, but to avail. He could not convince the cabinet and the bill was struck down.

There have been other allegations that Baldwin's actions were fueled by a personal vendetta. People have claimed that Baldwin never wanted Edward to be king and that he used the marriage issue to force Edward off the throne. This assertion is not altogether true. Baldwin often found himself preventing others from being too harsh on the King. For instance, on 9 November Neville Chamberlain and other members of the Cabinet drafted a letter containing an ultimatum, telling the King to give up Simpson at once or else. Baldwin did not approve of the ultimatum and was able to tactfully dismiss the issue when he took the letters home with him to review them and never brought them back.[58] Another example that signals Baldwin's desire to resolve the situation and keep Edward on the throne is when he arrived at the King's home on 6 December prepared to spend the night. Baldwin intended to be available to the King to talk out the issue, in case there was any possibility of avoiding abdication.[59]

Stanley Baldwin was not the villain in the drama of abdication. At every turn he acted constitutionally. Whether it was consulting the Cabinet, or Dominions, or advising the King according to the merits of the Constitution Baldwin adhered to his role. Despite Baldwin's compassion for the King, he did not abuse or misuse his position in order for the King to keep his.

Edward VIII ceased being King of England in the afternoon of 11 December. His reign had lasted less than eleven months. the shortest reign by an English monarch in 453 years.[60]   These facts leave no room for ambiguity. The abdication of Edward VIII has attracted much research. Scholars have propounded theories of cause and effect. Nevertheless, the actions of each of the principal players-- the King and the Prime Minister--have not been analyzed as to what constrained them, the Constitution, and that factor being the means for abdication until now. Indeed, both men adhered to their role circumscribed in the Constitution so adroitly that a pleasant end could not be attained. Perhaps, if one man had stepped outside the limitation of his office, abdication could have been averted; however, this was not to be, and was never really likely. Abdication occurred, Edward left England for self-imposed exile, and the story was left to be told, nostalgia and all.

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[57]Ibid., 1011.
[58]Ibid., 987-991.
[59]Baldwin did not end up spending the night, at the request of the King. Duke of Windsor, *A King's Story*, 398.
[60]Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties 1919-1940* (Boston: Houghton Mifflin Co., 1964), 208.

CAPITAL PUNISHMENT IN GREAT BRITAIN: THEORIES CONCERNING ABOLITION

Ashley Tomlinson

As early as 450 B.C., records report the death penalty being used as criminal punishment in England. Though kings generally decided what type of punishment should be inflicted, those sentenced to death were most commonly thrown into a quagmire and left to die.[1] As the Middle Ages unfolded, the number of capital crimes increased, as did the cruelty of the punishment. It was not long until methods of burning, drawing and quartering, boiling, and hanging were used for commoners, while beheading, an honorable death, was left for the elite classes.[2]

Despite all the possible approaches, hanging replaced most other methods of capital punishment by 1547.[3] This became the English tradition. For example, those executed at Tyburn in London were routinely paraded through the town, usually sitting on a coffin, wearing a shroud.[4] Crowds gathered in the street to mock the condemned, and there were rarely fewer than three thousand present to watch the execution. With similar execution traditions developing around the country, public support of execution lasted well into the twentieth century.[5] Yet, the death penalty was abolished in 1969. The reason England, having such strong tradition and public support behind capital punishment, voluntarily eliminated capital punishment from their penal code is still debated.

Four central theories, all centering around twentieth century occurrences, have been developed to offer a solution. First, scholars, such as Victor Bailey, conclude that the public developed sympathy for the condemned during the twentieth century and, as a result, pushed for abolition.   Others believe that abolition resulted from a shift in

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[1] John Laurence, *A History of Capital Punishment* (Port Washington: Kennikat Press, 1932), 2.
[2] Ibid., 6.
[3] Ibid., 8.
[4] This London execution place was named after the Tyburn River. It is estimated that the public watched over 50,000 people executed there.
[5] John Laurence, *A History of Capital Punishment*, 1777.

English penal philosophy after World War II. Another theory claims abolition is the result of the twentieth century Labour Party pushing for the issue in their newly formed platform. Finally, some reason it was a series of controversial trials in the mid 1900s that changed England's opinion on the death penalty.

All four of these theories provide significant information concerning the abolition of capital punishment in Britain, but none proves completely correct. Abolition was not won by a single set of twentieth century circumstances. Instead, the path to abolition was a two hundred year struggle against tradition and strong public opinion. Tom Phillips described the course of capital punishment in Great Britain as "a disease whose… symptoms slowly got better until a complete cure was effected in 1965."[6] With roots in the eighteenth century, the cure was found by a series of select individuals and interest groups who met strong opposition but kept persistent until they accomplished their goal in 1969. By examining all the possible theories, it becomes obvious why the road to abolition was gradual development, not a twentieth century phenomenon.

Benevolent Sympathy for the Condemned

Some, including Professor Victor Bailey, claim that during the early and mid- twentieth century a majority of the public was "disturbed" and turned their support from the "barbarous and immoral" death penalty out of feelings of sympathy for the condemned.[7] Evidence proves otherwise. The public was never fully supportive of abolition, and those who were rarely felt compassion for the criminal.

The early twentieth century Gallup polls provide evidence demonstrating that the majority of the public supported the use of the death penalty, before and after abolition. For instance, in November of 1938, fifty-five percent expressed they would not support abolition. Interestingly enough, as the year of abolition came closer, the numbers rose. A poll from March of 1953 said the use of the death penalty was acceptable to a seventy-three percent majority. As late as 1960, seventy-three percent of the public believed that abolishing the death penalty would increase the crime rate. When a five-year trial period for abolition drew to a close in 1968, a majority still supported capital punishment. A few years after abolition, in 1973, sixty-six percent still thought that death was an acceptable form of

punishment.[8] However, the public's opinion was never asked in the form of an official government referendum or vote. Executioner Albert Pierrepoint[9] expressed in his autobiography that he "would not pretend that, …in 1964, and for many years afterwards, a national referendum of the population of Great Britain would ever have cast a majority for the ending of the death penalty."[10] In fact, there were at least five new applications every week from men and women to become executioners.[11]

Those of the general public who did support a push for abolition were not always behind it for benevolent reasons. Many supporters were not concerned with the suffering of the condemned but expressed that death was no longer a successful deterrent.[12] Pierrepoint suggested that if capital punishment was a successful deterrent, he "might be expected to know." Instead, he witnessed "young lads and girls, working men, grandmothers" walk with courage to their death. He explained that death "did not deter them then, and it had not deterred them when they committed what they were convicted for."[13] Many abolitionists stood behind this claim, producing evidence from other countries where the death penalty was already abolished. If these countries crime rates had gone anywhere, it was down. There obviously were more successful ways to deter a crime.[14]

In addition, pointing to the suicide of a public executioner in 1932, many were concerned for the mental well-being of the person performing the execution, not the condemned.[15] Pierrepoint supported this by stating that he "sincerely hope[d] that no man is ever called upon to carry out another execution," due to the effects it had on him and his family.[16]

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[6] Tom Phillips, "The Abolition of Capital Punishment in Great Britain," *Contemporary Review* 272 (February 1998), 1.

[7] Victor Bailey, "The Shadow of the Gallows: The Death Penalty and the British Labour Government," *Law and History Review* 18 (Summer 2000), 313.

[8] George Gallup, ed., *The Gallup International Public Opinion Polls: Great Britain, 1937- 1975* (New York: Random House, 1976), 11-1229.

[9] The Pierrepoint name was represented in the office of executioner from 1900 to 1956, the most current being Albert Pierrepoint II. After resigning in 1956, he has claimed that, looking back, he did not support capital punishment, feeling it achieved nothing except revenge. Albert Pierrepoint, *Executioner, Pierrepoint* (London: Harrap, 1974), 8.

[10] Ibid., 170.

[11] Ibid., 187.

[12] Tom Phillips, "The Abolition of Capital Punishment in Britain," 1.

[13] Albert Pierrepoint, *Executioner, Pierrepoint*, 211.

[14] National Council for the Abolition of the Death Penalty, "Capital Punishment Should be Abolished," (London: privately printed, 1935) [database online]; available from http://nationalarchives.gove.uk/.

[15] Ibid.

[16] Pierrepoint's father and uncle were both executioners and experienced emotional effects from their careers later in life. Albert Pierrepoint, *Executioner, Pierrepoint*, 210.

Despite the emotional impacts of the duty, executioners had their job down to a science. They calculated various human weights and sizes to perform the most humane drop possibly. Only a few on the record had not been performed absolutely perfectly.[17] Because of this, few could make a strong argument that capital punishment was inhumane or barbaric. Death was efficient and instantaneous. This is not to say that compassionate arguments towards the criminal were not used. C.O.P.E.C. (Conference on Christian Political and Economic Citizenship) of 1924, held in Birmingham, refuted capital punishment by stating that "the business of the Christian Community is to redeem the offender." Nevertheless, these arguments were held by a minority population.

Shift in Penal Philosophy

Near the end of WWII, Britain had become "a laboratory of social engineering."[18] Public ownership of at least one fifth of the economy left many believing this is when the real foundations of the welfare state were erected.[19] Historian Ken Morgan agreed when he stated, "Not since the Washington of the early New Deal in 1933 had the governmental agencies in a democratic country been so caught up in experimentation and social advance." Consequently, many believed that the beginnings of criminal justice reform served as a primary part of the postwar transformation.[20] Actually, none of the efforts made during this era producedvreal effects on the push for abolition. If anything, the movement went backwards during this time.[21]

Postwar Britain was much less welcoming to penal reform than many let on. The atrocities of the war and the flood of postwar human rights activation did not alter any opinions of capital punishment in Great Britain; rather, it justified them. The Nuremberg Court, beginning November 20, 1945, sentenced twelve of the twenty-two on trial to death. Ten of these men were hanged, and public opinion held that they deserved it. For many, these and similar trials served as justification to a "retributive approach to indigenous murder."[22] Consequently, attempts in 1947 and in years following to reintroduce the Criminal Justice Bill of 1938[23] failed, and no legislation concerning capital punishment would be passed until the Homicide Act of 1957. Even then, this bill did not mention abolition, only "amendments of law relating to homicide and the trial and punishment of murder." Specifically, it addressed the death penalty surrounding issues of "abolition of 'constructive malice', persons suffering from diminished responsibility, provocation, and suicide pacts."[24]

If the shift in penal philosophy in the years following the Second World War was as strong as some claim, there would have been more advancement seen in the area of abolition, especially from the Labour Party. This party, which was supposedly the main supporter of abolition, took office in 1945 with a parliamentary majority of one hundred and forty-six. The bill, if not easily passed, should have been at least reintroduced, but there was no progression.[25]

Labour Party Platform Issue

Emerging in 1906, the Labour Party appeared to provide a realistic opposition to the Conservative Party, changing "parliamentary dynamics of the capital punishment debate." This led many to believe it was the Labour Party's support and influence that caused the push for abolition, but in reality, they did very little.[26]

Capital punishment was usually divided right down party lines, regardless of evidence. For instance, a 1930 Select Committee was put together to examine the possibilities of abolition. Convincing arguments both for and against abolition were presented, yet neither side shifted at all. With seven Labour party members, six Conservatives, and two Liberals, the evidence proved of small influence, and the vote was split right down party lines.[27]

If abolition was such a party issue, it would seem that, once in power, the Labour Party would strongly focus on abolition. This was not the case. The first two Labour Governments, 1924 and 1929-31, were met with limited success.[28] Parliament refused to allow time to even debate the issue. As Elizabeth Tuttle points out, the Labour Party was not "truly zealous for the abolition of capital punishment, or time would have been allocated for a debate on the subject." Time for

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[17]John Laurence, *History of Capital Punishment*, 139.

[18] Victor Bailey, "Shadow of the Gallows," 319.

[19] Ibid.

[20] Ibid.

[21] Ibid., 349.

[22] Ibid., 309-310.

[23] This 1938 bill was introduced with two abolitionist amendments: Five year trial period or complete abolition. It was rejected 16 −7. Elizabeth Tuttle, "The Crusade Against Capital Punishment in Great Britain," (Ph.D. diss., University of Texas at Austin, 1959), 53-54.

[24] United Kingdom, Parliament, *Homicide Act of 1957* [database online]; available from Bournmouth and Poole College Online, http://sixthform.info/law/06_miscellaneous_orginals_ definitions/statutes/homicide_act.

[25] Victor Bailey, "Shadow of the Gallows," 320.

[26] Ibid., 315-316.

[27] Ibid.

[28] Ibid., 307.

the first two Labour Governments slipped away. It would be up to the next victorious Labour Government to get the ball rolling again. [29]

When the party took control of the Parliament by a large one hundred and forty-six majority in 1945, the time seemed perfect. Abolitionist groups like the National Council for the Abolition of the Death Penalty (NCADP) felt the end of WWII and the majority of the Labour Party "should bring success to our efforts for Abolition within the next few years."[30] However, it would be close to twenty years before abolition was passed. A few strong individual abolitionists would continue the push, not the party itself. In fact, the trend of the Labour Party was beginning to worry abolitionists in the mid twentieth century. It seemed "the Labour's leadership tended to be more enthusiastic abolitionists when in opposition than when in government."[31] This left the work up to leading groups and individuals truly devoted to abolition.

Controversial Trials

Tom Phillips argues that it was "not rational arguments but a series of controversial individual cases" that finally passed abolition legislation.[32] Some of these cases included that of Derek Bentley and Timothy Evans. In 1953, Bentley, a nineteen year old boy with mental handicaps, had already been taken into custody for a break-in when his accomplice shot and killed a policeman. His companion, only sixteen years of age, was not sentenced to death, but Bentley, who did not pull the trigger, was. Pierrepoint was forced to carry out the execution despite much public outrage. In the second case, Evans's daughter, Geraldine, had been found dead next to her murdered mother, Evan's wife. With the help of a principle witness, John Christie, Evans was tried, convicted, and executed for his daughter's murder. However, as the years passed, this "credible witness" turned out to be a "self –confessed necrophiliac murderer of seven women," including Evan's wife.[33] This led many to question if they had hung an innocent man. Crimes like these struck an interest from the public, but not the kind of interest that could be used to abolish capital punishment.[34]

The truth was that many felt Evans' execution was an unfortunate mistake but not a case for legislative reform. During this time, the Gallup Poll asked if the death penalty was applied in too many cases. Only five percent of the respondents said yes, and fifty percent said it was not applied enough. Of those individuals who supported the death penalty, only nine percent would change their mind if an innocent man was wrongly executed. As for the Bentley case, the Homicide Act of 1957 provided for those with "abnormality of the mind" to be taken into special consideration.[35]

It seems the real outcries that came from controversial cases were merely "propaganda versions of various controversial trials."[36] Pierrepoint gives an example of how these trials were used more for entertainment purposes then actually confronting the issue of abolition. Take the two cases of Ruth Ellis and Mrs. Christofi, both women. Females had been executed before but in much fewer number than men. Ellis directly killed her lover, firing at leave five bullets from point blank range, whom she wrongly suspected was having an affair. Christofi hit her neighbor during a confrontation, inflicting injuries that later caused death. Happening only one month apart, Pierrepoint received many petitions, even a check for ninety pounds, not to carry out the execution of Ellis. It seems unusual that Ellis, killing in cold blood, received the attention. It would seem more logical to defend Christofi, whose intention was only to argue, never to kill someone. Pierrepoint reasoned it was because Ellis was pretty. The "blonde night-club hostess" won the hearts of the public, while no one gave notice to "a grey-haired and bewildered grandmother who spoke no English."[37] If people were actually paying attention to these trials to promote abolition, Christofi should have received wider attention then Ellis. As Pierrepoint claims, "all public life is field for controversy and misrepresentation…a denial never gets the publicity of the first false publication."[38] People read into these trials what they wanted, and they did not want to abolish the death penalty.

Two Hundred Year Struggle

Clearly, the war for abolition was not won by any one single twentieth century battle but many, over the course of two hundred years. Pushed largely by individuals and interest groups, abolitionists were essentially realistic in their strategy. They realized they were up against two strong factors, public opinion and years of tradition, and "neither of these responded readily to argument."[39] It was these abolitionists' determination and endurance, even when they were repeatedly rejected, that would eventually win the fight. Each one of

[29] Elizabeth Tuttle, "The Crusade Against Capital Punishment in Great Britain," 44.

[30] Victor Bailey, "Shadow of the Gallows," 308.

[31] Ibid., 318.

[32] Tom Phillips, "The Abolition of Capital Punishment in Britain," 3.

[33] Albert Pierrepoint, *Executioner, Pierrepoint*, 204-205.

[34] Albert Pierrepoint, *Executioner, Pierrepoint*, 204-205.

[35] United Kingdom, Parliament, *Homicide act 1957*.

[36] Albert Pierrepoint, *Executioner, Pierrepoint*, 208-209.

[37] Ibid.

[38] Ibid.

[39] Louis Blom-Cooper, ed., *The Hanging Question*, (London: Gerald Duckworth and Co., 1969), 5.

the movers was a necessary component because they developed arguments and goals that would last through generations. Though the struggle is much more complex, the theory can be best examined by a combination of three major pushes: Origins of Abolition, New Intensity, and Twentieth Century Push.

I. Origins of Abolition

In 1764, Cesare Beccaria wrote *Essay on Crimes and Punishments,* expressing a view on capital punishment that widely contrasted his contemporaries. In his view, humans, not being the creator of life, had no right to take it away. Capital punishment could only be justified in two ways: if the death of an individual would save a popular government or if death was the only way to deter others from committing the same crime. These views directly influenced Jeremy Bentham and Sir Samuel Romilly, through whom English culture got its first dose of abolitionary thought.[40]

Later in the eighteenth century, Bentham created a few arguments against the death penalty that would leave a lasting impression. First, he claimed the threat of death was not deterrent, and worsened criminals would be more influenced by "the contemplation of perpetual imprisonment, accompanied with hard labour and occasional solitary confinement."[41] This point was later picked up by Albert Pierrepoint, who felt no criminal he witnessed walking up to the scaffold was deterred by death. Bentham also stressed that judges and witnesses are both fallible, another argument that kept strong through the twentieth century.[42]

Sir Samuel Romilly pushed abolition into the political arena. During his time, there were over two hundred and twenty offences punishable by death. While addressing Parliament, fellow Commons member Fowell Buxton reinforced Romilly's main argument when he said, "Kill your father, or catch a rabbit in a warren—the penalty is the same! Destroy three kingdoms, or destroy a hop-bine—the penalty is the same!"[43] Romilly made a hard push but was only successful in passing three bills, which concerned the repeal of capital punishment in certain instances of theft. However, his work was not done in vain. He, together with other early abolitionists, had brought the cause to the surface. Later abolitionists readily picked up their ideas with new intensity.

II. Nineteenth Century New Intensity

After Romilly's death, the seeds of his ideas were cultivated by two men, Sir James Mackintosh and Sir Robert Peel. In March of 1819, Mackintosh's request for a Select Committee on abolition was accepted, and as a result, many bills formally supported by Romilly were eventually revised and passed. When Peel became Home Secretary in 1822, action started to increase. By 1827, eight acts were passed that took at least 250 old statutes off the books.[44]

These two men's intensity was met and possibly surpassed by Quaker John Bright. He spent the majority of his life speaking and voting in favor of abolition in the House of Commons. Two main arguments solidified when Bright entered the field. The first of these was that the "certainty of punishment was more important than severity in preventing the development of crime." Secondly, he argued, drawing from Becceria, man "was usurping a power only belonging to God"[45] by practicing the death penalty.

These men's intensity spurred the creation of the Royal Commission of 1833, which concluded:

> That the punishment of death ought to be confined to crime of High Treason (happily on of rare occurrence) and (with perhaps some particular exceptions) to offence which consist in, or are aggravated by, acts of violence to the person or which tend to endanger human life.[46]

As a result, a bill was passed that removed twenty one of the remaining thirty seven offences punishable by death.[47]

Though some limited success had been made, the majority of England still agreed with Sir George Grey who said that the feeling towards abolition, including those of newcomer William Ewart, were "contrary to the general feeling of the House and to the country."[48] Nonetheless, Ewart and Bright pushed on, producing bills in 1848, 1849, and 1850, and were denied every time. Again, though their persistence did not produce a new law, it brought their issue to the front. A Royal Commission was set up again in 1864, but again, its success was limited. The commission produced only the suggestion of outlawing public executions.[49]

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[40] Elizabeth Tuttle, *The Crusade Against Capital Punishment in Great Britain*, 2.

[41] Ibid., 3.

[42] Ibid.

[43] United Kingdom, Parliamentary Debate May 23, 1821; Quoted in Victor Bailey, "Shadow of the Gallows," 311.

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[44] Elizabeth Tuttle, "The Crusade Against Capital Punishment in Great Britain," 6-7.

[45] Ibid., 10.

[46] United Kingdom, Parliamentary Debate, 1833; Quoted in Elizabeth Tuttle, "The Crusade Against Capital Punishment," 11.

[47] Elizabeth Tuttle, "The Crusade Against Capital Punishment in Great Britain," 11.

[48] Ibid., 15.

[49] Ibid.

Two new players would emerge after the 1864 Commission, Sir Eardley Wilmot and J.W. Pease. They stirred up one of the most convincing arguments used in abolition; focusing on other countries that had already abolished the death penalty. This argument was expressed by Bright when he said:

> The Attorney General…says, what murders would be committed if hanging were abolished? The burglar or the garrotter would be tempted to kill his victim; but the answer to that is, that in all countries where capital punishment has been abolished, there is not one atom of proof that any such thing has occurred.[50]

Although a later bill by Pease was defeated two hundred and sixty three to sixty four, these men's arguments "laid the foundation upon which the twentieth century case for the abolition of the death penalty was built." From then on, the arguments changed very little right up to abolition.[51]

III. The Twentieth Century Push

With only murder, treason, piracy, and arson left punishable by death, the twentieth century push was met with a strong resentment.[52] However, a few individuals did continue to push, including former executioner James Berry and Penal Reform League founder Captain Arthur St. John. The historical cycle was continued with bills that were continually drafted, printed, and never heard of again. Like always, these individual's fruitless sacrifices helped bring ideas to other's attention. Roy Calvert, the leader of the NCADP, was one of those individuals. Writing *Capital Punishment in the Twentieth Century*, Calvert capitalized on the logical arguments of abolishing the death penalty. Again, these included death as an unsuccessful deterrent and the stationary or declining murder rates in capital punishment free countries.[53]

In 1930, a Select Committee suggested that a test period of abolition be tried during peace time, but again, the bill went no where. The same failure occurred in 1938. In 1948, abolitionists inched a little closer with an amended Criminal Justice Bill, but it was defeated by the House of Lords. With all the commotion, another Royal Commission was set up in 1949 to look into the issue.[54] Things for abolitionists were not looking any better, but the sacrifice and determination sparked a debate which resulted in the Homicide Bill of 1957. Discussed above, this act gave Britain a mild taste of abolition because it severely limited the number of executions. Just as abolitionists had been claiming for years, there was no increase in the murder rate.

The last influential individual was Sydney Silverman. Just like his predecessors, he continually pushed for bills, was rejected, then picked up and pushed again. Finally, in 1964, Silverman gave one last push. He presented an abolition bill that was read three times and adorned with an amendment.[55] This amendment stated that abolition would expire in five years unless it was directly implemented again by both houses to keep it permanent. It passed, two hundred and four to one hundred and four. Four and a half years into the experiment, it was deemed a success and voted in permanently on December 18, 1969.[56]

Conclusion

From the evidence, it is obvious that all of these key players were needed for abolition to conclude the way it did. Though the theories focusing just on the twentieth century provide important information, no single event or theory originated from that time alone was responsible for abolition. The death penalty had been a long standing tradition in England, and it took over two hundred years of individuals and groups pushing for abolition, despite being continually rejected and knocked down. These fighters created arguments and determination that were taken up by generations after. With these types of roots, the process of abolition was nothing sudden. Instead, capital punishment had "been on its way out since the first murmurings of doubt about its efficacy were heard in the eighteenth century."[57]

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[50] United Kingdom, Parliamentary Debate 1864; Quoted in Elizabeth Tuttle, "The Crusade Against Capital Punishment in Great Britain," 22.

[51] Elizabeth Tuttle, "The Crusade Against Capital Punishment in Great Britain," 26.

[52] Albert Pierrepoint, *Executioner, Pierrepoint*, 170.

[53] Tom Philips, "The Abolition of Capital Punishment in Britain," 3.

[54] Albert Pierrepoint, *Executioner, Pierrepoint*, 171.

[55] This amendment was suggested by member Henry Brooke. *The Times* (London), December 19, 2002.

[56] Ibid.

[57] Tom Phillips, "The Abolition of Capital Punishment in Britain," 1.

THE EXCUSE OF PATERNALISM IN THE ANTEBELLUM SOUTH: IDEOLOGY OR PRACTICE?

Josh Cole

Slavery was a major economic contributor to slaveholders in the antebellum South. Their livelihood depended on it, and slaves were exploited as much as possible in order to benefit their white masters. Abolitionists, mostly in the North, viewed the institution of slavery as a non-Christian practice that took advantage of a less fortunate group of people simply because of their skin color. They thought that the small amount of slaveholders present in the South treated their slaves inhumanely and committed atrocities that had no place in the states. Historian Eugene Genovese re-examined the master-slave relationship a few decades ago. He agreed with past historians that slavery was a cruel institution that treated the slaves unfairly. However, he believed that extreme forms of mistreatment were very minor. Genovese introduced slave-owner "paternalism," not a good, painless, or benign slavery, but a slavery in which masters took personal interest in the lives of their slaves.[1]

Genovese believes that paternalism "brought white and black together and welded them into one people with genuine elements of affection and intimacy."[2] It was a compromise between master and slave--the master would provide for the slave as long as the slave produced for him. Genovese fails to distinguish between paternalism as an ideology and as a way of life.[3] This sense of paternalism that Genovese mentions was a self-justifying ideology and, with a few exceptions, not a very visible practice in the slaveholding South. The institution of slavery was meant to fully exploit the slaves, while the ideology allowed whites to exercise their "superior" status with relatively no guilty conscience. Compromise involved the participation

of both master and slave, and most slaves in the South did not agree to this pact. They did everything in their power to defy the master's authority due to their own brutal conditions and treatment by whites.

The ideology of paternalism meant that the masters took care of their slaves because they were personally attached to them. Genovese believes that this was especially true because slaves were given an abundant supply of food by their masters, and they retained a plentiful, if not nutritionally, balanced diet. Also, he points out that medical care on the plantations exceeded that of Southern whites, and slaves were relatively healthy under the care of their worried masters.[4] Masters closely governed the nature of slave life on their plantations; this was a central feature to Genovese's paternalism. He states that slaves had many outside contacts with whites that extended far beyond the exploitation of labor.

During the 1930s, many ex-slaves were interviewed about their time in bondage by the Works Progress Administration (WPA). One major theme that was constantly revealed by these former slaves was the prevalence of mixed-race ancestry between master and slave. In the eyes of many slaves, these relationships between white masters and black servants were usually matters of forced sex between the powerful and the powerless. This is in direct opposition to Genovese's theory of voluntary association with whites outside of the labor circle. As one former female slave noted, "Immoralwhite men have, by force, injected their blood into our veins."[5] Ex-slaves understood sexual relationships as strictly coercive with white owners and overseers being the aggressors while slave women were the victims. White masters not only included the male and female heads of the household but also their sons. Former Kentucky slave Henry Bibb even suggested "that the strongest reason why southerners stick with such tenacity to their 'peculiar institution' is because licentious white men could not carry out their wicked purposes among the defenseless colored population, as they now do, without being exposed and punished by law if slavery was abolished."[6]

Many of these former slaves recalled how some slave women actually sought sexual relationships with owners or overseers to improve their own or their families' lives and futures. Ellen Craft claimed that masters sometimes promised slave women that they would educate and emancipate the children of their union. However, Craft added that "a great majority of such men care nothing for the happiness of the women with whom they live, nor for the children of

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[1]Peter Kolchin, *American Slavery 1619-1877* (New York: Hill and Wang, 1993), 111-112.

[2]Paul D. Escott, *Slavery Remembered: A Record of Twentieth-Century Slave Narratives* (Chapel Hill: The University of North Carolina Press, 1979), 19.

[3]Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina* (Hanover: Wesleyan University Press, 1990), 60.

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[4]Peter Kolchin, *American Slavery 1619-1877*, 112-114.

[5]Fay A. Yarbrough, "Power, Perception, and Interracial Sex: Former Slaves Recall a Multiracial South," *The Journal of Southern History* 71, no. 3 (Aug., 2005), 559-560.

[6]Ibid., 563.

whom they are the fathers." Craft's own master never educated nor freed her, as he had promised her slave mother. The possibility of better accommodations, increased food rations, and luxuries also prompted some slave women to seek out their white masters or overseers as sexual partners. Several former slaves suggested that the long-term mistresses of white men fared much better than field hands.[7] This evidence does support Genovese's argument that some slaves did seek out whites outside of labor. However, it is important to note the motives of these slaves for doing so. They felt that the only way to survive the system was to form "beneficial" relationships with powerful whites. They did so in order to feed, clothe, and care for themselves and their families. Keeping the master happy allowed the slaves to stay alive, while also sending a few extra provisions their way. Paternalism does not apply to these situations because the slaves felt forced to bend to the desires of their masters.

Most masters handpicked their mistresses, and no "plain" black woman could throw herself at the sexual mercy of her master if he did not desire her. These womenhad little power to refuse the sexual advances of their superiors. Anthony Christopher's family avoided punishment and received better treatment because of his sister Deenie's relationship with the master, Mr. Patton. Deenie understood that her family faced negative repercussions if she denied the master sexual access to her body, and consequently, she decided not to refuse him. After all, Southern white men owned slave women as property, and the law permitted them great latitude in the treatment of their human property.[8]

Slave men were forced to endure this humiliation of knowing that their masters and overseers could demand sexual access to their partners and wives. They often stood by helplessly while their female partners and daughters endured the unwanted attention of white men. If male black slaves did attempt to interfere with the master's advances on slave women, they could be severely punished. Some masters even castrated their black rivals for coveted black women.[9] Slave wives often did have two competing intimate relationships – with husbands and with masters. The ultimate authority in these relationships rested solely with the white masters and overseers.[10] If a black male slave got in the way between the master and concubine, the white master could simply separate the couple through sale. White men were not going to allow inferior black males keep them from

exercising their sexual urges, even if it meant severing family ties. The master's own personal ambitions mattered more than those of any of his chattel.

Wives of slave masters also practiced miscegenation with blacks. By choosing a slave lover, an elite white woman could coerce the silence of her sexual partner because she could threaten him with an accusation of rape should he refuse her advances or reveal their relationship. Black male slaves accused of this crime were swiftly and severely punished, often resulting in death. Sexual codes of the time assumed that the concept of rape did not apply to men, especially not black men, because all men "welcomed" the sexual advances of women due to their instinctual, masculine nature. This standard failed to recognize white women as sexual aggressors.[11] This hardly represents a paternalist relationship between female master and slave. The female master, knowing that she could sexually exploit a black male slave, demanded affection from her black victims unless they wanted to suffer the consequences by refusing her. Once again, the slave had no chance but to give into her demands so that he would not lose his family or life.

Harriet Jacobs is an example of the sexual domination that white slave owners attempted to exercise over their black female slaves. Jacobs was a Louisianan slave owned by Dr. Flint. At the tender age of eleven, and while being forty years her senior, Flint began to sexually harass her. Jacobs viewed Dr. Flint as any other white slave owner – he considered women of no value, unless they continually increased his stock. When Harriet grew into adulthood, she began to engage in a relationship with a black carpenter from another plantation.[12] Flint discovered her relationship with this man and disallowed her from marrying him or even seeing him again. She would end up becoming pregnant and delivered a baby boy, and Flint flew into a rage over this. He threatened to sell her child if she did not consent to his future sexual demands. Flint also threatened to shoot the carpenter and made plans to build a cottage on the outskirts of town to incorporate Harriet as his "permanent" concubine.[13] Harriet estimated that he already had eleven slave mistresses prior to her, and he sent them away with their babies when his lechery turned elsewhere.

His lewd lust became a lifelong obsession to bend her to his will and to force her to submit voluntarily to his sexual demands. She refused to become his "cottage concubine" and managed to escape from his clutches when he handed her over to his son. Harriet did

[7]Ibid., 564-565.

[8]Ibid., 560-562.

[9]Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974), 83.

[10]Fay A. Yarbrough, "Power, Perception, and Interracial Sex: Former Slaves Recall a Multiracial South," 565-569.

[11]Ibid., 572-574.

[12]Harriet Jacobs, *Incidents in the Life of a Slave Girl* (Washington Square Press, New York, 2003), 37-40.

[13]Ibid., 97.

believe that humane slaveholders existed, but they were "like angel's visits – few and far between."[14] She did not feel comfortable in a sexual relationship with her master, but he insisted that she persist in one unless she wanted to see harm come to her and her loved ones. Genovese states that for the masters, paternalism meant reciprocal duties within which the master had a duty to provide for his people and treat them with humanity. Also, it was the slave's duty to work properly and to do as they were told. Whites thought that slaves had an obligation to be grateful.[15] Dr. Flint took this idea and reworked it to his liking. He wanted Harriet to perform sexual labors for him, while completely giving into his power and being thankful for it at the same time. Her refusal caused her to be separated from her family. There was no understanding or common ground between Dr. Flint and Harriet.

Genovese describes slavery as a paternalist system that saved blacks from extermination. He states that "it gave the masters an interest in the preservation of the blacks and created a bond of human sympathy that led to an interest in their happiness as well."[16] He fails to mention that the masters were only interested in the preservation of "superior blacks" or mulattoes. Miscegenation between the white master and mulatto slave was a common trend in the antebellum South, and Thomas Reade Rootes Cobb of Georgia favored this superior race as the result of their mixture of white and black blood. He blamed miscegenation on the "natural lewdness" of blacks but found the problem mitigated because race mixture was beneficial to slavery. Light-skinned mistresses served as regular partners to Southern whites, and quadroon balls were held in New Orleans where gentlemen arranged liaisons with beautiful black slave women. In an auction of "nigger wenches," slave traders presented their sexual victims as warranted virgins, excellent concubines and valuable for the manufacture of light colored slaves. Slave masters preferred mulattoes to darker blacks and provided them with better opportunities in slavery and in freedom.[17]

Proprietors generally preferred mulattoes as house servants and plantation tradesmen and gave them more opportunities to acquire skills for these occupations than they gave darker slaves. Masters chose mulattoes for household chores because, it was alleged, the "mixed race" was more susceptible to improvement and could handle tasks requiring higher capabilities. More often than darker

skinned bondsmen, mulattoes were provided some education, enjoyed good food, clothing, and shelter, and had opportunities to move around both inside and outside of the plantation. Sometimes they had just as much authority as plantation managers. Mulattoes were major beneficiaries of manumission. Masters usually granted them this freedom because they did not want their own children to grow up in bondage. Due to all of these advantages that mulattoes enjoyed, they considered themselves superior to other slaves. This feeling of superiority allowed mulattoes to associate with their masters on a more personal level.[18]

However, slaveholder opinion remained divided about the mulattoes' potential role in a crisis. Some viewed their feelings of superiority and independence as a dangerous sign, while others believed that it would make them loyal and trusted friends of the white man. The latter believed that the failure of Denmark Vesey's conspiracy of 1822 showed the truth of this expectation because mulatto servants reported to their masters the plans for revolt before they could be put into action.[19] Mulattoes and masters seemed to be more capable of paternal bonds because the masters treated mulattoes like human beings rather than heathen barbarians. This relationship also shows that masters did favor a certain sect of slaves over another; The sect that more closely resembled themselves rather than the "unknown" purebloods. Therefore, paternalism was an ideology that justified the better treatment of one people over another, although both peoples were "black."

Slavery was a ruthless system of controls designed with deliberate intent to employ any form of degradation considered helpful in exploiting slave labor for profit. As evidenced by the master-mulatto relationship, castes were maintained among slaves and espionage was rewarded to divide slaves against slaves to support white control.[20] However, slaves struggled fiercely against this growing power of the master class and their determination to reduce black people to labor and little more. They created new economies and societies that tried to protect themselves from the harshest aspects of the slave regime and provide a measure of independence to counter the trauma of enslavement. This trauma was a result of the

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[14]Ibid., 63.

[15]Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, 144.

[16]Ibid., 85.

[17]Robert Brent Toplin, "Between Black and White: Attitudes Toward Southern Mulattoes, 1830-1861," *The Journal of Southern History* 45, no. 2 (May, 1979), 188-192.

[18]Ibid., 189-191.

[19]Ibid., 192-196.

[20]W.M. Brewer, Book review of Kenneth M. Stampp's *The Peculiar Institution: Slavery in the Ante-Bellum South, The Journal of Negro History* 42, No. 2 (Apr., 1957), 142-143.

atrocities of slave life: towering rates of mortality, endless work, and the omnipresent violence of white masters and overseers.[21]

The vision of the natural inferiority of peoples of African descent became a mainstay of the defense of slavery and certain proof that the proper and most humane place for black people was under the watchful supervision of a white master.[22] The paternalistic compromise, as Genovese described it, implied a basic agreement between master and slave. Slaves thought that they were entitled to sufficient autonomy within slavery to fashion their own lives and that masters would respect this arrangement because slaves would hold them to it.[23] The problem with this theory is that slaves were not able to resist or rebel against white oppressors, who always worked to constrain slave autonomy. Slaves had no one to appeal to except the masters or overseers, and masters would not be told by their slaves how to manage their chattel.

From the mainstream masters' perspective, slaves were property that had no control over their own possessions because all of their things actually belonged to their white masters. Family formation and child rearing were business matters to be handled by whites. Masters and slave mothers usually argued over how to care for the children in these families. At Rosswood plantation near Natchez, Mississippi, the owner, Dr. Walter Wade, who fancied himself an expert on the care of newborns, always blamed mothers when children died of starvation (the mother failed to provide sufficient milk) or suffocation (the careless mother rolled over the child asleep at her side). Former slave Fannie Nicholson related how her cousin's child was treated by the master, recalling "One day my cousin's marster didn' want to feed her chile, and when de chile kep' on asking for food, her marster beat her and tied her up in de attic and de chile died. 'Cause of disawful thing my cousin went crazy."[24]

Slaveholders, such as South Carolinian politician James Henry Hammond, viewed these deaths as "the deliberate design of heaven to prevent me from accumulating wealth and to keep down that pride

which might in such an event fill my heart."[25] White attitudes similar to these did cause the blood to boil in some blacks, and these individuals defied white authority as much as they could without being killed. The endless cycle of work with no freedom in sight was too much to bear for these rebels.

Many planters were psychotically possessive in regards to their human property in this slave economy.[26] Paternalism not only spared these planters from having to justify an oppressive system of force, intimidation, and ceaseless struggle, but it cast all responsibility for that reality elsewhere. They wanted slaves to look at them as all-knowing, all merciful, and all-powerful, and they bombarded slaves with words and deeds telling them that they sprang from savages and could be nothing but slaves. They treated the slaves inhumanely, and almost all slaves concealed a burning indignation against their enslavement and the illegitimacy of those whose authority was rooted in it.[27] They did not cooperate with each other in order to provide protection, rather they looked to defy each other by any means possible. Genovese recognizes that this system of exploitation encouraged kindness and affection for mulattoes while also encouraging cruelty and hatred for purebloods.[28]

Paternalism was a way of life that, in the words of Genovese, "necessarily involves harshness and may even involve cruelty so long as it is within the context of a strong sense of duty and responsibility toward those in dependent status." Herbert Gutman thinks that Genovese has utilized little evidence to prove "that the typical slave viewed himself or herself as bound in an 'organic' relationship" in which they depended on their masters for support. He concludes that Genovese has not shown how slaves either benefited from the ideology of paternalism or acceded to these "mutual obligations" that were necessary for the unpractical system to operate.[29] Paternalism was an ideal system in which slaves were to be treated fairly and as human beings, and the way that the majority of masters treated their slaves does not reflect this mindset.

Masters exerted their superiority over their slaves through physical and psychological means. They whipped slaves for various and often-insignificant reasons, branded them to reaffirm their

[21]Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: The Belknap Press of Harvard University Press, 1998), 215-217.

[22]Ibid., 363-365.

[23]Christopher Morris, "The Articulation of Two Worlds: The Master-Slave Relationship Reconsidered," *The Journal of American History* 85, No. 3 (Dec., 1998), 982-983.

[24]Charles L. Perdue Jr., Thomas E. Barden, and Robert K. Phillips, eds. *Weevils in the Wheat: Interviews with Virginia Ex-Slaves* (Indiana University Press, Bloomington, 1980), 217.

[25]Christopher Morris, "The Articulation of Two Worlds: The Master-Slave Relationship Reconsidered," 990-994.

[26]Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina*, 45.

[27]Ibid., 19-28.

[28]Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, 4-5.

[29]John and Judith Modell, Book review of Herbert G. Gutman's *The Black Family in Slavery and Freedom, 1750-1925*, *Signs* 4, No. 2 (Winter, 1978), 380-381.

domination over them, and sometimes had their ears cut off if they disobeyed direct orders. Slaveholders also constantly looked for ways to trim the costs of feeding their slaves and threatened to sell them if they did not produce enough for their masters. As mentioned earlier, the slave family was not only at the base of masters' most effective control mechanism, but it was also the source of their most persistent aggravation of the runaway. Owners also awarded slaves sporadic holidays so that they could effectively pacify and control the slaves for a little longer.[30]

Slaves felt the wrath of their owners because the owners were unhappy, intoxicated, or just in the mood to abuse their property. These acts of brutality became much easier once the masters ceased to identify or empathize with blacks and began to regard them as "subhuman beings." This subhuman status of black slaves allowed slaveholders to resort to curtailment or the complete denial of food allotments as punishment for "unproductive" slaves. Masters also pierced their slaves with forks, burned them with tar, skinned them with knives, and killed them outright with pistols and whips. Many more graphic accounts of slave brutality are available to us through slave accounts. In his memoirs, Horace Muse illustrated the thoughtless sadistic master class, claiming, "I 'member a marser in Ashland, Virginia what backed one o' his slaves in a barn an' shot an' stabbed him to death 'cause he said de slaves was 'jarrin' at him.'"[31]

An unidentified former slave in Georgia said that his master "had a barrel with nails shove in it that he would put in when he couldn't think of nothin' else mean enough to do. He would put you in this barrel and roll it down a hill. When you got out you would be in a bad fix, be he didn't care. Sometimes he rolled the barrel in the river and drowned his slaves."[32] Punishments such as this hammered black slaves with the reality that they were a despised race, oppressed for their skin color. They dealt with the world on those terms, thus further underlining the gap between master and slave. Rejected by white society, blacks rejected white judgments in turn and developed their own moral system and mental world in opposition to the master's.[33]

Solomon Northup recorded his terrible experiences after his servitude. Tibeats, an overseer, was constantly abusing him for menial offenses. He even attempted to split open Solomon's head with a

hatchet and then axe because he falsely accused him of ruining a crop, which Solomon claimed he did not do. Solomon's future owner, master Epps, treated his slaves far worse. His chief delight was in dancing with his "niggers," or lashing them around the yard with his long and heavy whip, simply for the pleasure of hearing them screech and scream as the great welts were planted on their backs.[34] Recalling these pitiful festivities, Solomon recorded being "bent with excessive toil – actually suffering for a little refreshing rest, and feeling rather as if we could cast ourselves upon the earth and weep, many a night in the house of Edwin Epps have his unhappy slaves been made to dance and laugh."[35]

Epps did not care one bit that his slaves were made to suffer under his ownership, and no one knew this any better than Solomon. He claims his master "could have stood unmoved and seen the tongues of his poor slaves torn out by the roots – he could have seen them burned to ashes over a slow fire, or gnawed to death by dogs, if it only brought him profit. Such a hard, cruel, unjust man is Edwin Epps."[36] Obviously, Northup did not encounter any notions of paternalism from his various masters. He constantly lived in fear for his own life and viewed whites as evil human beings bent on greed and power.

Charles Ball lived forty years in Maryland, South Carolina, and Georgia as a slave under various masters. One of his masters tied him with a clothesline to a mill post and left him there overnight. The cord was bound so tightly around his wrists, that before morning the blood had burst out under his fingernails.[37] Under another master, Charles was falsely accused of murdering a white woman. The master brought a doctor onto the plantation to examine Charles. The doctor assorted his instruments, felt Charles' pulse, and told him that it would not do to skin him since he was so full of blood. Instead, the doctor thought it was necessary to bleed Charles in the arms, as to reduce the quantity of blood before taking his skin off. He then bound a string around Charles' right arm, and opened a vein near the middle of the arm.[38] He bled until he lost consciousness, but he was not skinned after all.

Charles recalled other incidents that he witnessed as a slave. One slave was whipped until he crumpled to the ground. A heavy

[30]Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina*, 45-68.

[31]Charles L. Perdue Jr., Thomas E. Barden, and Robert K. Phillips, eds., *Weevils in the Wheat: Interviews with Virginia Ex-Slaves*, 216.

[32]Paul D. Escott, *Slavery Remembered: A Record of Twentieth-Century Slave Narratives*, 39-40.

[33]Ibid., 97-98.

[34]Solomon Northup, *Twelve Years a Slave* (Louisiana State University Press, Baton Rouge, 1968), 111-122.

[35]Ibid., 137.

[36]Ibid., 139.

[37]Charles Ball, *Slavery in the United States. A narrative of the life and adventures of Charles Ball, a black man, who lived forty years in Maryland, South Carolina, and Georgia, as a slave…* (J.T. Shryock, Pittsburgh, 1854), 93.

[38]Ibid., 193-195.

block of wood was chained to one foot, which he had to drag after him at his daily labor for more than three months. This slave escaped to the woods by cutting the irons from his ankle, but he was caught about a week later. He was whipped again and had an iron collar placed on him, which extended from one shoulder over his head to the other, with the bells fastened to the top of the arch.[39] One master was murdered by one of his own slaves, a black woman, whose husband he had sold to a man who was going to New Orleans. The woman accomplished her task by sneaking into the master's chamber through the window, and then cutting his throat with a carving knife. Two murder convicts were hung together, and another slave who attempted to conceal the murder of his master received five hundred lashes. This slave was tied to a tree and whipped until blood flowed down in small puddles at the base of the tree. Charles saw flakes of flesh as long as his fingernails fall out of the gashes in the slave's back.[40] Charles' experiences with masters also suggest that paternalism was simply an ideology that did not reach fruition in the antebellum South.

J.S. Lame was a slave in the South as well, and his reflections on the institution mirror that of Northup and Ball. His master starved his slaves and punished them most severely for crimes both real and imaginary. Genovese's paternalism maintains thatslaves ate more than most other laborers. He acknowledges that starvation did occur with the slaves but was infrequent.[41] One imaginary crime involved a few missing chickens at the master's home, which was attributed to the theft of one of his slaves. The slave "lied" about the theft, and the master proceeded to place one end of a rope around his neck. He then fastened the other end to his carriage and dragged him along the roads surrounding the plantation. Lame "needed no works of fiction to illustrate the evils of slavery." They were seen in the social, civil, spiritual, and mental degradation of the blacks, and in its corresponding influence on the whites.[42]

Edmund Covington was a Mississippi slaveholder who represented these evils of slavery. He minimized expenditures on food and health care and increased work loads of female and child laborers to the point of exhaustion. Slave families that lived on his land lost nearly ninety percent of all children born on the plantation, a horrendously high rate of child mortality even for a coastal rice plantation in Mississippi.[43] He simply replaced dead slaves with new property in order to maintain high levels of production. Slavery was a purely economic matter to him, and if killing a few dozen slaves meant saving a few dollars, he would gladly accept this fate.

Jermain Wesley Loguen attributed the cruelties of his white masters to evil temptations instead of their natural wickedness. His masters and their mistresses were made beasts of as a result of the whiskey from their distilleries. They were endurable while sober for the most part because the slaves knew how to perceive them and how they could and could not act around them. Loguen's master and mistress were always intoxicated though, and the slaves sensed that they were never safe in the presence of their white superiors. They became very short-tempered, intolerant, and physically violent toward their chattel. Loguen thus viewed slaveholders as licentious and intemperate, or in "kindred evils." Their "sensuous spirits looked downward to the earth, where they held their human chattels only as instruments of their pleasures, and neverupwards to the heavens."[44] The white superiors treated the slaves as wild animals because they felt that they had the right to do so, and the spirits enabled the masters to exercise this power without blame. Loguen believed that the only way to live through a life of servitude under a white master was to resort to "trickery," or pretending to be content with his bondage.[45]

The concerned efforts of Southerners to hide these less attractive features of their slave society caused an almost total censorship of information in local publications about the more hideous aspects of slavery.[46] This makes Genovese's argument for the practice of paternalism that much more doubtful, simply because there are so few sources besides slave narratives to rely upon for accurate details of slavery. He argues that sinister treatment by cruel masters was in the minority, but we simply do not know to what extent this cruelty was practiced. The narratives that are available to us though make clear that slaves were not "pitiful infants but angry men and women who had to endure unfavorable conditions that were not in their power to

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[39]Ibid., 280-282.

[40]Ibid., 312-326.

[41]Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, 62.

[42]J. S. Lame, *Maryland slavery and Maryland chivalry.: Containing the letters of "Junius," originally published in Zion's Herald: together with a brief history of the circumstances that prompted the publication of those letters. Also a short account of the persecution suffered by the author at the hands of Southern slaveholders* (Collins (printer), Philadelphia, 1858), 10-13.

[43]Christopher Morris, "The Articulation of Two Worlds: The Master-Slave Relationship Reconsidered," 982.

[44]Jermain Wesley Loguen, *The Rev. J.W. Loguen, as a slave and as a freemen: A narrative of real life* (Syracuse, J.G.K. Truair & Co. (printers), 1859), 102-104.

[45]Ibid., 253.

[46]Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina*, 74-88.

change. They retained their self-respect and sense of justice and hated the master for his cruelty toward them."[47]

Many slaves resisted the authority of their masters through violent and nonviolent means. Genovese mentions this resistance, but he focuses more on the occasional, organized slave rebellions rather than the everyday acts of resistance. Feigned illnesses were widespread, and this allowed the slaves to get out of work for a day if they were able to successfully fool the overseers. Others stole from their masters as often as possible simply to resist complete control. Arthur Greene shifted the blame of stealing from the slave to the master class, claiming "White folks certainly taught niggers to steal. If dey had give 'em nough to eat dey wouldn' have no cause to steal."[48] Slaves also participated in work slowdowns on a large scale in an attempt to hinder the master's economic gains. A small percentage of bondsmen helped fugitive slaves escape and sneak across the countryside. Arson and poisonings were more lethal objections to the master's authority. These acts were mostly committed by domestic servants since they personally prepared the master's family's meals. These frequent acts of resistance helped spread a sense of moral and spiritual autonomy among the slaves – something that paternalism failed to do because it was not practiced by many Southern slaveholders.

The most fractious and courageous bondsmen were removed from the slave quarters by sales and voluntary departures, and this greatly depleted the human resources for antebellum rebellions. The fear of betrayals by other slaves also played a very influential role in minimizing revolutionary activity. The infrequency of mass rebellion allowed slaveholders to hold firmly onto their ideology of paternalism. However, masters only behaved paternally toward their "perfect" black slaves. These were slaves who produced greatly for their masters and peaceably lived their lives in servitude. Patriarchs thought nothing of destroying kinship ties when "forced" to sell those who had breached the "contract." They were more concerned with the loss of valuable laborers than with the dissolution of any paternal bonds when a chattel died.[49] This reinforces the suggestion that paternalism was more of an ideology than an actual practice in the antebellum South.

Disdain of masters as a whole often inspired a complete distrust of whites in general. Slaves instructed their youngest offspring to view masters as evil and powerful adversaries with whom they should have as little contact with as possible. Some masters were liked more than others, but slaves rarely allowed any kindness or humoring to blur the reality that the principal objective and motive of planters was to enrich their own pockets and their power at the complete and utter expense of slave labor. The grapevine and personal observation taught the slaves that all planters, however "different," were potential sadists capable of unleashing barbaric rage whenever they chose to do so.[50] Former slave Robert Ellet shared in this disgust of the white race, especially the master Class, recalling "The overseers was white and of the lowest grade. The slave always hated them."[51]

Some slaves did want to use "friendly" whites to secure pardons or milder punishments for stealing. Genovese says that such appeals by servants "strengthened the doctrine of paternalism among the whites as well as among themselves." This type of situation is as close to paternalism as slavery represented. Slaves considered bondage an evil that would cause the damnation of anyone who advocated or supported it. Bondsmen knew that the possibility of freedom depended on their correct behavior and that only faithful and "deserving" slaves would be rewarded, therefore the prospect of liberation became an effective mechanism of control in itself. The small minority of pureblooded slaves who consummated paternalistic bonds came about exclusively from the top of the domestic hierarchy: mammies, butlers, and lady servants. These slaves knew it was in their best interests to wear masks of loyalty and docility so that they could live favorably above the standards of field hands and other outdoor manual laborers.[52]

Genovese asserts that paternalism demanded protection for blacks "in a strange and hostile white world."[53] The problem is that blacks were not offered this protection at all because they were the everyday victims of white cruelty and exploitation. Genovese believes that paternalism insisted upon "mutual obligations – duties, responsibilities, and ultimately even rights – which implicitly recognized the slave's humanity."[54] Slaves had little to no rights under their white masters, and their superiors viewed them as property to be controlled in every aspect of their lives. There was not much compromise or affection between master or slave either, and the two groups could not have been more socially fragmented from each

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[47]Paul D. Escott, *Slavery Remembered: A Record of Twentieth-Century Slave Narratives*, 179-180.

[48]Charles L. Perdue Jr., Thomas E. Barden, and Robert K. Phillips, eds, *Weevils in the Wheat: Interviews with Virginia Ex-Slaves*, 124.

[49]Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina*, 190-206.

[50]Ibid., 52-76.

[51]Charles L. Perdue Jr., Thomas E. Barden, and Robert K. Phillips, eds., *Weevils in the Wheat: Interviews with Virginia Ex-Slaves*, 85.

[52]Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina*, 150-164.

[53]Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, 142.

[54]Ibid., 5.

other. Paternalism was simply an ideal that allowed slaveholders to justify the exploitation of blacks in bondage. Genovese's description of the ideal is accurate in a few different areas. However, I have not been able to find many existing examples of it in the slave narratives. Paternalism was not the reason that slaves and masters coexisted; the slaves had no legal identities, few social connections, and relatively no organized resistance movements due to the support of slavery in the South. They had no means to end their oppression to the "superior" white race; they were forced to live in bondage or to die resisting it.

KOREAN COMFORT WOMEN

Krishna Ignalaga

Whenever I think of the events of the past or talk about them, I get headaches and am unable to sleep for many nights. Even if I cry aloud, I don't think I can feel relieved. My anger has become a kind of disease. It shoots through me, and even in the depths of winter, I can only sleep with my door open.[1]

The plight of the comfort woman is of vital importance in discussing sexual violence in Asia. Brought to attention almost five decades after the end of World War II, the story of comfort women is a sad reflection of women's rights in Asia. The extent of Japanese-inflicted destruction and atrocities in Southeast Asia need not and cannot be repeated within the scope of this essay. However, it is integral to examine the issue of comfort women within the context of World War II, prior Japanese settlement of Korea and the Greater Asia Co-Prosperity Sphere.

Indeed, the concerns involved in the comfort women issue stir up the question of military prostitution, transforming into one of sexual slavery based on race, class and ultimately, gender. While one cannot precisely determine the number of women forced into "voluntary" labor corps, the numbers range from 80,000 to almost 200,000 women, approximately eighty percent of whom where Korean.[2] With the sheer velocity of women subjugated into these corps, it is no wonder that there was both controversy and hesitancy on the part of the Japanese government to admit guilt. Accordingly, repatriations and even formal apologies from the Japanese government have been withheld, an issue that has created much antagonism with neighboring Asian countries. Indeed, the view taken throughout Asia is that unless and until Japan seeks responsibility for all its atrocities, including sexual crimes against women in what were then its colonies, Japan will continue to lose its credibility.

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[1] Yi Sangok, "I Came Home, But Lost My Family," in Keith Howard, *True Stories of the Korean Comfort Woman* (London: Biddles Ltd., 1995), 132.

[2] Chunghee Sarah Soh, "The Korean Comfort Woman," *Asian Survey* 36 no. 12 (December 1996), 1228.

The purpose of this paper is to deepen understanding of the complex issues surrounding comfort women by concentrating on who these women were, why Koreans were a vast majority and why women were used for comfort.

Who Were The Comfort Women?

While official military documents on the recruitment and retention of comfort women during World War II have long since been destroyed, much research on the issue has hinged on the testimonies of aging comfort women hailing from Indonesia, Korea, Malaysia, and the Philippines. Perhaps one of the most disturbing features of this phenomenon is the serious and systematic involvement of the Japanese military in the testimonies of comfort women. Indeed, to prevent public criticism of atrocities, such as the Rape of Nanjing, where Japanese soldiers raped and murdered tens of thousands of Chinese women, and to combat the spread of venereal disease, Japanese military leadership called for the institution of military comfort stations.

Nationalities, age, class, marital status and methods of recruitment do not seem incredibly varied among surviving women's testimonies. It is generally accepted that eighty to ninety percent of comfort women were Korean, primarily because Korea was a colony of Japan and because Koreans were considered racially inferior. Health documents by Aso Tetsuo, a former military surgeon stationed at a comfort station in Shanghai in 1939, illustrates that most comfort women were in fact Korean.[3] Another important factor in this issue is the relative youth of many women and girls recruited as comfort women. While the legal age for prostitution in Japan was eighteen and for Korea seventeen,[4] there appears to have been no age restrictions for comfort women. Some were reported to have been as young as eleven. Indeed, Howard states that considerably younger girls were preferred by the Japanese soldiers because Japanese women that were recruited likely had been prostitutes before the war. Yet another interesting perspective is how most of the comfort women came from poor farming communities, with very little, if any, formal education. As such, the Japanese government has been duly criticized as it appeared that the government systematically took comfort women from the poorer classes, with no real voice, in order to minimize public criticism of such practices.

Why Were So Many Comfort Women Korean?

According to Pyong Gap Min, the victimization of Korean comfort women had three major components: first, their forced recruitment into sexual slavery; second, their suffering inside comfort stations and finally, their decades-long silence.[5] In 1905, Korea became a protectorate of Japan, and by 1910 Korea was annexed by Japan. This simultaneously ended diplomatic ties with other countries, remaining this way until Japan's defeat in 1945. In the end, Korea exported not only rice, other agricultural products, minerals and laborers, but also thousands of young, unmarried Korean women to satisfy the Japanese war machine.

Min adds that colonial power and racial prejudice intertwined with gender relations in this mobilization of Korean women to Japanese military brothels.[6] Indeed, for sheer convenience, it was considerably easier to draft and transport Korean women for sexual service because of Japan's imperial dominance. Varying methods of recruitment were used, such as abduction, coercion and false promises of employment. As colonial subjects, the Korean people were governed exclusively by Japanese officials and military police. At the same time, with so much agricultural produce being shipped to the Japanese motherland, many rural communities were willing to let their daughters go abroad for more lucrative employment.[7] The issue of racial prejudice is also highlighted in the fact that the only military tribunal after the war concerning sexual abuse of comfort women took place in Jakarta, Indonesia in 1948, wherein thirty-five Dutch women were repatriated.[8]

Various testimonies from aging comfort women state that it was their powerlessness as young girls in a colonized state to be the reason for their mistreatment. Park Ok-Sun, for example, expressed her anger at the Korean government, saying:

> We were taken to the military brothel by the Japanese
> military mainly because our country, colonized by Japan,
> was not strong enough to protect us. Therefore, this is

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[3] Aso Tetsuo, *Karyubyo Sekkyokuteki Yoboho* [Positive Methods to Prevent Venereal Disease] (26 June 1939); Cited in Keith Howard, *True Stories of the Korean Comfort Women*, (London: Biddles Ltd., 1995), 16.

[4] Yamasida Yongae, *Han'guk Kundae Kongch'ang Chedo Shilshi-e Kwanhan Yon'gu* [A Study on the System of State Regulated Prostitution in Modern Korea], (MA dissertation, Seoul: Ewha Women's University, 1991); Cited in Howard, *True Stories of the Korean Comfort Women*, 17.

[5] Pyong Gap Min, "Korean 'Comfort Women': The Intersection of Colonial Power, Gender and Class," *Gender & Society* 17 no. 6 (December 2003), 942.

[6] Min, "The Intersection of Colonial Power, Gender, and Class," 944.
[7] Ibid., 945.
[8] Jan Ruff-O'Herne, "The Forgotten Ones," Interview by Caroline Jones (ABC, 20 August 2001) *Australian Story*; Accessed September 2005 at http://www.abc.net.au/austory/archives/2001/AusStoryArchive2001Idx_Thursday30August2001.htm.

not our individual problem, but our nation's problem. Until the Japanese government resolves the *Jungshindae*[9] issue, it cannot have normal relations with Korea. The Korean government should put pressure on the Japanese government to acknowledge the crime and compensate the victims.[10]

Why Were Women Used For Comfort?

Wartime exploitation of women for sexual services has been part of wartime tradition for a long period of time, even before Japanese institution of comfort women. Indeed, in the context of combat and uniform, battlefields have been described as one of the most stressful environments, as 'temporary derangements' as one Japanese Army medical officer has said.[11] While not condoning the blatant abuse of women for sexual services during wartime, more or less institutionalized means of catering to this sexual need have been found for various armies in history. The Roman Empire, for example, had a comfort system similar to that of the Japanese. A proponent of institutionalized slavery, the Romans instituted a system wherein captive females were made slaves for military brothels attached to every Roman garrison or campaigning army.[12] During the 16th century, the Spanish Duke of Alva's army, when invading the Netherlands with the Armada, was followed by '400 mounted whores and 800 on foot.'[13] The British Empire was by no means immune to this phenomenon. With a prostitutes' quarter attached to each cantonment,[14] military prostitution was at first an official policy, later to be rescinded in favor of a more fluid policy based on voluntary participation.

In feudal Japan, prostitution was quite open, making infamous the pleasure districts of Kyoto, Osaka and Tokyo. Indeed, Edo (as Tokyo was then called) was epitomized as 'the nightless city.'[15] Accordingly, sexual superstitions, a dominant feature of culture, pervaded the military along with death and suffering superstitions. Advocating the belief that sex before going into battle worked as a charm against injury, the Japanese ritualized the practice of visiting comfort women, especially before a unit was to leave for the front.

Amulets would be made with the pubic hair of comfort women, or from something taken from them. Kim Il Myon, although critical of Japanese militarism, highlights the plight of the armed forces, saying, "To soldiers in the frontline, ever surrounded by the sound of guns, wrapped in smoke stinking of death and not knowing when death come… a visit to a comfort station was no doubt the only form of relief. It was the only kind of individual act in which one was 'liberated'…. It was their 'oasis.'"[16]

The Decades Long Silence and the Movement for Redress

Although factors such as the destruction of official documents and the understandable reluctance of surviving comfort women to bring up memories of the past contributed to the five-decade long silence, another factor is also quite important. Indeed, the cultural legacy of a patriarchal society is a major player in this silence. Soh states that in the traditional Korean patriarchy, sexual freedom for men was enthusiastically encouraged, whereas women's sexuality was rigidly controlled.[17] As such, comfort women returning from the enclaves of Japanese military brothels were often ostracized by family and friends, a huge detriment in a society where family kinship is integral to one's place in the society. At the same time, it is interesting to note that one of the Dutch women in Indonesia was deemed unfit to be a nun because she had been forced to be a comfort woman.[18]

Within this cultural legacy, it is not surprising to note that many comfort women actually committed suicide, or were adamant about keeping their shame to themselves, at least until 1991, when Kim Hak-Sun came forward to testify her life as a comfort woman.[19] So all encompassing was this silence that the international community came to hear about militarized sexual slavery only when a class action suit was filed against the Japanese government, demanding compensation for this gross violation of human rights, and primarily, women's rights. Perhaps the most contentious issue in both South Korea and Japan involving comfort women has been the official role and responsibility of the Japanese government during this time period. Indeed, Japan did not admit its involvement in the recruitment, management and supervision of comfort stations until mid-1992.[20]

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[9] Korean term for military sexual slavery.
[10] Min, "The Intersection of Colonial Power, Gender, and Class," 945.
[11] George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*, (New York: W.W Norton & Company, 1994), 28.
[12] Ibid., 29.
[13] Ibid.
[14] A distinct settlement of the Indian Army.
[15] Ibid., 28.

[16] Kim Il Myon, *The Emperor's Forces and Korean Comfort Women*, (Tokyo: San-ichi Shobo, 1976), 33.
[17] Soh, "The Korean Comfort Woman," 1229.
[18] O'Herne, "The Forgotten Ones"; Accessed September 2005 at http://www.abc.net.au/austory/archives/2001/AusStoryArchive2001Idx_Thursday30August2001.htm.
[19] Soh, "The Korean Comfort Woman," 1230.
[20] Ibid., 1234.

While the movement for redress and compensation cannot fit within the scope of this paper, it is highly interesting to note that the debate on comfort women has come at a time when women's rights are slowly but surely gaining momentum in the patriarchal societies of Asia, creating not only an awareness of women's rights but also one of true pan-Asianism. Whereas nationalism has at times played a detrimental role in the movement for redress, feminist activists have been able to forge international coalitions across Japan, Korea, Taiwan, the Philippines, Indonesia, Malaysia and Thailand to help bring this movement to the forefront. In 1995, for example, the Asian Women's Solidarity Forum held its conference in Seoul, adopting a resolution to denounce the intention to forego responsibility by allowing Japan to pay indemnities from nongovernmental funds.[21] Yet another example is the vast representation of these countries at the U.N World Conference on Women in Beijing in September 1995,[22] as well as various war crime mock-trials spearheaded by many feminist organizations in Japan and Korea.

Conclusion

While it has taken five decades to interrupt the silence, it has also taken the rise of feminism among Asian women to bring the comfort women to the forefront of women's rights. There is a substantive link between wartime exploitation of women and patriarchal societies, as Asian politics and governments are still overwhelmingly dominated by males. But then again, fate is never destiny. Indeed, the Korean comfort women movement for redress can be seen as a victory for feminist political activism. It is integral to see this issue as part of the universal moral issue of human rights, along with sex tourism in various parts of Asia and rape during wars, such as in Yugoslavia, Bosnia, and more recently, Liberia.

Alongside infamous atrocities, it is unlikely that this issue of comfort women will be easily forgotten. Until and unless Japan completely announces its responsibility for the institution of comfort women, it will continue to lose its credibility as a major advocate of human rights. At the same time, it is integral to note that while Japan created a systematic institution for militarized prostitution, the Allies also failed to address the concerns of comfort women at the end of the war. While addressing this issue will never bring back lost years, it must be emphasized that continuous work in the fields of feminism and humanitarianism is required in order to promote global egalitarianism and prevent the spread of various forms of violence against women. The need to address global issues relating to women is not just good politics; it is a fundamental right.

[21] Ibid., 1237.
[22] Ibid.

MASSACRE AT TLATELOLCO

Lauren Berggren

Mexico in 1968, much like in many other countries throughout the world, experienced a student movement to demand political and social changes. Although this was not the first time students in Mexico had initiated protests, the events that took place at Tlatelolco became a tragedy in Mexican history. The movement officially began on July 22, 1968 and lasted only a few months until the massacre at Tlatelolco on October 2, 1968. The casualty estimates in the massacre range from around twenty or forty nine, as government accounts suggest, to well over seven hundred.[1] The movement succeeded in uniting people and bringing political discussions into the public to attack "the one party system that had ruled Mexico for over forty years."[2] Even though the government ended the student movement in October through the use of extreme violence, the students left a legacy that is still felt today.

The student movement came about in a political climate that was dominated by the *Partido Institucional de la Revolución Mexicana* (Institutional Revolutionary Party, PRI), which had come to power in the 1940s.[3] The party saw itself as the embodiment of the Mexican Revolution.[4] One of the characteristics and criticisms of this party has to do with the Cardenista myth.[5] The key was to maintain the façade

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[1] Elaine Carey, *Plaza of Sacrifices: Gender, Power, and Terror in 1968 Mexico* (Albuquerque: University of New Mexico Press, 2005) 1.

[2] Ibid., 38.

[3] The PRI was actually created out of the *Partido de la Revolución Mexicana* (Party of the Mexican Revolution, PRM). It was reorganized in 1946 placing an emphasis on national unity. But other than the name not much changed. Donald J. Mabry, *The Mexican University and the State: Student Conflicts 1910-1971* (College Station: Texas A&M Press), 13.

[4] Carey, *Plaza of Sacrifices*, 3.

[5] Lázaro Cárdenas was the president of Mexico from 1934-1940. His administration was based on the fact that the strong government could develop the economy for "the benefit of the poor people who fought in the Mexican revolution." By expanding the power of the presidency, Cárdenas sought to receive the support of the workers and peasants following the ideals of the Mexican revolution. Julie A. Erfani, *The Paradox of the Mexican State: Rereading Sovereignty from Independence to NAFTA* (Boulder, CO: Lynne Rienner Publishers), 56.

of the president being "the personification of a perpetually strong, progressive state,"[6] and there was also an emphasis on modernization and economic growth. But, during the last few years of the presidency of Gustavo Díaz Ordaz (1964-1970) the myth of the strong executive branch of the government began to be criticized. The student movement in Mexico City showed the weakness of the Mexican state. The only response the government had for the students was violence and repression, displaying the flaws in their political system.

It was not the first time that students in Mexico had organized and protested. The difference was that in the past the students' demands and protests related directly to school issues. Students demanded "easier exams, higher grades, or the removal of an unpopular administrator,"[7] but those were not the goals of the students in 1968. The Mexican government was quick to accuse the students of subversion. Rather than see the students' critique of the political system as valid, the government chose to point the blame at communist groups, foreign influence, or anyone else who wanted "to embarrass Mexico before the world."[8]

The student movement coincided with the 1968 Olympics, held in Mexico City. For those in the government, this was an opportunity to show the world how much Mexico had developed and that the Mexican Revolution was a success.[9] This put a lot of pressure on the government to make sure that there were no problems while they had the attention of the entire international community. Mexico invested 140 million dollars in preparing for the Olympics. The government constructed high-rise apartment buildings, hotels, a transportation system, and a stadium with murals by the famous Mexican painter, Diego Rivera.[10] All of these projects were supposed to show that Mexico was a modern, "stable, and democratic" nation.[11] The student protests and the way the government dealt with them portrayed a different Mexico.

Early in 1968, there were no apparent problems with the students. It seemed like the country came together in order to make the Olympics a success. There were no anti-war protests like in Paris and the United States and no incidents like at the Democratic National Convention in Chicago in 1968. Student and government relations had remained fairly peaceful. Soon that changed, relatively quickly.

The Mexican generation that came of age in the 1960s had been influenced by a variety of sources. They had witnessed the Cuban Revolution, the rise of Fidel Castro and Che Guevara and even the Mexican labor disputes in the 1950s and 1960s.[12] Also, unlike the demonstrations of the past, the student participants were middle class.[13]

The problems began on July 22, 1968. It was a conflict between groups of students from rival schools that was eventually joined by street gangs.[14] The conflict flowed over into the next few days. The conflict itself did not start the protests, but rather the way the police reacted to this conflict. The protests began after the government sent in their riot police, known as the *granaderos*.

The *granaderos* went after any student that they saw in the area, whether or not they were involved in the conflict. There were also reports of the students fleeing to avoid the violence, only to be pursued by the *granaderos*.[15] During these events, students were jailed and tortured.[16]

As was expected, there were discrepancies between government and eyewitness accounts. The government claimed that the students' violence was what caused them to call in the *granaderos*. This story made it easy for the government to defame the students. The eyewitness accounts, which were not reported in the papers, described a scene in which the *granaderos* were provoking violence and "looting and breaking windows."[17]

One of the main student groups at this time was the *Federación Nacional de Estudiantes Técnicos* (National Federation of Technical Students, FNET). Following the first few days of violence, FNET organized a peaceful protest march on July 26, 1968. They wanted to protest the use of violence against the students and the efforts of the government to make the students look bad. Even though the march

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[6] Erfani, *The Paradox of the Mexican State*, 57.

[7] Mabry, *The Mexican University and the State*, 247.

[8] Ibid.

[9] Ibid.

[10] Carey, *Plaza of Sacrifices*, 11, 37.

[11] Carey, *Plaza of Sacrifices*, 37.

[12] Ibid., 15-16.

[13] Héctor Aguilar Camín and Lorenzo Meyer, *In the Shadow of the Mexican Revolution: Contemporary Mexican History*, Translated by Luis Alberto Fierro (Austin: University of Texas Press, 1993), 201.

[14] The schools were the Vocational School 2 and *Insitituo Politécnico National* (National Polytechnic Institute) against a group from Isaac Ochoterena Preparatory; Carey, *Plaza of Sacrifices*, 39.

[15] Michael Soldatenko, "México '68: Power to the Imagination," *Latin American Perspectives* 143, 32, no. 4 (July 2005), 118.

[16] It was not only the use of the police that angered the students, but it was also the reputation of the *granaderos*. This was not the first time that they were used as a repressive force. The government called on the *granaderos* in the past to put an end to labor disputes, or any other situation where the government felt threatened; Carey, *Plaza of Sacrifices*, 40.

[17] Ibid., 41.

was legal and peaceful, the police were called in and violence ensued.[18] This set the tone for the rest of the movement. The protesters intended to have peaceful demonstrations, but they were met with police violence. This police violence helped bring the movement together and resulted in students responding with militancy.

While FNET was mainly protesting the use of police violence, other student groups were participating on more ideological grounds. Students from *Central Nacional de Estudiantes Democráticos* (National Center of Democratic Students, CNED) and *Universidad Nacional Autónoma de México* (National Autonomous University of Mexico, UNAM) were being criticized by the government for being too politically liberal. Some in the government referred to these groups as communists.[19] However, the government did not stop at simply harassing students. On July 26, the day of the protest, the police invaded the Communist Party headquarters and arrested Eduardo de la Vega Ávila and other members of the party, who were referred to as the "76 red agitators" in the newspapers. [20] The government continued to justify their actions by asserting that the communists and other students did pose a threat to the government.

The students responded by going on strike, and the members of UNAM and *Instituto Politécnico Nacional* (National Polytechnic Institute, IPN) created a list of demands. The list included the release of the students that had been arrested, disbandment of the *granaderos,* and compensation for students and families of students who had been injured.[21] None of these demands were met. The government refused to negotiate and violence continued into August.

The next major step in the student movement was the creation of a new student organization that would represent all the schools in the country.[22] The organization was the *Consejo Nacional de Helga* (National Strike Council, CNH). They had a six-point petition, which outlined the demands of the students:

1. Liberty for political prisoners
2. Dismissal of [police chiefs] Generals Luis Cueto Ramírez and Raúl Mendiolea, and Lt. Colonel Armando Frías
3. Abolition of the granaderos corps, direct instrument of repression, and prohibition of the creation of a similar corps

4. Abolition of Articles 145 and 145 *bis* of the Penal Code, judicial instruments of aggression
5. Indemnification of the families of the dead and injured who had been victims of the aggression since July 26
6. Clarification of the responsibility of officials for the acts of repression and vandalism committed by the police, granaderos, and army[23]

Just as before, the government was unwilling to negotiate. The government believed that it could not have met any of the demands without appearing to have lost control. This would then lead to more requests.[24] Even though the demands of CNH were very specific, there was a greater goal of the movement. By demanding rights and attempting to hold the government responsible for its actions, they were calling for a true democracy in Mexico.

Since the government did not respond to the demands, the students continued with mass demonstrations, winning the support of professors and other intellectual groups. One of the more successful actions of the CNH was its use of brigades. Brigades were small groups within the organization that printed flyers, made speeches, and helped rally popular support for their cause. Each brigade "went far beyond the aims and policies of the CNH."[25] Michael Soldatenko stated that "the key was not the leaders or organizations but the actions of thousands of students that educated and incorporated increasing numbers of Mexicans."[26] Women played a large role in this aspect of CNH.[27] This method of using participatory democracy to try and reform the political system was the strongest strategy of the CNH.

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[18] Elena Poniatowska, *Massacre in Mexico*, translated by Helen R. Lane (New York: Viking Press, 1975), 325-6; Carey, *Plaza of Sacrifices*, 41.

[19] Carey, *Plaza of Sacrifices*, 42.

[20] Ibid., 43, 205 n. 21.

[21] Poniatowska, *Massacre in Mexico*, 326.

[22] The groups that were included were UNAM, the IPN, the Normal Schools, the College of Mexico, the Chapingo School of Agriculture, the Iberoamerican University, the Lasalle University, and the national universities in the provinces. Ibid., 328.

[23] Mabry, *The Mexican University and the State*, 252.

[24] The CIA identified that as one of the problems with the Mexican government. The CIA recognized in a top secret report that the Mexican government was not handling the student movement well and that violence would continue unless the government changed its strategy. CIA Weekly Report, *Mexican Government in a Quandary Over Student Crisis*, 23 Aug 1968.

[25] Soldatenko, "México '68: Power to the Imagination," 121.

[26] Ibid.

[27] Even though women participated in this aspect of the movement, there was not that large of a role for them in the movement. CNH, just like Students for a Democratic Society in the United States, was organized in the same way society functioned. Many times women were stuck with stereotypical gender roles such as cooking and cleaning. But the author argues that women were able to redefine gender roles by participating in passing out flyers. Soldatenko, "México '68: Power to the Imagination," 121-2; Carey, *Plaza of Sacrifices*, 87.

The period from August 13 to August 27 has been recognized as "the Golden Age of the Movement."[28] Marches taking place on these two dates to the Zócolo[29] were among the largest and "most festive."[30] The scene that Elena Poniatowska and Michael Soldatenko describe resembles that of a festival. They describe the atmosphere as optimistic; the students believed they had already made some impact on the political system and society. The students thought President Díaz Ordaz could not refuse to open dialogue between the opposing factions.[31] The demonstrators had pictures of famous revolutionaries such as Poncho Villa, Zapata, Hidalgo, and Ernesto "Che" Guevara.[32] Salvador Martinez de la Roca, a member of the action committee of UNAM, stated the goal of the students that day. "We had to take over the Zócolo; we had to deconsecrate the Zócolo—and we did, three times."[33]

Despite the optimism of the students, President Díaz Ordaz refused to negotiate. In an address to the nation on September 1, 1968, he said:

> It is evident that non-students had a hand in the recent disturbances; but it is also evident that, whether intentionally or just by going along, a good number of students took par…. The other road is open. We would not like to see ourselves forced to take measures against our will, but if it is necessary we will do so; whatever is our duty, we will do; just as far as we are forced to go, we will go.[34]

In his response, Ordaz hinted that the government was not going to tolerate the demonstrations or disruptions anymore, especially since the Olympics were right around the corner.[35] Yet, the CNH still continued with their public discussions and distribution of flyers. In an attempt to further the movement, they organized another march.

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[28] Soldatenko, "México '68: Power to the Imagination," 122.

[29] The Zócolo is Mexico City's main square.

[30] Soldatenko, "México '68: Power to the Imagination," 123.

[31] Ibid.

[32] Padre Miguel Hidalgo was the leading figure in the Mexican War of Independence (1810-1821). As a priest, he was influenced by the ideas of the French Enlightenment and wanted a government that would help the peasantry. Poncho Villa and Emiliano Zapata were key leaders in the Mexican revolution (1910-1920) who appealed to the lower classes. Ernesto "Che" Guevara was a revolutionary from Argentina who traveled throughout South and Central America developing his Marxist revolutionary ideas. He also participated in revolutions in Cuba and Bolivia before he was killed in 1967. Even today, he remains a powerful revolutionary icon.

[33] Poniatowska, *Massacre in Mexico*, 33.

[34] Soldatenko, "México '68: Power to the Imagination," 123-4.

[35] Mabry, *The Mexican University and the State*, 260.

This march would be both nonviolent and silent. Students placed white tape over their mouths in protest.[36] They then marched to the Zócalo in silence. This was an attempt to change the way that the media and others perceived them. Their peaceful demonstration showed that they were neither violent nor "out of control."[37] The Great Silent March also served as inspiration for other groups who had not yet become involved. Mainly, it showed that students were not powerless.[38]

The government eventually agreed to written negotiations with the students in the days following the Great Silent March. But, on September 18, 1968, the army invaded University City in an effort to break-up UNAM. The government stated that UNAM was the center of subversion and had been controlled by outside forces.[39]

The students responded with violence, and the army then took over the IPN. After this, violence continued to spread to other schools. The leaders of CNH and other groups were forced to stay in hiding to keep from being arrested. This was all happening as the Olympic visitors were beginning to arrive. President Díaz Ordaz seemed to think that he had beaten the students into submission, so he sent two representatives to negotiate. The students refused to negotiate until the army pulled out of UNAM. The army left UNAM on September 30, and the representatives from CNH met with the president's representatives on October 2.[40]

Events seemed to quiet down until protesters began to assemble in the Plaza de las Tres Culturas for another rally. Soldiers, tanks and jeeps surrounded the plaza, but nothing was done by the army to prevent the rally.[41] With the military blocking off the plaza, the organizers decided to cancel the march to IPN. However, the soldiers still invaded the rally. Some soldiers were dressed in civilian clothes, distinguishing themselves with a white handkerchief or glove on their hand. A helicopter began dropping flares, and soldiers calling themselves the Olympic Battalion fired into the crowd. The plaza erupted into absolute chaos. One of the eyewitnesses said:

> There was nothing we could do but keep running. They were firing at us from all directions…. A girl came by shouting "You murderers, you murderers!" I took her in my arms and tried to calm her down but she kept screaming, louder and louder until finally the youngster behind me grabbed hold of her and started shaking her. I

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[36] Carey, *Plaza of Sacrifices*, 112.

[37] Ibid., 113.

[38] Ibid., 115.

[39] Mabry, *The Mexican University and the State*, 261.

[40] Ibid., 262-3; Poniatowska, *Massacre in Mexico*, 332.

[41] Mabry, *The Mexican University and the State*, 264.

noticed then that her ear had been shot off and her head was bleeding. The people in the crowd kept piling on top of another.[42]

The military would not let the Red and Green Cross ambulances into the plaza until much later. By then, many of the dead and injured were already taken by the military.[43]

There were differing versions of what happened that night in the Plaza. The soldiers and the government claim that they only used violence in response to being fired at by students. There are also differing accounts of how many people were killed that night. The government estimated twenty-nine casualties, but many who were present that night believe that hundreds, possibly as many as seven hundred people were killed.[44] They even accused the government of disposing or burning many of the bodies to hide the truth.[45] In the official history the students are painted as the instigators. However, most people know and believe the story told through the eyewitness accounts and testimonies of the survivors. Paco Ignacio Taibo, a writer and participant, wrote:

> Here is the truth confronting the official version propagated by the Grand Commission of the Senate that the students had incited the shooting. Today, all the world knows that the provocateurs were soldiers in civilian clothes and with a white glove belonging to the Olympia Battalion.[46]

Following the massacre, there were many that were trying to find out why this happened. But, there was not much available evidence because the government had quickly covered it up. The massacre ended the 1968 student movement. The government stood by their story that some of the students were armed, and the police only fired into the crowd after being shot at. The government also came up with confessions from some of the movement's leaders who acknowledged the CNH had communist goals and that the students in the Plaza de las Tres Culturas were armed. The army also added to the case against the students with "a list and photographs of arms it found in buildings around the plaza," which proved there was a "revolutionary conspiracy."[47] Although this supposed evidence is not convincing, considering the power that the government had in coercing these confessions, there has been a period of silence concerning the true story of what happened in Tlatelolco. Even as late as the 1990s, there was no mention of the Tlatelolco protest in primary-school textbooks. Ernesto Zedillo, when he was minister of education before becoming president, tried to insert a neutral paragraph about the protest into a textbook, but he was forced to take it out, due to pressure from government officials.[48]

Recently, there has been more interest in what actually happened that day in October, specifically in finding out what real role the Mexican government played in the massacre. On June 10, 2002, President Vincente Fox signed a freedom of information law in Mexico. With this law, many secret police, military and intelligence documents were made available to the public.[49] Currently, new investigations are being performed to see what measures the government took to hide the events. Some soldiers have come forward to confirm the eyewitness accounts.[50]

Just as these Mexican documents have been opened, United States CIA documents on this topic have also been made public. The CIA documents showed that the United States government had been informed on the students' actions in Mexico. A White House memo from July 31, 1968 talks about communist involvement. The Mexican government claimed to have proof that the communists were behind the disturbances. Although the CIA did not have evidence to back this claim up, they agree that the USSR might have somehow been involved.[51]

Many historians recognize the massacre at Tlatelolco as a turning point in Mexican history. Even though the students were defeated, they struck a large blow against the government, leading to political changes. The way that the government responded to the demonstrations and protests showed the weakness of the political system, and it also showed the lengths to which the government would go to hold on to power. The extreme use of violence in the Plaza de las Tres Culturas and the subsequent government has not been forgotten. The student movement was a large step towards democracy in Mexico.

[42] Poniatowska, *Massacre in Mexico*, 219-21.

[43] Mabry, *The Mexican University and the State*, 265.

[44] Carey, *Plaza of Sacrifices*, 1.

[45] Paco Ignacio Taibo II, *'68* (New York: Editorial Siete Cuentos, 2004), 97.

[46] Ibid., 94.

[47] Mabry, *The Mexican University and the State*, 266.

[48] "Echoes of a Shooting," *The Economist* 349, no. 8088 (3 Oct 1998): 42.

[49] Kate Doyle, "Mexico Opens the Files," *The Nation* 275, no. 5 (5 Aug 2002): 7.

[50] "Echoes of a Shooting," *The Economist*, 42.

[51] Bowdler to Lyndon Baines Johnson, White House Memorandum, *Student Disturbances in Mexico City* (31 July 1968).

GENOCIDE IN RWANDA

Meghan Houlihan

In April 1994, the systematic slaughter of almost one million men, women, and children began in Rwanda. On May 5, 1998, the United States House of Representatives held a special meeting concerning the genocide in Rwanda, four years too late. The genocide in Rwanda was not a high priority in the United States in 1994 and only years later would Americans appreciate the extent of the horror and death of the genocide. In 1994, the U.S. was already devastated by failure in Somalia and had seen the devastating results of ethnic warfare in Burundi. Due to these events, it did not want to intervene in Rwanda. The U.S. played no role in Rwanda and contributed to the massacre by not recognizing the genocide early enough and not offering military and humanitarian support in a timely fashion.

The origins of genocide in Rwanda reside in the colonial era. Rwanda was ruled by Germany from 1894 until the end of World War I.[1] At the conclusion of WWI, Belgium took control of Rwanda and neighboring Burundi. In 1924, the Belgians enforced a system of indirect rule to govern the two newly acquired territories.[2] To separate the native people of Rwanda, short and dark people were categorized as Hutus; taller, lighter-skinned people were categorized as Tutsis. The colonial powers believed that the Tutsis were descendents of the Oromo tribe who originated in Ethiopia.[3] The German colonizers believed this attribute made the Tutsis more "white," and thus superior to sub-Saharan Africans.[4] Another way to classify a person as Hutu or Tutsi was by occupation. Hutus generally worked in agriculture, whereas Tutsis usually worked as herdsmen.[5]

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[1] Paul J. Magnarella, *Justice in Africa: Rwanda's Genocide, Its Courts, and the UN Criminal Tribunal* (Aldershot, England: Ashgate Publishing Ltd, 2000), 9.

[2] Ibid.

[3] Gerard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995), 17.

[4] Alain Destexhe, *Rwanda and Genocide in the Twentieth Century* (New York: New York University Press, 2000), 38.

[5] Arthur Jay Klinghoffer, *The International Dimension of Genocide in Rwanda.* (New York: New York University Press, 1998), 6.

This proved to be a horrible way to classify Hutus and Tutsis. Many Hutus were classified as Tutsis if they owned ten or more heads of cattle.[6] Many Hutu chiefs bribed government officials to change their identity cards to say they were ethnically Tutsi so they were supported by the colonial government.[7] The lines defining one as a Hutu or Tutsi were very thin and often altered to accommodate those in power at the time. In reality, the Hutus and Tutsis were not ethnically different. The two groups had similar religions and cultural beliefs, a common mythology, and near identical languages.[8] Both the German and Belgium governments supported Tutsi monarchies. The Tutsi monarchy suppressed the Hutu population and encouraged education and literacy for the Tutsi population only. Small incentives such as these created hatred among the Hutu and Tutsi of Rwanda.

The United Nations and Rwandan government officials decided Rwanda deserved its independence, setting 1962 as a tentative date. With Rwanda on the brink of independence, the Belgians realized that in order to continue to profit from its soon to be former colony, they would have to side with the Hutu majority.[9] Once Rwanda achieved independence, the Hutu population would control the government because they made up a majority of the population. The Hutu population knew that they would soon be leading Rwanda and tried to prepare for the task ahead.

In 1957, an extremely important document was written that would play a vital role in the genocide in 1994. Nine Hutu intellectuals wrote the *Bahutu Manifesto*, which outlined the unjust treatment of Hutus. The authors believed the privileged lifestyle the Tutsi population had been living had to be ended. The document also called for identity cards to distinguish the different ethnic groups. The most influential part of the *Bahutu Manifesto* was the "Ten Commandments," which listed rules that the Hutu population should support and obey. The Commandments were supposed to lead to Hutu political, economic, and social control of Rwanda. The most influential of the Ten Commandments were:

1) Every Hutu must know that a Tutsi woman, wherever she may be, is working in the pay of her Tutsi ethnicity. Therefore, a traitor is any Hutu who marries a Tutsi woman, makes a Tutsi his concubine, or makes a Tutsi his secretary or protégé.
5) Strategic posts such as political, administrative, economic, military, and security posts must be given to the Hutu only.

[6] Ibid., 7.

[7] Ibid.

[8] Destexhe, *Rwanda and Genocide*, 36.

[9] Prunier, *The Rwanda Crisis*, 12.

6) The armed forces of Rwanda must be exclusively Hutu. No member of the military should marry a Tutsi.

8) The Hutu must stop feeling pity for the Tutsi.

9) The Hutu, wherever they may be, must be united, show solidarity, and be preoccupied with the fate of their Hutu brethren. The Hutu must be firm and vigilant in their enmity against their common Tutsi enemy.[10]

Tension between the two groups obviously began to escalate after the release of this document. In 1959, the Hutu, with the support of Belgium, overthrew the Tutsi monarchy and took control of the government. During the overthrow, Hutu extremists massacred many Tutsis. Some estimate that as many as 130,000 Tutsi refugees fled to other African counties to avoid persecution.[11] This event planted the seeds for future genocide.

After Rwanda claimed its independence on July 1, 1962, the Hutus continued to control the government through force. The 1960s proved to be an extremely bloody and violent decade. Refugee Tutsis living in exile in Burundi banned together to battle the Hutu. The group moved north and began to attack Hutu extremists and political figures. In retaliation for the attacks, Hutus attacked local Tutsis. Lemarch wrote, "In late 1963 and early 1964 thousands of innocent Tutsi were wantonly murdered in what has been described as a genocide."[12]

In July 1973, Major Juvenal Habyarimana, a Hutu, overthrew President Kayibanda and declared himself the new Rwandan president. A dictatorship was established under his rule.[13] The Tutsi minority was oppressed, although a few Tutsi were allowed to participate in government or hold officer positions in the army. Habyarimana continued to rule Rwanda until 1991, when opposing political parties were allowed to run against his party. Refugee Tutsis living in exile in Uganda formed the Rwandan Patriotic Front (RPF) to run against Habyarimana's party.[14] The clashes between these two groups led to the death of thousands of Hutus and Tutsis. Hutu extremists staged mini-massacres of Tutsis. The international community failed to take notice, setting the stage for a worse genocide a few years later.

On April 6, 1994, President Habyarimana's plane was shot down.[15] It is believed that Hutu extremists shot the plane down because before confirmation of the president's death, roadblocks were set up in Kigali that checked identification cards and executed Tutsis, human rights activists, and Hutus who sympathized with Tutsis. The state-controlled radio Milles Collines spread the call for genocide and urged revenge upon the Tutsi population. It aired propaganda against the Tutsis and encouraged the mass murder of men, women, and children.[16] Over the course of three months, 500,000 to one million Tutsis, Hutu who sympathized with Tutsis, and peace activists were killed. [17] Machetes were used to mutilate the bodies, inflicting a slow and painful death. Many victims were violated, raped, and humiliated. Inhumane crimes were committed against women and children: fetuses were taken out of wombs, doctors killed patients, teachers killed students, and neighbors killed neighbors while the world sat watching.

After the atrocities of World War II and the Holocaust, the United Convention on the Prevention and Punishment of the Crime of Genocide was established. This was an agreement among the members of the international community that if a genocide occurred, it would be put down by members of the United Convention. It also ensured that those responsible for the crimes would be brought before a tribunal to be punished. This group did nothing about the Rwandan genocide. The UN describes genocide as "acts committed with intent to destroy, in whole or in part, a national, ethical, racial or religious group."[18] The Rwanda genocide put the UN, the global community, and legal polices to the test. The international community did put down genocide a year later. In 1995, genocide in Bosnia gained international attention. The United States and the North Atlantic Treaty Organization sent troops on a peace-keeping mission to Bosnia.[19] By formally recognizing the genocide in Bosnia,

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[10] Magnararella, *Justice in Africa*, 12.
[11] Ibid., 13.
[12] Magnararella, *Justice in Africa*, 13.
[13] Ibid., 14.
[14] Destexhe, *Rwanda and Genocide*, 45.

[15] Linda Melvern, *Conspiracy to Murder: The Rwandan Genocide* (London: Verso, 2004), 133.
[16] The radio broadcasts that aired propaganda allowed the genocide to reach the rural areas of Rwanda. If not for the radio broadcasts, many rural dwellers of Rwanda would not have known about the genocide.
[17] M. Khan Shaharyar, *The Shallow Graves of Rwanda.* (New York: I.B. Tauris Publishers, 2000), 9.
[18] Memorandum from Assistant Secretary for Intelligence and Research Toby T. Gati to
Assistant Secretary of State for African Affairs George Moose and Department of State Legal Adviser Conrad Harper, "Rwanda – Geneva Convention Violations", circa May 18, 1994. Secret/ORCON (originator controlled), 2.
[19] Richard, Sobel, "Trends: United States in Bosnia," *The Public Opinion Quarterly 62* (Summer, 1998), 250.

the U.S. was able to protect the Muslims from the Serbs. However, nothing was done to protect Tutsis from Hutus in Rwanda.

During Clinton's campaign for president in 1992, he promised to be directly involved in the consolidation of democracy throughout Africa.[20] He also wanted to support UN preventive diplomacy and peace-keeping missions where needed. In 1993, civil war broke out in Somalia, and President Clinton sent troops under Operation Restore Hope to preserve order. During the mission thirty U.S. soldiers lost their lives. As a result, Americans lost faith in the cause and wanted their troops to return home safely. In 1994, President Clinton removed troops from Somalia. Also beginning in 1993, 50,000 people were killed in an ethnic dispute in Burundi.[21] Hutus and Tutsis made up the majority of the population in Burundi, and similar tensions to those in Rwanda took place. Uneven distribution of wealth, political power, and economic power between the Hutus and Tutsis led to physical altercations.[22] These altercations turned into massacres but were not inspected by the UN or the international community. These two events kept the U.S. from promising military aid to help end the genocide in Rwanda.

The events in Somalia and Burundi helped shaped American and international policy. The U.S. implemented the presidential decision directive, which refused U.S. aid to some UN missions which were not in the interest of U.S. relations.[23] This policy was intended to "allow systematic slaughter that did not implicate national interests."[24] Another aspect of the presidential decision directive said, "The United States would henceforth be extremely wary of non-military involvement in humanitarian crises and of peacekeeping missions undertaken by other countries-because these could lead to eventual U.S. entanglement."[25] In order for the U.S. to support a peace-keeping mission, all financial support, equipment, and troop requirements must be met without the support of the U.S. This policy was put into effect to try and reduce the amount of money the U.S. was putting into the UN.[26] This policy made it extremely difficult for the UN to go on peacekeeping missions without the approval of the United States. When the U.S. decided it did not want to intervene in Rwanda, it also made that decision for the world.

The United States received classified information on January 11, 1994 from Canadian General Romeo Dallaire that hinted towards a possible genocide in Rwanda.[27] Dallaire was the Force Commander of United Nations Assistance Mission in Rwanda (UNAMIR) in Kigali and was present during the genocide.[28] While stationed in Rwanda, Dallaire learned that the government was paying people to create lists of Tutsis to be executed. He also learned there was a plan to start a civil war and kill several Belgian peacekeepers. The Hutus believed if their peacekeepers were killed, Belgium would remove its troops. Dallaire sent a fax, soon to be known as the genocide fax, to Secretary General of the United Nations, Kofi Annan.[29] The fax was filled with classified information about possible hints and movements towards genocide. Annan responded that Dallaire should not get involved militarily in the situation. He also said, "Such situations and alarming reports from the field, though considered with the utmost seriousness by United Nations officials, are not uncommon within the context of peace-keeping operations."[30] The information received in the fax was passed on to President Habyarimana and the American, French, and Belgian Embassies. The U.S. did not want to intervene and prevented other countries from executing a large intervention as well.[31]

After President Habyarimana's plane was shot down, ten Belgian peacekeepers were shot while trying to protect the Rwandan prime minister. As a result, Belgium removed its troops and other countries followed. The country immediately erupted into civil war. The United States had the information, troops, and supplies to prevent the genocide in Rwanda but did not use any of its resources.

Ironically, the United States was captivated by other events at the time, such as the release of Steven Spielberg's film *Schindler's List*. On April 8, 1994, Prudence Bushnell, a deputy assistant secretary of state for African affairs, gave a short speech at a State Department conference, explaining the evacuation of U.S. citizens and the violent conflict in Rwanda.[32] Ironically, the next speech, given by Michael McCurry, talked about the international community's reaction to *Schindler's List*. Many countries were preventing the movie from being shown. Just minutes after the genocide in Rwanda was mentioned, McCurry said, "This film movingly portrays the twentieth

[20] Adar G Korwa, "The Clinton Administration and Africa: A View from Nairobi, Kenya," *Journal of Opinion* 26 (1998), 70.

[21] House, *Rwanda's Genocide: Looking Back*. 108th Cong., 2nd sess., 2004, H.R. 108-96, 26.

[22] Peter Uvin, "Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence," *Comparative Politics 31* (April, 1999), 253.

[23] Destexhe, *Rwanda and Genocide*, 50.

[24] *Rwanda's Genocide: Looking Back*, 36.

[25] Ibid.

[26] The US supplies roughly thirty percent of the UN's budget. Destexhe, *Rwanda and Genocide*, 50.

[27] House, *Rwanda: Genocide and the Continuing Cycle of Violence*, 105th Cong., 2nd sess., 1998, H.R. 49-306, 191.

[28] Magnararella, *Justice in Africa*, 30.

[29] House, *Rwanda: Genocide and the Continuing Cycle of Violence*, 191.

[30] Magnararella, *Justice in Africa*, 32.

[31] Ibid.

[32] House, *Rwanda's Genocide: Looking Back*, 25.

century's most horrible catastrophe and it shows that even in the midst of genocide, one individual can make a difference. The most effective way to avoid the recurrence of genocidal tragedy is to ensure that past acts of genocide are never forgotten."[33] Two speeches about genocide made within minutes of each, yet, the second speech overshadowed the first one. The U.S. was compelled to help those who survived the Holocaust. Despite this, the American public failed to recognize the genocide in Rwanda as a pressing issue.

The United States did not publicly define the crisis in Rwanda as genocide. Although the U.S. would not publicly acknowledge it, unclassified documents by the Department of State, show that the government did know a full-blown genocide was occurring in Rwanda.[34] With consent of the Clinton administration, the word genocide was finally used on May 4, 1994, in a speech given by UN Secretary General Annon. A declassified government document showed the U.S. government had extensive knowledge and information regarding the genocide in Rwanda. The document warns governmental officials not to use the word genocide or the U.S. will have to commit themselves to stopping the genocide.[35]

It is argued that radio jamming could have prevented thousands of deaths. The genocide was encouraged through the radio station Milles Collines. The station said, "We will not repeat the mistake of 1959. The children must be killed too."[36] The United States had the capabilities to jam the radios to prevent the spread of genocide. Upon General Dallaire's request to jam the radio, the U.S. requested eight thousand dollars an hour to complete the mission.[37] The U.N. could not afford to support this cost. A human rights advocate said that radio jamming was "the one action that, in retrospect, might have done the most to save Rwandan lives."[38]

The U.S. secretly considered offering radio-jamming equipment to other African nations. In a de-classified document, the issue was raised that if the U.S. jammed the radio, they would be forced to play a larger role in the conflict. The U.S. did not want to become heavily involved in the crisis in Rwanda but felt they had to do something. The U.S. believed it could offer radio-jamming equipment for others to intervene. The unclassified document made public by the Freedom of Information Act suggested that the U.S. offer its equipment to a

neighboring African country.[39] The U.S. tried to get other countries to intervene in the crisis but would not use technology or force to end the genocide themselves.

In a 1998 speech at Rwanda, President Bill Clinton said he felt that Rwanda was his greatest failure.[40] He knew the U.S. had failed to react to a worldwide crisis that could have been averted. Video footage of the massacre showed how brutal and inhumane the genocide was; the world witnessed men, women, and children perish by means of a machete. New technology such as radio jamming could have been used to prevent the spread of the genocide. Rwanda was one of the great tragedies of the twentieth century and the U.S. directly contributed by not recognizing the genocide and by not offering military assistance and humanitarian support.

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[33] Ibid., 26.

[34] Discussion Paper, Office of the Deputy Assistant Secretary of Defense for Middle East/Africa Region, Department of Defense, May 1, 1994. Secret, 1.

[35] United States Department of State. Discussion Paper Rwanda, 1.

[36] Destexhe, *Rwanda and Genocide*, 32.

[37] House, *Rwanda's Genocide: Looking Back*, 13.

[38] Ibid.

[39] "Rwanda – Geneva Convention Violations", 2.

[40] House, *Rwanda: Genocide and the Continuing Cycle of Violence*, 203.

FOOD AND FRIENDSHIP:
MEALS AND SOCIAL INTERACTION BETWEEN WOMEN ON THE OVERLAND TRAIL

Rachel E. Elam

During the mid to late 19th century, many people traveled across the unsettled plains of the American West to pursue a new life. Some went for gold, some for land, and some just went in the spirit of adventure. The paths that they chose were numerous. Some went to California and others to Colorado. Some traveled Platte River Road which "followed the Platte River from the Missouri River through Nebraska to western Wyoming."[1] Whatever their path or purpose, these pioneers were seeking out the vast area for a new home. Among these people were women, many of whom were wives of men seeking the new life, just along for the trip. Along the way these women had to maintain a sense of home in an unfamiliar setting. As part of any home, food and cooking were important aspects that women needed to attend to as part of their sphere of influence. Women asserted their control over their lives and families with activities like cooking.[2]

Women sought companionship with other women to feel at home out on the open road, and cooking was a communal, as well as a necessary function, among groups of traveling women. Women critically needed other female companions for many other reasons as well. Even things as simple as privacy for dressing and bodily functions were difficult to accomplish without another woman to be a shield.[3] But friendship also helped women make the trail seem more like home. There is a correlation between food and social relationships. Women needed both, and sometimes they were one in the same, though the two needs were not mutually exclusive. Women might find companionship or social interaction because of food. Sharing of food among members of a wagon train made meals a sort of social institution.

Women's companionship and their interactions in food preparation were central to their survival on the overland journey, both physically and psychologically. Women were often put into a difficult situation by leaving all that they knew and traveling to an unknown land to start a home over again. Some women had yet to start a family, while others were with child when they left on their journey. Most of the time, childbearing had no affect on whether or not a husband and wife would decide to leave.[4] Because of this, strong social ties to other members of their traveling party were important. Women needed to feel that they could count on other women to help in their time of need, whether for childbirth, extra food, or loneliness.

The experiences of two women analyzed in this work are Catherine Haun and Ellen Tootle. Catherine and Ellen made the overland journey and experienced these needs. Both spoke of receiving help from others in regards to food and both spend much time discussing food and cooking. Haun also discusses her interactions with other women, showing the importance of such activities, which were the basis of their socialization and the focus of the efforts to make the trail more hospitable.

Social ties were very important to women on the Overland Trail. By embarking on the journey, their entire social world was thrown upside down. Women left behind their social network, including family and friends. This could be very distressing, causing some women to become apprehensive when starting out on the trip. Catherine Haun wrote in her 1849 journal that "a strange feeling of fear" overcame her on the outset and she was "almost dazed with dread."[5] One woman even gave the advice, "If you own a home and are comfortably fixed stay with it and let the other fellow do the traveling."[6] But not all women were "trudging mournfully after the wagons,"[7] dreading the very thought of leaving home. Even Haun was able to hide her fears from her husband and continue on without incident.[8] Many women were excited at the prospect of a new life just as much as their husbands. But one thing that was critical was the availability of a social group of women.

Women on the trails needed the support of other women. Often the wagon trains consisted of groups of kin or friends that

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[1] Rosemary Gunderson Palmer, *Children's Voices from the Trail: Narratives of the Platte River Road* (Spokane, WA: The Arthur H. Clark Co., 2002), 28.

[2] Johnny Faragher and Christine Stansell, "Women and Their Families on the Overland Trail to California and Oregon, 1842-1867," *Feminist Studies* 2 (1975), 152.

[3] Lillian Schlissel, *Women's Diaries of the Westward Journey* (New York: Schocken Books, 1982), 98.

[4] Ibid., 35.

[5] Diary of Catherine Haun (1849) in Schlissel, *Women's Diaries of the Westward Journey*, 169.

[6] Mary Jane Long quoted in Sharon Brown, "What the Covered Wagon Covered," *Overland Journal* 4 (Summer 1986), 34.

[7] Sandra L. Myres, *Westering Women and the Frontier Experience* (Albuquerque: University of New Mexico Press, 1982), 99.

[8] Catherine Haun, *Women's Diaries of the Westward Journey*, 169.

formed a large caravan.[9] The women from these groups bonded over the daily chores that they had to perform. Johnny Faragher and Christine Stansell note in their article, "Women and Their Families on the Overland Trail to California and Oregon, 1842-1867" that women and men faced the same struggles and circumstances, but the women were not as included in the cultural make-up of the time and therefore had no defined role to make sense of the suffering.[10] Hence, the commiseration of women with each other during western migration lightened the "depressing necessity" of daily chores, including some that would have been considered "men's work."[11]

The notion of women doing men's work is interesting, for at this time period, men and women had very distinct, "separate spheres." Jeanne H. Watson made the observation in her article "Traveling Traditions: Victorians on the Overland Trails" that this "separate spheres" idea was not always applicable to pioneer families because men depended on women to work with them side-by-side to develop and build up a successful home on the trail and on their new homesteads.[12] These jobs could include "cooking out of doors, driving the oxen, collecting buffalo chips and weeds, helping to pitch the tent, [and] washing on river banks."[13] Watson does point to a blending of ideals that allowed women to do necessary, difficult jobs and still maintain a Victorian lifestyle of propriety.[14] The particular chores listed above, for example, are more domestic aspects of traveling, which are divided from jobs a man might do.[15]

Women often worked together, performing daily tasks as a group. From one account, "Often washdays became a community affair."[16] Women also helped each other out among the wagon trains. The travel was taxing and possibly exhausting. Everyday chores and activities were not as easy and monotonous when being performed in a covered wagon on the way to a new home out west. Childbirth and sickness were particularly difficult. Women would work together to help other women out when these situations came up, even visiting other wagon trains on horseback when they heard of someone needing help.[17] The diary of Lydia Allen Rudd is full of stories of sickness and death. In one specific instance, she told of a man who became very ill

on the trail. According to Rudd, "We doctored him what we could but he was to [sic] far gone."[18] Jane Gould Tortillott wrote in her diary, "We called to see a woman who had a sick husband. They are emigrants. Have only been here a week, are waiting for him to recover. He has the typhoid fever."[19] Women were able to provide support in this way for ill and struggling families.

Women gave each other moral support as well. Families were the main social unit on the trail.[20] But women needed companionship outside the family. It was typical for wagon trains to get together and visit during the evenings after a long day of travel. Often music accompanied these evenings; "After the singing and dancing, people generally gathered in groups to talk awhile. Imagine the whole population of a small town assembled in an area less than a block square and you get the idea."[21] Inevitably, the women and men divided themselves into groups. Women talked about their hardships or did work in groups instead of joining the men.[22]

During the day, women visited as well. They walked together, or possibly took a small side trip together as the journey wore on.[23] Women called on each other to "exchange news, information, advice, and recipes as well as sunbonnet patterns."[24] They visited with other women and participated in activities such as knitting and sewing.[25] Women enjoyed the company of other adult women, sometimes without their children around. Flora Bender recalled that her mother did not include her daughters when she went calling, but did when it was time to do the washing and go to church.[26] Rebecca Woodson, a young mother, became friends with the oldest girls from a family of ten children, stating "Oh those happy days" about her time with these new friends.[27] Women enjoyed the times

[9] Faragher and Stansell, "Women and Their Families," 151.
[10] Ibid., 160.
[11] Schlissel, *Women's Diaries of the Westward Journey*, 77-78.
[12] Jeanne H. Watson, "Traveling Traditions: Victorians on the Overland Trails," *Journal of the West* 33 (1994), 75.
[13] Schlissel, Women's Diaries of the Westward Journey, 36.
[14] Watson, "Traveling Traditions," 75.
[15] Brown, "What the Covered Wagon Covered," 32.
[16] Myres, *Westering Women and the Frontier Experience*, 126.
[17] Schlissel, *Women's Diaries of the Westward Journey*, 78.

[18] Diary of Lydia Allen Rudd in Schlissel, *Women's Diaries of the Westward Journey*, 190.
[19] Diary of Jane Gould Tortillott in Schlissel, *Women's Diaries of the Westward Journey*, 227-228.
[20] Schlissel, *Women's Diaries of the Westward Journey*, 31.
[21] B.J. Zenor, "By Covered Wagon to the Promised Land," *American West* 11 (1974), 38.
[22] Faragher and Stansell, "Women and Their Families," 158.
[23] Rosemary Gunderson Palmer, *Children's Voices from the Trail: Narratives of the Platte River Road* (Spokane, WA: The Arthur H. Clark Co., 2002), 172.
[24] Watson, "Traveling Traditions," 75.
[25] Myres, *Westering Women and the Frontier Experience*, 133.
[26] Palmer, *Children's Voices from the Trail*, 116.
[27] Schlissel, *Women's Diaries of the Westward Journey*, 67.

when they "visited, cooked together, or went swimming" and felt frustrated when they were unable to socialize with other women.[28]

The bonds between women traveling the trails were so strong that when troubles arose among members of different wagon trains, the women were struck with the fear of being separated. Friendships were "strikingly intimate and deep" and losing these would have been heartbreaking to the women.[29] Wagon trains often reached an impasse at certain points of the trail, and some decided to part ways. When wagon trains broke down, women might be left without any other females to socialize with.[30] Fights were recorded in many women's journals because a fight might mean separation from the company of women in another wagon train.[31] After such a separation, women became preoccupied with looking out for a new wagon train with women in it.[32] This shows how important women's relationships with each other were. The journey itself took women out of their comfort zones of friends and family and put them in a situation possibly void of this comfort.[33] Women found comfort among other women on the trail, and when it was again taken from them, it was very detrimental. For women to survive they needed friendship and community like they experienced in their homes back east before they headed out.

Along with companionship, food was one of the overarching components that bonded women together on the trail. Deciding how much food to take and how to cook it while traveling were of utmost importance. Women, alone or together, were usually the cooks, as cooking was part of the normal field of work for women. Women were in charge of keeping life as normal as possible, and meals were possibly the largest part of this normality.[34] Meals could be considered the biggest social institution on the trail because it brought people together and was sometimes a social event as well as a necessity for living.

Before embarking on the trip west, one of the most important things to consider was how much and what kinds of food to bring. People looked to others that had already successfully completed the journey for information about what to bring. Joel Palmer wrote what to bring in his journal:

> For each adult there should be two hundred pounds of flour, thirty pounds of pilot bread, seventy-five pounds of bacon, ten pounds of rice, five pounds of coffee, two pounds of tea, twenty-five pounds of sugar, half a bushel of dried beans, one bushel of dried fruit, two pounds of saleratus, ten pounds of salt, half a bushel of corn meal; and it is well to have half a bushel of corn, parched and ground; a small keg of vinegar should also be taken. To the above may be added as many good things as the means of the person will enable him to carry.[35]

This is a very long list. However, it would be better to have more than enough than not enough. Some groups, toward the end of the trip, barely scraped enough to survive. One man had to live on frogs and roseberries to survive.[36]

Food showed up regularly in overland diaries. Some women would write down every day what they cooked and ate, relating what they did and what their problems were.[37] Cooking outdoors with different utensils and over an open fire changed the way many women had to cook. Weather, insects, dust, and many other mitigating circumstances affected individual and group experiences.[38] Margaret White Chambers, a young woman traveling with her husband and his team, had to cook for the entire company at only eighteen years old. She was faced with this difficulty of cooking outdoors with questionable fuel sources.[39] The most questionable of these fuel sources was buffalo chips. Buffalo chips were the droppings left behind by buffalo along the trail. These provided a useful source of fuel to cook with, although not palatable to most travelers. References to buffalo chips are found in many journals. Their presence or absence was important enough to mention in the daily accounts.[40] Buffalo chips were a last resort to many groups, used when grass and weeds ran out in the dusty deserts out west.[41]

There are many anecdotes relating to the gathering and use of buffalo chips. Everyone, including children, had to participate in collecting buffalo chips because their survival depended on it. Children occasionally formed some kind of competition to make the job less

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[28] Julie Roy Jeffrey, *Frontier Women: The Trans-Mississippi West 1840-1880* (New York: Hill and Wang, 1979), 41.

[29] Faragher and Stansell, "Women and their Families," 152-153.

[30] Ibid., 159.

[31] Schlissel, *Women's Diaries of the Westward Journey*, 89.

[32] John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979), 137.

[33] Ibid., 28.

[34] Susan Armitage, "Women and Men in Western History: A Stereotypical Vision," *The Western Historical Quarterly* 16 (October, 1985), 384.

[35] Joel Palmer quoted in Kathryn Troxel, "Food of the Overland Emigrants," *Oregon Historical Quarterly* 56 (1955), 14.

[36] Troxel, "Food of the Overland Emigrants," 24.

[37] Ibid., 12.

[38] Brown, "What the Covered Wagon Covered," 35.

[39] Troxel, "Food of the Overland Emigrants," 17.

[40] Ibid., 18.

[41] Ibid.

tedious and disgusting.[42] Some wagon trains would laugh at each other while collecting chips to make it less unpleasant.[43] Women especially found the job unpleasant. Henry Hazard, an eight year old boy, recalled: "The ladies in the train started on a fast immediately after we got onto the Platte—the fuel was not the proper kind. After we had been there about a week, however, they got *grandly* over that."[44] Sarah J. Cummins told another amusing story about women and buffalo chips, recalling "All along this part of the road there was a great scarcity of wood and many times we were compelled to cook our food with buffalo chips. This caused many ladies to act very cross and many were the rude phrases uttered, far more humiliating to refined ears than any mention of the material used for fuel could have been."[45] The indelicacy of these women's actions dwarfed the indelicacy of the actual buffalo chips. But these times added to the social institution of meals, because to create a meal, people had to work together to even start a fire.

All women faced these problems, but not all of them had to face them alone like Margaret Chambers. Women would sometimes collaborate on meals for the whole wagon train. For a special occasion, women might prepare a large meal together.[46] Women also helped each other cook when a crisis occurred. Ruth Schackelford witnessed her friend suffer a "terrible accident" when one of her horses upset her raising bread. Mrs. Schackelford shared what she had prepared with her neighbor and they all had a nice meal.[47] This adds another aspect to women needing the company of other women while on the overland trail. To be able to help out or just commiserate with another woman about cooking under these unpredictable circumstances was important to the social order of women.

Catherine Haun and Ellen Tootle had very different traveling experiences, but many aspects regarding food and friendship were the same. There are many mentions of food and companionship in each of the diaries. These diaries stress the importance of food especially, but also socialization and working together as well. Both women mention food and cooking many times, sometimes in the context of working, but also sometimes as just a particular enjoyment of an otherwise bland day. Through their diaries, evidence of the social institution of mealtimes can be seen.

Catherine Haun and her husband left Iowa in 1849 to follow the gold rush.[48] Haun wrote her account of her travels many years later, so it is not the typical day to day diary that many emigrants left. Nevertheless, Haun's account was very well written and provides very specific information about her trip. One of the first things she mentioned in her journal was a list of all the provisions they brought. Flour, bacon, alcohol, dried meats, fruits, and vegetables were all brought, as well as luxuries which consisted of "a gallon each of wild plum and crabapple preserves and blackberry jam."[49] Not all wagon trains could afford the space to bring such luxuries, but Haun's wagon train was "large, well equipped, and experienced."[50] That she would mention this list of provisions shows how important it was to know how much food was brought.

Another reference to food in Haun's diary is the fact that their wagon train employed a cook. Unfortunately, that did not last long, as Haun described "In the morning our first domestic annoyance occurred. The woman cook refused point blank to go any further."[51] This was particularly distressing to Haun because she did not know how to cook. According to Haun, "I surprised myself by proposing to do the cooking…having been reared in a slave state my culinary education had been neglected and I had yet to make my first cup of coffee."[52] Luckily, it seems as though Catherine was able to get along fine without a cook, although pancakes were not her specialty.[53]

Haun made several more references to food, mainly when the food was something special. Haun enjoyed the times when their wagon train could get delicacies such as milk. One of the members of the wagon train had cows for most of the trip, so when butter or buttermilk was made, "We all were glad to swap some of our food for a portion of these delicacies."[54] Milk was not always easy to come by, so to have someone with cows in the wagon train would have been quite a boon to the rest of the travelers. Haun also mentioned Christmas dinner. She and her husband had made it to California, but were still living in a tent. Her Christmas dinner was as follows: "a

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[42] Ruth Barnes Moynihan, "Children and Young People on the Overland Trail," *The Western Historical Quarterly* 6 (July, 1975), 284.

[43] Troxel, "Food of the Overland Emigrants," 18.

[44] Henry Hazard quoted in Jeanne H. Watson, "Women's Travails and Triumphs on the Overland Trails," 29.

[45] Sarah J. Cummins quoted in Brown, "What the Covered Wagon Covered," 35.

[46] Myres, *Westering Women and the Frontier Experience*, 123.

[47] Brown, "What the Covered Wagon Covered," 35.

[48] Schlissel, *Women's Diaries of the Westward Journey*, 165.

[49] Diary of Catherine Haun in Schlissel, *Women's Diaries of the Westward Journey*, 167.

[50] Schlissel, *Women's Diaries of the Westward Journey*, 165.

[51] Diary of Catherine Haun in Schlissel, *Women's Diaries of the Westward Journey*, 169.

[52] Diary of Catherine Haun in Schlissel, *Women's Diaries of the Westward Journey*, 169.

[53] Ibid.

[54] Ibid., 170.

grizzly bear steak for which we paid $2.50, one cabbage for $1.00 and –oh horrors—some *more* dried apples."[55]

Besides food, Haun also mentioned of how she spent some of her time and the social connections she made on the trails. She very much enjoyed the group of people she was traveling with—"a wonderful collection of many people with as many different dispositions and characteristics, all recognizing their mutual dependence upon each other and bound together by the single aim of 'getting to California.'"[56] Haun recognized the need for other people during the trip. She also wrote about the other women in the wagon train and what they did together during the long traveling days. They visited other wagons, took walks, did needlework, and swapped food and recipes to keep themselves busy. Haun apparently had a vibrant social network and enjoyed the company of the other ladies she was traveling with.[57]

The diary of Ellen Tootle offers a somewhat different perspective of the westward journey. Tootle left on her journey with her husband in 1862 to the mines in Colorado.[58] Tootle has a different writing style than Catherine Haun, as her diary was written in a day to day style, rather than all at once at the end of the journey. Ellen Tootle has several references to food and cooking as well. Although she does not mention as much about social relationships with other women, there is mention of other people and how they provided help with food.

Ellen Tootle's journey began in Plattsmouth, NB, which was the starting off point for the trip to Colorado. She and her husband remained there for several days before they began the actual trip. Tootle did not begin her diary with a list of provisions brought, as other overland diaries. She did, however, usually write what they ate every day. Like Catherine Haun, Tootle was not an accomplished cook when she undertook the journey with her husband. There are several humorous anecdotes related to Tootle's supposed lack of cooking ability and clumsiness around the kitchen. In one such story she wrote: "Mr. Tootle says I cannot do anything but talk, so would not trust me to make the coffee. Boasted very much of his experience. He decided to make it himself."[59] Mr. Tootle proved himself to be not much of a cook when the coffee turned out wrong, but he claimed she had not given him proper instructions.

[55] Ibid., 171.

[56] Ibid., 180.

[57] Ibid., 185.

[58] Kenneth L. Holmes, *Covered Wagon Women: Diaries and Letters from the Western Trails*, vol. 8, 1862-1865 (Lincoln: University of Nebraska Press, 1989), 59.

[59] Diary of Ellen Tootle in Holmes, *Covered Wagon Women*, 63.

Mr. Tootle also bemoaned his wife's experience in the kitchen when the following mishap happened: "The first day, the cork came out of the whiskey bottle and spilled more than half to Mr. Tootle's great disappointment. Indeed I don't believe he has recovered from it yet." Fortunately for them, Mrs. Tootle was able to make fine coffee and cook a good dinner, although she was very nervous about trying.[60]

These small anecdotes show just how important food and cooking were on the trail. Besides needing sustenance, meals provided enjoyment, and if they were not prepared well, there would be no enjoyment. Tootle also got enjoyment out of specific kinds of food that were not always available. Canned peaches, milk, buttermilk, and the occasional piece of cake while visiting a town were very enjoyable and very much appreciated. Most of the time, they got these special foods from other people, whether fellow travelers or people living in the towns. The first night of their trip they arrived at their campsite very late and only because a fellow traveling partner gave them some rhubarb pie did they get dinner. They also received milk and cake from a lady at a stage office on their way west.[61]

These two diaries give different stories of westward journeys, but have similar references to food and companionship. There are also some other similarities between the two journals. First, both Catherine Haun and Ellen Tootle were young brides traveling with their husbands and no children. Both women did not have children until later in their lives. It is not clear when Catherine Haun had children or how many she had, but we do know that she dictated her journal to her daughter later in her life, so she did have children at some point. Ellen Tootle had at least three children, one of which died in infancy.[62] Also, both women place a significant importance on food. How much and what types of food they brought and ate feature prominently in both journals.

These two accounts, however, are very different. There is a thirteen year time difference between when Catherine Haun and Ellen Tootle left on their journeys. Haun was traveling to California while Tootle was going to Colorado. Catherine specifically mentions other women and the activities that they pursued together. It is not clear how many other women traveled with Ellen. She only mentioned another woman once, the wife of her husband's partner, but she never mentioned her again, and this other woman may not have even been on the journey with them. The only other person really mentioned in Tootle's journal is her husband, so whether other women were even on the trip or not is not known. Despite the differences in accounts,

[60] Ibid., 64.

[61] Ibid., 68-71.

[62] Holmes, *Covered Wagon Women*, 60.

Catherine Haun and Ellen Tootle's overland diaries show the importance of food and relationships and how they were sometimes intertwined on their trips to the future Western United States.

Overall, food and friendship were both very important to the overland emigrant women. The absence of these elements would cause problems for the women and their wagon trains. To quote Kathryn Troxel's article, "Food of the Overland Emigrants": "Many of the emigrants…traveled in groups for reasons of safety, mostly, but often simply because a large family with their friends were attracted at the same time by the golden promise of the West."[63] They also traveled together to maintain social ties that gave women a sense of home and to share in relationships that were necessary for women's survival. Catherine Haun wrote: "Upon the whole I enjoyed the trip, spite of its hardships and the fear and dread that hung as a pall over every hour."[64] Maybe this enjoyment came from the food and friendship that she experienced while on the dangerous trip.

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[63] Troxel, "Food of the Overland Emigrants," 15-16.
[64] Diary of Catherine Haun in Schlissel, *Women's Diaries of the Westward Journey*, 185.

A TALE OF TWO CLOTHS: THE TRANSITION FROM WOOL TO COTTON UNDERGARMENTS IN ENGLAND DURING THE VICTORIAN AGE

Rachael Harzinski

The trendy and fashion conscious have been dismissed as inconsequential—at best cute and at worst useless—in the eyes of history. Fashion and dress, after all, are not vital when compared with wars, political instability, or dramatic economic changes. It is not surprising, therefore, that fashion's alliance with cotton in the Industrial Revolution has been overlooked. Cotton's replacement of wool as the primary material of the English textile industry would not have been possible without the demands of the fashionable elite during the nineteenth century.

The shift in fabric popularity hardly commanded the attention of the world, even though it still affects the world today. Even fashion and economic historians do not spend a great deal of time discussing the change. They are likely to explain in passing that the cause was multi-facetted, combining politics, health, and economics. There was little understanding of the health needs of the body during the Victorian Age (although there were some great improvements) and politics were not a factor after the Manchester Act. Above all, none of those three categories explain why cotton, a difficult plant to cultivate, surpassed the patriotic wool.

The missing pieces of the "why" behind the shift from wool to cotton lies in the efforts of the fashion beaus, dandies and ladies of the Victorian Era. It was the prudish middle class that selected cotton as the fiber of choice. Cotton was a brilliant, foreign fiber that could be woven into thick, soft, towels or nearly sheer, silky, cloth. Cotton's versatility for clothing or housewares was second to the ability to hold brighter colors longer than wool or other materials. Cotton did not gain popularity, particularly in the domain of underwear, until the upper and middle classes decided that it was chic. Although in the modern day, underwear is not heavily considered, the focus on underwear is necessary to establish the importance of the link between fashion and cotton's popularity. During the nineteenth century, underwear was the only aspect of fashion to go through serious

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changes. Custom and fashion are two terms that are often at ends with one another. Custom has years or generations of support for it; fashion, however, is sporadic and is marked by periods of restlessness and change.[1] This would also be an accurate way of describing the Industrial Age. What is unusual about the clothing of the Industrial Age is that instead of moving against former ideas of modesty as fashion is apt to do, the fashions went so far as to define modesty.[2] A narrow waist with fuller hips was the order of the day, even though the bosom had been the focus during the Napoleonic Era. This new style was called the bell silhouette.

The introduction of the bell silhouette into fashion during the Victorian age meant a staggering amount of underclothing for women. The difference in underwear and underclothing is essential: underclothing is a garment worn under the outer, and underwear is an article of clothing which prevents chaffing, absorbs perspiration, and stops the outerwear from slipping.[3] The amount of underclothing required for a proper woman at the time led one writer to say: "[a lady's] underclothing had become, as it were, an integral part of her personality."[4] As the Industrial Revolution picked up steam, the middle class's ranks swelled, as did the trend toward prudishness.[5] It was no longer proper for women to be seen without the armor of undergarments to protect her virtue and to appease Mrs. Grundy.[6]

A wealthy woman wore seven separate pieces of flannel or silk undergarments. She would start her day by putting on her chemise, an unshaped garment of varying length with a low square neckline, possibly with narrow frills. While these garments were normally homemade, they were available through stores by 1850. This was later replaced by a cotton bodysuit called the combination.[7]

The next step was the petticoat, the long for winter and the short for summer. A long petticoat had an attached bodice, buttoned at the back and a drawstring neckline. A short petticoat tied at the waist. Around the hem of the petticoat was the only location where decoration, simple embroidery, was considered acceptable throughout the whole of a woman's undergarments. A woman would wear four to six of these, one on top of the other, depending on the season, to lay the foundations of the bell shape.[8] Following the petticoats was the crinoline, also known as the horsehair petticoat. Made with horsehair and a stiff woolen fabric called weft, it ended at the knee with some measuring six feet in diameter. This petticoat needed to be made stronger; it was the key to achieving the bell shape until the steel crinoline cage.

After the crinoline was the drawers, which achieved acceptability for women by 1843, after years of being considered a male-only garment. Drawers were the first real example of underwear. A simple panted garment that went to the knees, drawers had a drawstring waist with a front closer of three to four buttons.[9] Drawers began in France where they were called pantaloons. While women there were wearing them as early as 1800, they were not really accepted until Princess Charlotte wore them in 1811. Proper English women did not wear them except when riding until 1843.[10] Doctors approved overwhelmingly of drawers, proclaiming them as extremely sanitary. The Handbook of the Toilet, the guidebook for all things dealing with undergarments and private functions, said in 1843, "Drawers are of incalculable advantage to women who expose themselves to a variety of diseases from the usual form of their clothes."[11] Previous to the acceptance of drawers, women wore nothing under their multiple petticoats which would have allowed easy access to the genitals, a favored location for any type of disease.

Despite the praise drawers received for the sanitary benefit to both sexes, drawers were eventually replaced by the combination. The combination was a cotton body suit which buttoned down the front and at the crotch. It was accepted by 1883 along with the sanitary corset, a rubber and cotton creation which molded to a woman's form and did not require tight lacing.[12]

The final stage took the longest and remains to this day the most infamous: the corset. By the 1850s, the corset had been expanded to cover the shoulders and the hips of a woman (pregnancy was not an excuse for neglecting a corset).[13] It would take nearly a quarter of an hour to put a corset on, and it would take three pulls. A woman would grip the edge of something, take a deep breath, and another woman would pull the strings as tight as she could. There would be a small

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[1] Paul H. Nystrom, *Economics of Fashion*, (New York: Ronald Press Company, 1928), 139.

[2] Ibid., 142.

[3] Lawrence Langer, *The Importance of Wearing Clothes*, (New York: Hastings House Publishers 1959); Revised by Julian Robinson, (Los Angeles: Elysium Growth Press, 1991), 74.

[4] Phillis Cunnington and C. Willett, *The History of Underclothes*, (London: Faber and Faber Limited, 1981), 77.

[5] Ibid., 76.

[6] Mrs. Grundy first appeared in "Seed the Plough" by Thomas Morton in 1800. By 1830 she had become a mythical figure who watched over proper dress.

[7] Cunnington and Willett, *The History of Underclothes*, 79.

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[8] Ibid.

[9] Ibid., 32.

[10] Ibid.

[11] Ibid., 95.

[12] Ibid., 96.

[13] Alison Carter, *Underwear: A Fashion History*, (New York: Drama Book Publishers, 1992), 42.

break to let the woman breathe before the procedure was repeated twice more.[14] Ideally, a woman's waist would be drawn in about fourteen inches, creating a stiff walk and preventing a woman from sitting or breathing properly. One nobleman noted that when his daughter had bent to pick up something, her lacings had burst with such a racket that "the house worried she had exploded."[15] The corset was normally made of linen or silk with first whale bones, then spring steel, forcing the female body into the desired shape. The eyeholes for the laces where reinforced with steel to prevent a woman's movement from tearing the fabric. As the incident with the girl bending down and bursting her corset shows, however, it did not always solve the problem.

Tight lacing was frowned upon by doctors for the strain it placed on the ribs and organs. When doctors began noticing the shocking number of miscarriages caused by the pressure put on the hips by the corset, the outcry against them grew.[16] In compromise, the fashion world did two things: created an elastic bottomed corset that stretched over the stomach of a pregnant woman, and demanded the expanding of the skirts which helped create the illusion of a tiny waist without such tight-lacing.[17] Men in the world of medicine were not the only ones concerned with the unhealthy nature of corsets; husbands and fathers were too. Women, not men, demanded the corset. It was believed that a girl would not develop good posture unless she wore one, which resulted in the creation of night corsets so that a girl's spine would theoretically form properly.[18] Many men confessed confusion about why they were supposed to find "a waist like an ant to be attractive."[19] There are several records of husbands requesting that wives abandon tight lacing, due to health reasons and because many husbands simply did not like the look. When the crinoline cage widened skirts to such a diameter that a normal waist looked slimmer, many women gratefully loosened the corset, although it was not abandoned altogether.[20]

The startling amount of underclothing that was worn during the Victorian age was the direct result of prudishness following the increase in the middle class's numbers. By the 1850s, fifteen percent of the population in England belonged to the middle class.[21] Certain characteristics defined the middle class: untitled, highly educated, piety and prudishness. In many ways, the middle class of the Victorian Age was a marvel of humanity for taking prudity to the point of eroticism.[22] The color white and virginity were more closely associated with each other and with constant repetition; eventually it became what was attractive at the time.[23]

The previous decades had been a witness to the lax morality due to wartime. Fashion focused on illuminating the human figure, but paid particular attention to feminine curves. Loose, flowing garments with the high Empire waistline[24] allowed women to dress in the barest of underclothing. Some of the more daring, or scandalous, women abandoned the corset completely.[25] When the war was over, such dress was no longer acceptable, resulting in the astonishing levels of underclothing.

Not only did the number of required items for a proper young woman increase, but their appearance was strictly regulated in the eyes of society. Clothing, in particular the petticoat, was a sign of wealth and prestige in the nineteenth century.[26] Until the end of the Victorian era the only color that was available – for proper people – was white. The evening petticoat's hem, as stated before, was the only place on underclothing that was considered acceptable to decorate. In the 1870s, however, while the exterior of clothing was drabber with the increased popularity of the black suit, underclothing became colored. Wearing colored undergarments became a sign of success and class since dyed items were more expensive.[27] Cotton's popularity would increase enormously during this time.

The most common explanation for the popularity of cotton is price; it was cheaper than wool and therefore took control. If price was all that mattered, however, the lower classes, not the middle, would have been the first to use the fabric. Cotton would have been regulated down to a "worker" fabric, and considered unseemly for the image conscious wealthy to wear.

The lower class could not wear clothing that matched the style, demands, or even the materials of the middle class. Working class

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[14] Ibid., 80.

[15] Ibid.

[16] Ibid., 81.

[17] Ibid.

[18] Ibid.

[19] Ibid., 77.

[20] Carter, *Underwear: A Fashion History*, 40.

[21] Sally Mitchell, *Daily Life in Victorian England*, (Westport: Greenwood Press, 1996), 130.

[22] Cunnington and Willett, *The History of Underclothes*, 96.

[23] Ibid.

[24] This became popular again in Europe by Empress Josephine to hide her pregnancy.

[25] Cunnington and Willett, *The History of Underclothes*, 37.

[26] Nystrom, *Economics of Fashion*, 151.

[27] Diana De Marly, *Working Dress: A History of Occupational Clothing*, (New York: Holmes and Meier Publishers), 111.

families made under £300 a year,[28] and a well-to-do person of the lower classes made only twenty seven shillings a week.[29] The first thing a worker's salary went to was rent and food. A working class family of seven's weekly budget in Lancaster allocated for rent of a two story home at three shillings and six pence, and food totaling about thirteen shillings and one and a half pence for food for a week. After schooling for two children to learn to read, a bucket of coal for heat, and soap and candles, there was a surplus of six shillings and eleven pence. [30] Clothing and alcohol were not considered in this budget and the surplus is not enough to purchase clothing yearly for the family. The cloth would have to be purchased and the clothing made at home by the mother. It was not until the late 1880s that clothing began being sent pre-made into stores, and it was later still until such clothing became truly affordable for the laborer unless it was through second or third hand shops.[31]

Fabrics such as fustian, a tough denim-like material, corduroy and low grade flannel were "worker's fabrics." Moleskin, a fabric made by combining corduroy and woolen linen, became the most popular and common "worker's fabric".[32] Even with these cheaper fabrics, however, the estimated cost of clothing an average family, two parents and eight children, near London was £12 a year: families had only one set of clothing per member for daily wear and another for "Sunday best."[33] Cotton was cheaper to manufacture than wool, but since the lower class was not the one wearing it regularly, price fails to explain cotton's popularity.

Health is another common explanation for the switch from woolen cloth to cotton, particularly in the case of underwear. There is no solid evidence, however, that doctors were aware of the health benefits of cotton's wicking property. The wicking property refers to a fabrics ability to hold or dispel water. Doctors preached the wonders of wool even after its dominance was fading. Cotton, according to them, was a substandard cloth that would not allow the body to retain heat and result in more sickness. Most doctors viewed cotton as an inferior fabric to wool, but acceptable if it was loosely woven into a towel.[34] Heat retention is an important aspect of outerwear, but underwear has different demands. For once, fashion and health

combined to negate medical arguments for wool, and cotton rose to power as king.

As an animal fiber, wool was meant to protect from weather, so when it gets wet wool will actually bond tighter to itself to protect the skin.[35] This would eventually cause shrinking and tightening of the clothing rather unpredictably if the article was not allowed to fully dry. The most important aspect to the fashion world was not if the clothing would shrink or what the market for it was; the most important thing was if it could retain a dye. Wool, like human hair, looses the ability to retain a pigment over time. Additionally, wool has a tendency to yellow after being exposed to the sunlight.[36] This, more than anything else, insured wool's fall from dominance.

To doctors however, there was no finer fiber to wear than wool. Porous and hydroscopic, it conducts heat poorly and while it absorbs water, it does not release it quickly. Water and air cause evaporation and heat. By trapping this evaporation close to the skin the body stays warmer. In the chilly English climate, this would be vital. In 1841, the initial thought of women's poor health was because of too much exposure of the skin to cold and doctors told women to wrap themselves in wool flannel bodysuits.[37]

While doctors made an excellent point about wool's ability to keep someone warm, a fabric which retains water for long periods of time is not a good idea to keep around the genitals for either sex, but specifically for women. Moisture kept near the genitals leads to yeast infections or other forms of vaginal disease. In an area which is already kept moist and warm by the body, adding more moisture meant bacteria could grow. While regular bathing was strongly recommended, most doctors agreed that drawers and combination suits needed only to be washed once a week.[38] This, however, did not help the lower class who could not bath daily or wash their clothes weekly.

Unlike wool, cotton "breathes". This "breathing" effect is caused by the fact that cotton is quick to release moisture, which means bacteria have a more difficult time lingering. This also means that cotton does not retain heat very well, the main reason why doctors were so adamantly against it to begin with. For the purpose of underwear, however, it is much healthier to have cotton than wool or even silk. While there is no strict evidence that doctors and the public

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[28]Cowell, *Factory Commission Report* (1833); Cited in Edgar R. Pike, *Human Documents of the Industrial Revolution in Britain*, (London: George Allen and Unwin, 1966), 53.

[29] Ibid.

[30] Ibid.

[31] Carter, *Underwear: the Fashion History*, 45.

[32] Ibid., 80.

[33] Ibid., 79.

[34] Ibid., 511.

[35] George Vivian Poore, "Clothing," *A Treatise on Hygiene and Public Health*, eds. Thomas Stevenson and Shirley F. Murphy, (Philadelphia: P. Blakiston and Co. 1892), 510.

[36] Howard L. Needles, *Textile Fibers, Dyes, Finishes, and Processes: A Concise Guide*, (New Jersey: Noyes Publications, 1986), 63.

[37] Cunnington and Willett, *The History of Underclothes*, 86.

[38] Poore, "Clothing," 520.

were fully aware of this, around the 1880s, the sanitary corset and combination suit were advertising that is was safer and healthier for the body because it was made of cotton and had button openings at the crotch.[39]

Cotton's struggle for medical support was simple compared to the political sphere. Britain's empire served not only as a source for raw materials, but it also established more markets for the finished product. Cotton was a foreign material that pushed the domestic product to the side. This was an anomaly for the world.

For centuries, Britain had been the leading manufacturer of wool products. Cost was minimal, jobs were ample for the populace, and there was a sense of pride in the international market. Not only was it patriotic, but wool, in comparison to cotton, was easy to manufacture. After being sheared from the sheep, it was washed and then carded to remove impurities. The carded wool was spun into yarn on a spinning wheel; the make-up of wool makes it very easy to spin into yarn. Woolen fibers run parallel to each other in a single direction, which meant less snarls and breaking while spinning.[40] The yarn was turned over to a weaver and woven into a variety of cloths. This process was perfect for the cottage industry; a whole village could be dedicated to shearing, carding, or spinning for one weaver. This meant that whole villages could be invested to produce wool thread cheaply for factories.

The Enclosure Act, which reverted broad amounts of farmland into private holdings under the pretense of efficiency, had very little effect on wool's popularity. The shift from the cottage industry to the mill system, the eventual result of the Enclosure Act, did, however. The mill system allowed an increase in fabric availability, lowered costs, and created a larger market for wool. The availability of wool on the British Isles was soon surpassed by the demand for it as a cloth, and England had to purchase wool from its colonies, mainly Australia.[41] Even with the decrease in price, wool still failed to retain the interest of the wealthy. It did not have the same mystery and class status as cotton.

Cotton, called the vegetable lamb in ancient times, is not only a finicky plant to grow, but also a difficult cloth to prepare. The fluffy white boll is meant to protect the seeds inside, but the seeds need to be removed for cloth. This was done by hand until the cotton gin was invented. Quality of cotton was decided on by how long a thread could

be produced after ginning; generally, the longer a thread, the finer the cotton.[42]

Cotton was a popular fabric in India, Egypt, South America, and China before colonization occurred. The cotton fabric was brought over to the Middle East, who traded it with Italy and then with Spain. The first appearance of cotton in England occurs in the Bolten Abbey inventory of candle wicks around 1200.[43] There was not a lot of bother about it outside of candlewicks, embroidery threads, and occasional mention as lining for doublets. During this time, England was busy trying to get Flemish weavers to increase the wool trade. These same weavers, however, may have stimulated the cotton production as well.[44] England would continue to purchase cotton from Germany, the leader of cotton in Europe at the time, until the 1600s when the East India Trading Company officially opened to sell off surplus wool. In the later part of the century and into the next, cotton printing plants would open across England for the new Indian cotton cloth that was being brought in.[45]

The trendy new cloth from India was immediately grabbed up by the wealthy to such a degree that wool manufacturers demanded that Parliament do something to stem the tide. In 1666, Parliament passed an act that said all of England's dead had to be wrapped in wool or a small fine would be levied. In 1700, another act was passed which outlawed Indian silks and calicos for clothing or housewares at a fine of £200 to the wearer.   Despite this, by 1708, upper class women were willing to risk getting caught for the ability to wear Indian cotton. Finally, in 1736, Parliament passed the Manchester Act, which forbade all Indian cloth goods inside England and allowed the creation of cotton and wool mixed calicos.[46] The act failed to stop the trend of cotton; it gave Lancashire, which purchased cotton from the future United States, a monopoly on the printing, manufacturing, and sale of cotton cloth.[47] Though the monopoly on printed fabrics was a marginal achievement at first, as the middle class's strict thoughts of prudishness vanished and colored underclothes and underwear were acceptable, it grew into a solid investment. Cotton's inception as the most popular fabric in the modern world has been

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[39] Cunnington and Willett, *The History of Underclothes*, 85.

[40] Poore, "Clothing," 510.

[41] A. Barnard, "Wool Buying in the Nineteenth Century: A Case History," *Yorkshire Bulletin of Economic and Social Research* 8 no. 1 (1956), 3.

[42] Ibid.

[43] James A.B. Scherer, *Cotton as a World Power: A Study in the Economic Interpretation of History*, (New York: Fredrick A. Stokes Company Publishers, 1916), 44.

[44] M.D.C Crawford, *The Heritage of Cotton: the Fibre of Two Worlds and Many Ages*, (New York: G.P. Putnam's Sons the Knickerbocker Press, 1924), 91.

[45] Ibid., 86.

[46] Ibid.

[47] Ibid.

passed off as economic. It has largely been accepted as simply a natural progression of the inventions and advancements of the nineteenth century. Another argument is that cotton's supremacy was linked with colonialism and the source for raw materials, and therefore is more politically linked. Without the elite demanding more cotton, which led to the invention of products which eased the manufacture, wool may have continued to be the most used fabric. While there exists no solid evidence that the healthy effects of cotton were realized at the first stages of its popularity, without the continued pressure and efforts of the wealthy individuals of England's wealthy and sociable, the healthy properties may never even have been analyzed by doctors. Cotton's growth is linked with the middle class's wealth and desire to display that wealth through foreign items placed on display.

IVAN IV: A MACHIAVELLIAN TSAR

Robyn E. Carswell

Dating back to Riurik,[1] Russia has always had strong leaders who stopped at nothing to ensure the success of the throne. With a couple of noted exceptions, the rulers had the luxury of growing up witnessing the rule of their fathers. Ivan IV had no role model, no mentor, and no one to instruct him on how to be a leader. Before assuming the throne, he looked elsewhere for information on how to be a proper sovereign. Beginning with the Primary Chronicle,[2] he would have looked back at previous rulers and what methodologies made them successful. At this time of growing contact with the West, he may have also looked outside of Russia, perhaps to Machiavelli's *The Prince*. Also influencing Ivan's reign were the bitter feelings he had for the boyars during his childhood. Historians have traditionally divided Ivan's regime into two periods, the good half and the bad half. This essay will center on the "good-half," when Ivan focused on reform, land conquest, and reshaping the monarchy. Ivan wanted something that was unlike anything that had preceded it; he reformed and changed Russia in an attempt to unite it under the supreme sovereignty of an absolute Machiavellian ruler—the Tsar.

To understand Ivan's state of mind when he became the sovereign, it is important to look at his childhood. Ivan's father, Prince Basil III, died when Ivan was three years old. Five years later his mother died, which Ivan attributed to poisoning. Ivan recounted the years that followed in his "Own Account of His Early Life." Ivan's account asserted that the boyars usurped the power of Tsar and left Ivan and his younger brother without proper care.[3] The ruling boyars

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[1] Riurik was the first recognized prince of Russia. He was part of the Varangians (Vikings) who arrived in the area around Novgorod around 862 AD. He and his two brothers divided the area between them. After the death of the brothers, Riurik became the sole authority.

[2] The Primary Chronicle is a collection of records and narratives kept by the Russian people (early on was typically kept by clergy). Obvious bias exists within the chronicle, but its importance lies in its solitary existence, that is it is the only records for the period. Additionally, the Russian people used the concepts presented in the Primary Chronicle to create an identity for themselves.

[3] Basil Dmytryshyn, *Medieval Russia, A Source Book 900-1700*, 2nd ed. (Hinsdale, Illinois: Dryden Press, 1973), 211.

ignored the young Ivan, left him ill fed, improperly clothed, and failed to instruct him educationally.[4] In short, Ivan was not prepared in any way to assume the role of ruler. In 1557, however, Ivan asserted himself, and upon claiming the throne at age fifteen, he literally "put [his] kingdom in order"[5] and crowned himself 'Tsar.' This title was deliberate; it transcended 'Grand Prince,' which, in Ivan's opinion, insinuated that he was only the first among equals. Ivan was determined to unite Russia under something more than just a prince.

As mentioned, Ivan had no real tutelage in the ways of being a ruler, and therefore, formulated his rule through a combination of trial by fire, wit, and perhaps Machiavellian influence. While there remains no written evidence that Ivan studied Machiavelli, his actions, reforms, and style of reign are definitely Machiavellian in style. It is also possible to follow some of those linked with *The Prince*, to establish the distribution of the manuscript, and its possible arrival in Muscovy. Machiavelli first wrote *The Prince* in 1513, in an effort to help then ruler Lorenzo De' Medici stay in power and unify Italy. Machiavelli did not live to see *The Prince* distributed, as it remained unpublished until 1532, five years after his death.[6] From this point, the circulation of the manuscript is sketchy, but one can follow the lives of those connected with it.

The Medici family fell from power in 1494 and fled Italy. Their daughter, Catherine, eventually reached France and their son, Giovanni, Rome. Catherine later became the Queen Regent of France, and Giovanni ascended to the papacy as Pope Leo X. Catherine was reportedly a disciple of Machiavelli, and both Leo X and his successor, Clement VII, sought advice from the Italian philosopher.[7] In 1559, however, Pope Paul IV added Machiavelli's work to the list of prohibited books.[8] As does anything prohibited, the manuscript spread quickly.

The arrival of Machiavelli's *Prince* to Russia during Ivan's reign is difficult to substantiate. The arrival of other manuscripts, however, is not. Ivan kept a large library, containing several hundred books in various languages.[9] He also sent emissaries to Western Europe to persuade specialists, including teachers and artists, to come to Russia.[10] Those who did venture to Russia brought with them many manuscripts, among those, possibly, *The Prince*. By pure observation of Ivan's method of rule and reforms, one could reasonably argue that it so characterized Machiavellian theories it deserves further attention.

Ivan aimed the majority of his early reforms at restoring a kingdom, which, in his opinion, laid waste through years of boyar misrule. He resented the boyars for their mistreatment of him as a youth as well as their mismanagement of his inheritance, and he grew more suspicious of them as the years passed. From the earliest accounts, Ivan, plagued with conspiracies, felt it was necessary to be strongly proactive in his own best interest, perhaps following the template of Machiavelli. Machiavelli wrote that a prince is highly esteemed and "not easily conspired against"[11] and further stated that in order to secure oneself from such conspiracy he should avoid "being hated and despised…by keeping the people satisfied with him."[12] In Machiavellian manner, Ivan sought to reach the people and keep them satisfied. Out of this need, he created the *zemskii sobor*.[13] The first gathering of the *zemskii sobor*, in 1549, allowed Ivan's subjects the opportunity to voice complaints and present opinions concerning matters of the kingdom, although notably no townspeople were present at this first gathering.[14] Some historians, reflecting on the lack of townspeople, instead prefer to identify this meeting as the 'Council of Reconciliation.'[15] At the meeting, Ivan spoke of the cruelty and mistreatment he had suffered at the hands of the boyars during his youth, but agreed to forgive them and called for them to be reconciled.[16] Despite Ivan's grace, the boyar disloyalty would again resurface. Ivan tactically chose to defer his resentment of the boyars and move on to more pressing issues, such as reform.

Ivan's early reforms also addressed the organization and distribution of power, something he wanted to change early in his administration. A new Royal Law Code, the *Subednik*, introduced in 1550, was among Ivan's firsts. The new Code circumscribed many of the powers of the boyars. It promoted rights of elected local

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[4] Ibid.

[5] Ibid., 213.

[6] Nicolo Machiavelli, *The Prince, 1513*, Chapter XIX, Internet History Sourcebooks Project, ed. Paul Halsall; available from http://www.fordham.edu/halsall/basis/machiavelli-prince.html; Internet; Accessed 22 March 2005.

[7] *New Advent Catholic Encyclopedia*; available from http://www.newadvent.org/cathen/09501a.htm; Internet; Accessed 20 April 2005.

[8] Ibid.

[9] Daniel Clarke Waugh, "The Unsolved Problem of Tsar Ivan IV's Library," *Russian History* 14 (1987), 395.

[10] Riasanovsky, Nicholas V. *A History of Russia*, 6th ed. (New York: Oxford University Press, 2000), 148.

[11] Machiavelli, Chapter XIX.

[12] Ibid.

[13] The zemskii sobor were a council of enlightened advisors, much like the Estates General of France, but Ivan's motive was to have a group of mentors outside of the boyars that he could rely on for advice and support.

[14] Andrei Pavlov and Maureen Perrie, *Ivan the Terrible*, (London: Pearson Education Limited, 2003), 65.

[15] Ibid.

[16] Ibid.

representatives, while decreasing the powers of the *namestniki*.[17] The Law Code also established a means of punishment for officials who were guilty of abusing their powers. Other articles contained within the Code dealt with rights concerning the various classes of Russian society. Historians Andrei Pavlov and Maureen Perrie consider the Code Ivan's attempt to achieve "political consensus amongst the various social groups in the country, in order to overcome the consequences of the social and political crisis, which had been provoked by 'boyar rule.'"[18]

Ivan sensed the need for unity in all aspects of Russian life, including Orthodoxy, one of the pillars of Russian society. Again, one can look at Machiavelli and determine that Ivan's motives here were not spiritual in nature but served to further his hold on power. Machiavelli's instructions in this area encouraged princely intellect over faith, which he assumed would result in the prince being able to "overcome those who have relied on their word."[19] In 1551, a church council convened to hear inquiries presented by the Tsar concerning church abuses and difficulties in standardization. The Tsar called certain rituals into question, such as the practice of crossing oneself with three fingers, as was practiced in Novgorod, or two as was common among the Muscovites. To avoid a split in the church, or more likely because it was the practice of the Tsar, the council accepted the two-finger crossing as standard. Several other discrepancies were resolved in favor of the Muscovite way, despite the alternative being canonically more correct.[20] One could argue that had the decision been in favor of preserving the Novgorodian way, the Great Schism of 1666 might have been averted.

Ivan transformed the military, in Machiavellian style, during this period as well. Machiavelli stated that a wise prince should "never in peaceful times stand idle, but increase his resources with industry in such a way that they may be available to him in adversity, so that if fortune chances it may find him prepared to resist her blows."[21] Ivan enlarged the military by allowing sons to inherit rank and nobles to assume certain levels based on station. Prestige would be associated with service, encouraging young nobles to pursue a military career. Ivan hoped the favor placed on nobility would result in their loyalty. The system had difficulties; boyar families frequently squabbled over rank, causing problems within the military, most notably during times

of battle.[22] Russian autocrats would spend the next three centuries undoing this particular reform.

The age of Russian reform and relative peace between Ivan and the boyars came to end because of the events of 1553. Ivan became seriously ill and asked the boyars to swear allegiance to his son, Dmitrii. Quarrels arose among the boyars, which infuriated the Tsar, after which he demanded they "kiss the cross to the heir,"[23] who was then only five months old. Pavlov and Perrie have expanded upon the incident with added information, which lessens the disparaging picture historians have painted of the boyars. They state that the Tsar had become so gravely ill during the early months of 1553 that he was unable to recognize many of the people around him. Considering this, he most likely was unable to ask for the boyars to pledge loyalty to the Tsarevich. Furthermore, he would have been unable to make the speech of demand for loyalty. Several of the boyars, however, did swear allegiance to Dmitrii while still others refused; concerned that because of his young age the power of Russia would fall into the hands of the Tsaritsa's family.[24] Whether the boyars refused Ivan directly or not, the result was the same. When the Tsar recovered, he questioned the loyalty of his boyars, setting up the crises, which would continue until the end of his reign.

The dishonesty of those within Ivan's realm reached beyond the boyars and did not go without notice to outsiders. Later in the same year as the Tsar's illness, Captain Richard Chancellor appeared in Ivan's court. He had left England earlier that year in search of a northern passage to China. Chancellor describes the conditions in Moscow as well as the treatment he received, but most notably, he is aware of the deceitfulness of those within Ivan's court. He writes, "The Duke [Ivan] gives sentence himself upon all matters in the law. Which is very commendable, that such a Prince will take pains to see ministration of justice. Yet notwithstanding it is wonderfully abused: and thereby the Duke is much deceived."[25] One must consider however, that the Captain was writing in order to make a case for the invasion of Russia. Undoubtedly, he would have presented the ruler as unwise and ignorant about the activities of his kingdom.

The mistrust that Ivan held for his boyars finally manifested itself in 1564. Ivan left Moscow in December of that year with a large entourage and upon arriving in Aleksandrova Sloboda, he sent back word that he had abdicated the throne. He listed his reasons as deceit

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[17] The namestniki were servicemen who had governed the provinces.

[18] Ibid., 67.

[19] Machiavelli, Chapter XVIII.

[20] Pavlov and Perrie, *Ivan the Terrible*, 68.

[21] Machiavelli, Chapter XIV.

[22] Pavlov and Perrie, *Ivan the Terrible*, 70.

[23] Ibid., 80.

[24] The Tsaritsa (Ivan's wife, Anastasia) was a member of the Romanov family who were a powerful boyar family. Ironically, after a period of years without a Tsar, Michael Romanov was selected to become Tsar. Ibid.

[25] Dmytryshyn, *Medieval Russia, A Source Book 900-1700*, 2nd ed., 222.

and disloyalty on behalf of the boyars. This date traditionally marks the beginning of the bad half of Ivan's reign and one could argue that a separate sovereign (at least in behavior) conducted the second half in that it was markedly different from Ivan's early years as the autocrat. He began a reign of terror that even Machiavelli would have questioned.

During the good half of Ivan's reign, however, he managed to hold his emotions in check and unify Russia. His self-control, desire to please the people, and reconcile with the boyars demonstrated the diplomatic elements of Machiavellian thought. Later, considering the poor treatment they afforded him as a youth, the mismanagement of his kingdom during his minority and the lack of support they showed during his early years as sovereign, Ivan pivoted, as a Machiavellian prince would do when backed into the corner. Acting as Machiavelli recommended, "it is necessary for him to have a mind ready to turn itself accordingly as the winds and variations of fortune force it, yet, as I have said above, not to diverge from the good if he can avoid doing so, but, if compelled, then to know how to set about it."[26]

Ivan IV redesigned the Russian monarchy, leaving a heritage that later Russian leaders followed. Devoid of proper royal instruction, Ivan looked to the past to find that many of his predecessors struggled with the same problems he faced upon his ascension. Russia was not alone in her troubles; other kingdoms were suffering difficulties as well, such as a divided Italy, for whom Machiavelli originally intended *The Prince*. Trade routes and increasing contact with the west opened up new resources for Ivan, including the possibility of acquiring Machiavelli's manuscript as well as his political philosophies. His lack of training proved to be the foundation for his quest for the establishment of an entirely new style of sovereign. To the Russian people, Ivan's name, 'Grozny,' invokes exactly what Ivan intended—complete reverence for awesome power. Machiavelli would have been impressed.

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[26] Machiavelli, Chapter XVIII.

THE SLAVERY AND THE CONSTITUTIONAL CONVENTION: HISTORICAL PERSPECTIVES

Ryan Ervin

From September 17, 1787 to the present day, the United States Constitution has been the subject of much debate. Its vague language and ambiguous wording have created disputes for generations about the true meaning of particular clauses or the original intent of the Framers. In its essence, the Constitution is a framework, an outline, for government, leaving future generations to add color and depth to a broad, somewhat undefined blueprint. James Madison's detailed notes on the Convention have partially illuminated the struggle going on behind the closed doors of Independence Hall, but they have also raised still more questions. It seems as though the more we know about what the delegates believed during the summer of 1787, the harder it is to link their spoken words with their written ones.

The Constitutional aspects of slavery are one of those problems historians have disagreed about the most. How could staunch antislavery delegates allow the continued enslavement of millions under the government they helped form? More generally, did the delegates to the Constitutional Convention betray the principles of the Declaration of Independence by forming a union that seemed to restrict such principles to a select portion of the population? From the documentation provided thus far, it seems as though popular opinion fully supported emancipatory efforts. A detailed overview of the slavery debates can help to answer this contradiction, but historical interpretation is just as useful. Indeed, historians view the very same clauses in markedly different ways, and it is important to trace the reasons for these differences in order to better judge the Framers' words and actions.

The neo-Garrisonians have dominated the historical debate on slavery and the Constitution for the past fifty years. Using the nineteenth-century abolitionist William Lloyd Garrison's description of the Constitution as a "covenant with death and agreement with Hell" as their creed, they have chiefly criticized those northern and middle state antislavery delegates for their inability, or lack of will, to

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end slavery at the Convention. Neo-Garrisonians also depict the southern slave owning delegates as staunchly proslavery, unified in defending the institution, and expert bargainers. Paul Finkelman is perhaps the strongest critic of the founders. Depicting the southern delegates as a slave lobbying group, he writes "Rarely in American political history have the advocates of a special interest been so successful. Never has the cost of placating a special interest been so high." When Finkelman asks whether the framers could have done more to slow slavery's growth and weaken its permanence on the American landscape, he says, "surely yes." In fact, the delegates' lack of conviction in doing anything substantial about slavery "is part of the tragedy of American history." [1]

Neo-Garrisonian criticism has not only focused on the three specific clauses which historians have generally agreed mention some aspect of slavery; they have also cited any clause which tends to reinforce slavery rather than diminish it. For example, Article I, Section 8, Clause 15 provides for the militia to suppress insurrections; Article IV, Section 4 protects the states from domestic violence; and the slave states gained added representation in Congress and therefore, through the Electoral College, "their votes for President were far more potent than the votes of northerners."[2] Jack Rakove has wondered whether northern accommodation "had to go as far as it did." "Did the electoral college have to give southern states additional votes on behalf of their slaves," he asks, "when it could have been argued that if this form of property deserved any representation, the House alone would suffice?"[3]

John Hope Franklin laments that the nation's highest law of government "authorizes the continuation of the slave trade for at least another twenty years, asserts the right to count three-fifths of the slaves for purposes of representation in Congress," and demands that runaway slaves be caught and dragged back to perpetual servitude.[4] And while certain compromises were vital to forming the Union, they came, in Richard B. Morris's words, "at a terrible price."[5] With so many peripheral concessions, Finkelman says it is difficult not to conclude that the Framers "knew the problem was there. They chose to ignore it."[6]

The charges leveled by the neo-Garrisonians are, in a way, easy to make. They have two hundred years of historical hindsight to stand upon, including a brutal Civil War, decades of lynches, and a civil rights struggle still unfolding to this day. From this perspective, it seems unusual and indeed absurd that the men who wrote the Constitution did little, if anything, to place slavery on the road to extinction. In the late 1780s a small window was opened by the recent wave of natural rights ideology brought on by the Revolution, and it seems as though the Framers missed the one golden opportunity they had to abolish forever the inhumane practice. On face value, this theory has some merit. Slavery was not abolished in 1787, and there were compromises made during the Convention that allowed for it to continue. But compromise is a two-way street, and the southern proslavery delegates may have given up just as much *to keep* their slaves than antislavery delegates yielded to their demands.

Southern delegates conceded much to the antislavery forces at the Convention, including the "strengthening of the National Government, especially with respect to the regulation of commerce and the levying of taxes." Provisions also allowed Western states to enter the Union "on an equal footing with the original States."[7] Earl M. Maltz has described what the "ideal Constitution" would have looked like from the slave state perspective. If the slaveholding delegates had gotten all they wanted, "Congress would be apportioned according to population, with slaves counted fully in the basis of representation." In addition, slaves "would not be considered in determining liability for capitation taxes." Only a supermajority in Congress could pass navigation acts, and the power to tax exports would be an exclusive state power. Finally, South Carolina and Georgia, "the two most radical slave states," would have expressly forbade Congress from ever interfering with the slave trade or even taxing those slaves imported. From this perspective, it is difficult to suggest that the compromises over slavery reflected an "overwhelming victory for the slave states" at the Convention.[8]

When slavery was brought up during the Convention, South Carolina's Charles Pinckney defended the practice on historical grounds, and Connecticut's Oliver Ellsworth "on grounds of expediency." Despite these justifications, "the defenders of slavery were an isolated and embarrassed minority."[9] A clear majority of not

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[1] Paul Finkelman, "The Founders and Slavery: Little Ventured, Little Gained," 415-417.

[2] Finkelman, "Garrison's Constitution: The Covenant with Death and How It was Made," 242.

[3] Jack Rakove, *Original Meanings*, 93.

[4] John Hope Franklin, "Who Divided this House?" 28.

[5] Richard B. Morris, *The Forging of the Union*, 287.

[6] Finkelman, "Founders and Slavery," 447.

[7] George Anastaplo, *Abraham Lincoln: A Constitutional Biography*, 64.

[8] Earl M. Maltz, "The Idea of the Proslavery Constitution," 41-2. Maltz says that "rather than a one-sided document, the Constitution is in fact a true compromise, reflecting substantial concessions from representatives of the slave states as well as their opponents," 38.

[9] Don B. Kates, Jr., "Abolition, Deportation, Integration: Attitudes Toward Slavery in the Early Republic," 34.

only states, but individual delegates, wished to either end the practice or at least sanction it and restrict its growth. This is reflected in the final draft of the Constitution, which did not establish any general law endorsing slavery, but instead "established laws to regulate a condition already existing." The primary purpose of those laws and regulations "was to confine slavery to those places where it then existed with the view of setting slavery on a course of eventual extinction."[10] The containment powers under the Constitution were the only means of promoting both liberty and equality at the time, because slavery was a precondition that directly and indirectly affected millions of people. As noted earlier, in the South it was a practice inherited from previous generations, rooted in economic necessity. Therefore, it is remarkable what the delegates *did do* to restrict an institution, and indeed, even a way of life.

"One of the most important, if fleeting, consequences of Revolutionary Northern abolition and the resulting legal sectionalism of slavery," writes Anthony Iaccarino, "was the fact that the delegates to the Convention explicitly restricted slavery's legality to state, not federal law."[11] Iaccarino is correct on one level: the slave trade clause prevented the federal government from ending the trade for twenty years, and the fugitive slave clause allowed citizens of one state to retrieve their fleeing slaves from another. However, relegating slavery to state control prevented the federal government from ever approving the practice in its higher law. With such words as "justly" and "lawfully" removed from the final draft, it was implicitly defined as a local state custom and not higher law, thus reflecting its dubious nature.[12] This careful phrasing "carried no implication of national sanction or protection of the institution, and it lent no explicit reinforcement to the idea of human property."[13] While Finkelman states that southerners tried to avoid using the actual term *slave* in the Constitution because "they did not want unnecessarily to antagonize their colleagues from the North," it is still significant that the document is free of the word.[14] Nowhere is it specifically recognized, thus adding weight to the argument that the "language of the

document conveys a stance towards slavery that can be fairly characterized as a stance against it in principle."[15]

Throughout the debates, the southernmost states threatened to leave the Convention if certain concessions regarding slavery were not made. These eventual compromises not only extinguished this serious threat of disunion from South Carolina and Georgia, but they also prevented those states from establishing a separate confederacy free of any limitations on slavery. Historians have thoroughly studied the need for compromise in order to preserve the Union. Martin Torodash writes that "Failure to recognize the institution would have resulted in failure of the scheme of the Constitution." Daniel Waite Howe says that "it is certain that South Carolina and Georgia would not ratify the Constitution without the concessions made to slavery." "To expect the southern states to join the Union…was both unreasonable and unrealistic," writes Earl Maltz.

Peter S. Onuf has called attention to "the problematic character of the union—and the very real possibility of disunion," during the years immediately preceding the Convention. Conflicts over access to western lands, anger over a feeble navigation treaty, the slow pace of the Confederation Congress, and widespread dissatisfaction with taxes led many to consider "radical alternatives", including "the creation of new regional confederations."[16] In late November 1787, after the Constitution had been distributed to the general population, George Washington still believed that "there are characters who prefer disunion, or separate Confederacies," saying that "nothing in my conception is more to be deprecated than a disunion."[17] John Jay warned a month earlier that "politicians now appear, who insist…that instead of looking for safety and happiness in union, we ought to seek it in a division of the states into distinct confederacies or sovereignties," and Alexander Hamilton said that "we already we hear it whispered in the private circles of those who oppose the new constitution, that the Thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole."[18]

Clearly the most important objective at the Convention was to preserve the Union, and the compromises on slavery reflect that goal.

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[10] John Alvis, "The Slavery Provisions of the U.S. Constitution: Means for Emancipation," 244.

[11] Anthony Iaccarino, "Virginia and the National Contest Over Slavery in the Early Republic, 1780-1833," 46.

[12] Anastaplo, *Abraham Lincoln*, 56.

[13] Don E. Fehrenbacher, *The Slaveholding Republic*, 41.

[14] Finkelman writes that North Carolina delegate James Iredell explained that "The word *slave* is not mentioned" because "the northern delegates, owing to their particular scruples on the subject of slavery, did not choose the word *slave* to be mentioned." Finkelman, "Founders and Slavery," 232.

[15] Alvis, "Slavery Provisions," 246.

[16] Martin Torodash, "Constitutional Aspects of Slavery," 246; Daniel Waite Howe, *Political History of Slavery*, 9; Earl Maltz, "Proslavery Constitution," 58; and Peter S. Onuf, "Reflections on the Founding: Constitutional Historiography in Bicentennial Perspective," 356-359.

[17] George Washington to David Stuart, November 30, 1787, in John C. Fitzpatrick, ed., *Writings of George Washington, Vol. 29*, 323.

[18] John Jay, "Federalist 2" (October 31, 1787) and Alexander Hamilton, "Federalist 1" (October 27, 1787); in Pole, ed., *The Federalist*, 5, 4.

The Slave Trade And The Constitutional Convention

Many of the delegates to the Constitutional Convention understood that the slave trade could only be sanctioned, and perhaps prohibited, by investing the federal government with broad powers. At the same time, though, there was strong opposition towards any proposal which limited the practice, most notably from South Carolina and Georgia delegates. These southern delegates used the threat of disunion to gain leverage in the debates, claiming that an end to the slave trade would prevent them from signing the Constitution. For example, Charles Pinckney of South Carolina declared that his state "can never receive the plan if it prohibits the slave trade." He added that if each state was left to either stop or continue the trade, as was the practice under the Articles, "South Carolina may perhaps, by degrees, do of herself what is wished…"[19] Fellow South Carolinian John Rutledge said that the "true question at present is, whether the Southern States shall or shall not be parties to the Union."[20] Rutledge himself delivered a special committee report on August 6, proposing that Congress can neither prohibit the importation of "such persons as the several States shall think proper to admit," nor tax them.[21]

The small contingent of southern delegates who wished to protect the slave trade faced a strong opposition from the northern and middle states, including upper-south delegates from Maryland and Virginia. These delegates opposed the trade for various reasons. Some believed the entire practice of slavery to be morally wrong. Virginia's George Mason called the trade an "infernal traffic" and famously opined that "Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country."[22] Others, such as Massachusetts delegate Rufus King, thought that an increased slave population would invite domestic insurrection and foreign invasion. "Shall all the States…be bound to defend each," he asked, "and shall each be at liberty to introduce a weakness which will render defence more difficult?"[23] Despite the various reasons for opposing the trade, the majority opinion in the Convention universally wished for it to be sanctioned, or prohibited, under the Constitution.

The South Carolina and Georgia delegates maintained that their respective states would not agree to any federal government that ended the slave trade. Charles Cotesworth Pinckney, Charles Pinckney's cousin, said plainly, "South Carolina and Georgia cannot do without slaves." If the Convention rejected the report on the slave trade, it would mean "an exclusion of South Carolina from the Union."[24] Georgia's Abraham Baldwin said that a national government should take on "national objects" only, not local practices. If his state were left alone, "she may probably put a stop to the evil."[25] Hugh Williamson of North Carolina thought "the Southern States could not be members of the Union if the clause should be rejected, and that it was wrong to force any thing down, not absolutely necessary…."[26] Rutledge spoke the loudest when he stood to declare an ultimatum. "If the Convention thinks that North Carolina, South Carolina and Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those states will never be such fools as to give up so important an interest."[27]

Virginia's Edmund Randolph undoubtedly spoke for many when he wished "that some middle ground might, if possible, be found." If Rutledge's proposal, forbidding any federal interference with the trade, became a part of the Constitution, Randolph and many other northern and middle state delegates would have to deal with angry antislavery constituencies in open revolt. "On the other hand," he said "two States might be lost to the Union."[28] This dilemma brought the delegates to the table of compromise for the sake of the Union. On August 24, the special committee returned with a revised clause, which stated, "The migration or importation of such persons as the several States now existing shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1800, but a tax or duty may be imposed on such migration or importation…"[29] The next day, Charles Cotesworth Pinckney asked that the trade be kept opened until 1808, and several other delegates called for a ten dollar maximum tax on each slave imported.[30] Both motions were agreed to, but James Madison reminded the delegates that "Twenty years will produce all the mischief that can be apprehended from the liberty to

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[19] Kaminski, 7.
[20] Ibid., 58.
[21] Ibid., 55.
[22] Ibid., 59.
[23] Ibid., 55.

[24] Kaminski, 60.
[25] Ibid.
[26] Ibid., 61.
[27] Ibid.
[28] Ibid., 62.
[29] Ibid.
[30] At the time, the Confederation Congress could tax imports, but not exports, while slave importations were specifically restricted from any duties. The special committee charged with revising the slave trade clause struck out the last section, which in its rough draft form stated that a two-thirds majority in each house of Congress was need to pass any navigation acts. In the final draft, a only a simple majority was needed to tax imported slaves. For the full record of the debate over the navigation acts, see Winton U. Solbert, ed., *The Constitutional Convention and the Formation of the Union*, 278-287.

import slaves. So long a term will be dishonorable to the American character than to say nothing about it in the Constitution."[31] In twenty years, Congress would in fact outlaw the slave trade, thus exerting its authority the first year it could do so.

Despite these limiting actions taken both in 1787 and 1808, historians have not been unified in their praise for the founders. Finkelman is critical that the Constitution "prevented the national government from stopping the African slave trade or the domestic slave trade for at least twenty years." He also notes that in 1787 no state was in fact importing slaves. Therefore, "it is reasonable to believe that the Slave Trade Clause was unnecessary to secure support for the Constitution."[32] Matthew E. Mason decries the twenty year window in the clause because from 1803 to 1807, South Carolina alone imported "tens of thousands of new slaves…a number far in excess of the state's need for labor."[33] Eric Foner more generally criticizes the Convention, saying, "Whatever its other merits, the Constitution represented a step backwards when it came to slavery." Indeed, as Don Fehrenbacher writes, recent historical accounts are "virtually an indictment of the members of the Constitutional Convention. They are accused of passing up a golden opportunity to take action against slavery and of drafting instead a frame of government that legitimated and protected the institution."[34]

There are several important aspects of the slave trade clause, and the overall history of the trade, which must be addressed in order to demonstrate that these historians are mistaken. First, the history prior to the Convention shows that the slave trade was prohibited by all the states only under duress, when war with Britain required a unified trading prohibition. More importantly, the Continental Association of the Revolutionary years was a purely voluntary commitment, neither binding nor enforceable. The states individually agreed to end the slave trade for a period of time, and some eventually chose to start it again.

This was the same situation among the states under the Articles of Confederation. Several states outlawed the slave trade in their respective legislatures, while others continued the trade as needed. This "state sovereignty" approach stands in contrast to Congress's national authority under the Constitution. Despite the twenty-year continuance, ending the trade was a power expressly granted to Congress. James Madison reiterated the importance of this

new federal power during the Virginia ratifying convention in 1788. "We are not in a worse situation than before," he said. "The union in general is not in a worse situation. Under the articles of confederation, it might be continued forever: But by this clause an end may be put to it after twenty years. There is therefore an amelioration of our circumstances."[35]

The very wording of the clause itself is also significant, because in every instance, the language is at odds with slavery. The first portion, "The Migration or Importation of such Persons," says nothing of slaves or slavery. While it is acknowledged that "such persons" meant slaves, it is critical that the word is not in the clause, nor in any part of the Constitution. John Alvis recognizes this important omission, writing that "the avoidance of any explicit acknowledgment of slavery suggests that one cannot look to the supreme law of the land for authorization in owning human beings. Ownership of men will not derive from federal authority."[36] Designating slaves as "persons" also conferred upon them some level of rights under the broad definition Jefferson outlined in the Declaration of Independence. "Persons" have natural rights, such as the right to life, liberty, and the pursuit of happiness. The use of "persons" is a clear sign that those antislavery delegates at the Convention sought to offer slavery the least possible protection under the new government.

The second portion of the clause pertains to "any of the States now existing." This subtle phrase gave Congress federal power to prohibit the slave trade in any new states admitted to the Union. Congress was only barred from legislating against the slave trade in the thirteen states existing in 1787, and more specifically, to those southern states who did in fact engage in the practice. This restriction, when read in conjunction with the Northwest Ordinance of 1787 which outlawed slavery in the Northwest Territory, "indicated a general disposition to view slavery as the exception rather than the rule in an expanding government."[37] Alvis has said that with this important qualification, "at least one door was closed to the admission of slaves into new lands."[38]

The last provision of the clause says that a maximum duty of ten dollars may be placed on each slave imported. This tax was not meant to demean slaves as being equivalent to taxable goods or merchandise. Indeed, during the Convention debates, Roger Sherman

[31] Kaminski, 62-3.

[32] Paul Finkelman, "The Founders and Slavery: Little Ventured, Little Gained," 414-15, 435.

[33] Matthew Mason, "Slavery Overshadowed: Congress Debates Prohibiting the Atlantic Slave Trade to the United States, 1806-1807," 62.

[34] Don Fehrenbacher, *Slaveholding Republic*, 39.

[35] James Madison, William T. Hutchinson and William M.E. Rachal, eds., *Papers of James Madison*, 150.

[36] John Alvis, "The Slavery Provisions of the U.S. Constitution: Means for Emancipation," 247.

[37] Fehrenbacher, *Slaveholding Republic*, 43.

[38] Alvis, "Slavery Provisions of the U.S. Constitution", 253.

of Connecticut said he was against laying taxes on slaves, "as acknowledging men to be property, by taxing them as such under the character of slaves." Massachusetts's Nathaniel Gorham asked Sherman to reconsider, "not as implying that slaves are property, but as a discouragement to the importation of them."[39] Many southerners realized the crippling affect that taxing slaves would have on the South. During the South Carolina ratification debates, Rawlins Lowndes said that even with the twenty year concession, "care had been taken to make us pay for this indulgence." "Negroes were our wealth," he said, "our only natural resource, yet behold how our kind friends in the North were determined soon to tie up our hands, and drain us of what we had."[40] When the final draft of the clause is compared with John Rutledge's original proposal, which barred Congress from either interfering with the slave trade or taxing any import, the result was a positive gain for antislavery proponents.

The need for compromise in order to preserve the union has been thoroughly studied, but few historians have taken the next logical step to ask what the plight of slaves would have been under a southern confederacy. Would they have been better off under a southern union of states rather than the Constitution, or is such postulating ahistorical by nature? For as much as neo-Garrisonians have criticized the founders, they have at least acknowledged the consequences of disunion. Finkelman states that if the northern delegates had tried to outright end slavery nationally, "most of the delegates from south of the Mason-Dixon line would have walked out. Rather than creating a 'more perfect Union,' the delegates might have destroyed the Union altogether if they had pushed for abolition." But rather than emphasize the importance of compromise for the sake of keeping that very Union together, he says, "It is not unreasonable to ask if the Framers might have been better off creating two separate nations, one based on slavery and one based on liberty." Finkelman believes that the problem could have been solved by cutting off the problem, thus making it a non-issue.[41]

What Finkelman fails to recognize is that the threat of disunion highlights the necessity for compromise on the slave trade. Every time slavery was subjected to criticism during the Convention debates, the South Carolina and Georgia delegates threatened to leave the Union. Finkelman has been highly suspicious of these threats, claiming that the creation of a separate Southern confederacy seemed at best "unlikely." He says that if the framers had done nothing about the slave trade, "it is likely the Constitution would have been ratified" and that South Carolina "might have pouted for a while and perhaps

not been one of the early states to ratify. But the state would have quickly realized that it was in no condition to go it alone."[42]

Finkelman's theory rests on the dubious assumption that the South would be weakened without the defensive protections offered by the Union, and he fails to realize the enormous gains the slaveholding states would reap without any limitations on slavery. An independent Southern confederacy would be free to continue the slave trade indefinitely; it would certainly not tax any slave imports, and the institution in general would largely be free of criticism. James Madison echoed this fear at the ratification debates when he reminded his fellow Virginians that South Carolina and Georgia would not have joined the Union if the slave trade was immediately outlawed.[43] The framers never entertained the thought of splitting the states into two countries, because the consequences would have been detrimental to the entire nation.

Finkelman's "all or nothing" approach indeed would have benefited neither the northern or southern states. George Anastaplo has reasoned that if the work in Philadelphia had ended without agreement and the Union was disbanded, "The South would have been left as an independent, slavery-dominated country." There were "reasons to believe that [a Southern Union] would have been…an expansionist power, moving with its slave codes into the Gulf of Mexico, Cuba, Mexico, and even further South." In contrast to Finkelman, he says that "such a Southern move to go it alone probably could not have been stopped in 1787."[44] "What, then, was in the interest of the slaves," he asks. "[T]o be abandoned completely to the control of a country governed altogether by the slaveholding interests or to be left in a country in which compromises had to be made with slavery in order to preserve" the Union?[45] From this perspective, it is not only reasonable that such compromises, and even concessions, were made at the Convention, but it was the only way to prevent slavery from being sealed off from attack in a separate sovereign confederacy.

Anastaplo's theory has merit, because the rising antislavery opposition detailed earlier was at the time still diffuse and lacked the structure it would develop in the nineteenth century. Pennsylvania Quakers and Methodist and Virginia Baptists had been petitioning Congress for restrictions on the slave trade since the early 1780s, but there never was any coordination to their efforts, and instead their petitions amounted to complaint letters. At the time of the Convention, slavery was "supported by the laws of every state except

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[39] Kaminski, 63-4.
[40] Bernard Bailyn, ed., *The Debate on the Constitution: Part Two*, 21.
[41] Finkelman, "The Founders and Slavery," 415.

[42] Finkelman, "The Founders and Slavery," 436-7.
[43] Bailyn, *Debate on the Constitution: Part Two*, 707.
[44] George Anastaplo, *Abraham Lincoln: A Constitutional Biography*, 62-4.
[45] Anastaplo, *Abraham Lincoln*, 62.

Vermont, New Hampshire, and Massachusetts," while the practice and acceptance of the institution had been entrenched in the southern mind for generations.[46] It therefore is extraordinary that not only was the slave trade limited and ultimately abolished, but that a nascent antislavery opposition made significant Constitutional gains at a time when slavery was the accepted norm.

In addition, the ideal slave state Constitution which Maltz describes adds further proof that the final product was antislavery in its overall language. The final draft consigned slavery to state custom and gave it no direct federal protection. Simultaneously, it established a national forum, the United States Congress, where the issue could be questioned and debated. Although by 1787 slavery was deeply ingrained in the country, the Constitution gave the government the means to restrict its growth, and the opportunity to discuss its merits.

Debates Outside The Convention

During the ratification debates in the state legislatures, the slave trade was the most contentious of all the slavery clauses. Delegates to these conventions held numerous opinions on the compromise, and their arguments for and against the trade demonstrate a real concern that the greater institution of slavery would ultimately be either expressly legalized or entirely criminal. In northern conventions, delegates eased their constituents' fears by pointing to the fact that the word "slavery" was never mentioned in the Constitution. "Northern delegates could return home asserting that the Constitution did not recognize the legality of slavery," writes Finkelman. "In the most technical linguistic sense they were perhaps right."[47]

Here, Finkelman misjudges the importance of such an omission. If the framers sanctioned that which they could not bring themselves to name, what does this say about the Constitution they wrote? Most assuredly, that such a term was anathema to them. On another level, putting slaves on par with other persons speaks to the document's universal nature. If the framers intended to keep slavery protected in the Constitution, then why was it only vaguely referred to? The answer cannot be that "persons" would be more palatable to northern ears, because if everyone knew that "persons" meant slaves, then why go through pains to *not* have slavery written into the document? The only logical answer is that the framers intended to write a charter of government that transcended the present local perplexities and customs within various regions, one that spoke to current and future

generations, even for those who in 1787 were doomed to perpetual servitude.

The slave trade clause was discussed more than any other issue related to slavery in the ratifying conventions, mainly because of its potential to limit the trade in the future, but also because many believed it amounted to a delayed power of abolishment. Many northern citizens lamented the very practice, but looked toward a promising pattern emerging in many states. Simeon Baldwin of Connecticut said that most "of the southern & middle states have made salutary provision by law for the future emancipation of this unfortunate race of men," and it was enlightening that the southern states had "consented to [the slave trade clause] in our new constitution evidently calculated to abolish a slavery upon which they calculated their riches."[48]

Even before the Constitution was sent to the states for debate and ratification, the political propaganda and campaigning had already begun. In early October 1787, just weeks after the Convention ended, Pennsylvania state representative Robert Waln wrote to his brother in Philadelphia about the Constitution's power to influence slavery. Waln thought that "as each state is still at liberty to enact such laws for the abolition of slavery as they may think proper, the Convention cannot be charg'd with holding out any encouragement to it."[49] Noah Webster believed the Constitution wisely allowed each state to decide on emancipation, because an "immediate abolition of slavery would bring ruin upon the whites, and misery upon the blacks, in the southern states." During the twenty-one years before Congress could outlaw the slave trade, each state was free to "pursue its own measures."[50]

Northern newspapers were filled with abolitionist and antislavery tracts, and they led the initial assault on slavery and the slave trade in the fall of 1787. The Providence *United States Chronicle* referred to the trade as the "horrid Practice" and "that Heaven-daring Wickedness."[51] Tench Coxe wrote that the slave trade clause laid a "solid foundation…for exploding the principles of negro slavery." He reasoned that any "*temporary* reservation…must be deemed an admission that it should be done away."[52] Samuel Hopkins, however, did not agree that the slave trade clause benefited the cause. The

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[46] David Brion Davis, "The Significance of Excluding Slavery from the Old Northwest in 1787," 81.

[47] ibid., 242.

[48] Simeon Baldwin, New Haven Connecticut (July 4, 1788); in Bailyn, *Debate on the Constitution, Part Two*, 525.

[49] Robert Waln to Richard Waln, Philadelphia (October 3, 1787); in Kaminski, 118.

[50] Noah Webster, Philadelphia (October 17, 1787); in Bernard Bailyn, ed., *The Debate on the Constitution, Part One*, 153.

[51] October 18, 1787; in Kaminski, 73.

[52] October 21, 1787; in ibid., 119.

delegates, Hopkins wrote to Moses Brown, "have carefully secured the practice of it in these States for 20 years…They have taken it out of the hands of Congress." Hopkins also believed that compromises such as this were necessary to establishing the Constitution. He knew that the southern delegates had insisted on the slave trade provision, and "obstinately refused to consent to any constitution, which did not secure it." Therefore, it was apparent to him "that if this constitution be not adopted by the States, as it now stands, we shall have none, and nothing but anarchy and confusion can be expected."[53]

William Rotch was less forgiving than Samuel Hopkins, and in a letter to Moses Brown in November 1787, he wrote that "it is evident to me [the Constitution] is founded on *Slavery* and that is on *Blood…*"[54] Both Rotch's and Hopkins's views on the Constitution relate the essence of northern opinion on the slavery provisions: they were seen as either a necessity to ward off greater evils (like disunion), or they were atrocities added purely to placate southerners in some underhanded bargain. Benjamin Workman strongly voiced his disapproval of the Constitution, writing how strange it was "that the professed enemies of *negro* and every other species of *slavery*, should themselves join in the adoption of a constitution whose very basis is *despotism* and *slavery*." The plan of government, Workman said, "militates so far against freedom, that even their own religious liberty may probably be destroyed."[55] Oliver Ellsworth, writing in the *Connecticut Courant*, was more optimistic. "The only possible step that could be taken towards it by the convention was to fix a period after which they should not be imported."[56]

In the Pennsylvania convention, Thomas McKean rejoiced that the "abolition of slavery is put within the reach of the federal government."[57] Anthony Wayne, like so many others, compared the clause to the lack of any restraint under the Articles of Confederation. James Wilson worked to persuade others that the slave trade had been dealt a fatal blow. He said that at present "states may admit the importation of slaves as long as they please," but "by this article after the year 1808, the congress will have power to prohibit such importation…" Wilson thought that Congress's powers would, or

should, extend to outright abolition. Combined with the power to tax imported slaves, he believed the twenty year limit laid "the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change, which was pursued in Pennsylvania."[58] Believing that the tax on imported slaves was "an immediate advantage," Wilson told his fellow delegates that during the subsequent twenty years, "the new states which are to be formed, will be under the control of congress…and slaves will never by introduced amongst them."[59] In his view, the clause was one of the more "lovely" features in the Constitution. "Yet the lapse of a few years," he said, "and Congress will have power to exterminate slavery from within our borders."[60]

A large portion of the delegates to the Massachusetts ratifying convention were uneasy about the slave trade clause. While many voiced concern that the trade would continue for twenty years, a strong group of Federalists worked to ease such fears. Reverend Isaac Backus explained that "we have now gained a check which we had not before," hoping that "in time we shall stop the slave trade."[61] He would also reason that with the delayed prohibition, "a door is now opened" to end the trade.[62] General Samuel Thompson stood to elaborate on Backus's rationalization, reminding the convention that under the Articles of Confederation there was no such prohibitive power. The Constitution, however, provided "that Congress may, after 20 years, totally annihilate the slave trade; and that all the states, except two, have passed laws to this effect, it might reasonably be expected that it would then be done." In addition, because "all the states, except two, have passed laws to this effect, it might reasonably be expected, that it would then be done." In the meantime, "all the states were at liberty to prohibit it."[63]

William Heath reminded the Massachusetts convention that while compromise meant northern states acquiesced to southern demands protecting the trade, the slave states did not get what they entirely wanted either. "The federal Convention went as far as they could," Heath said. The "migration or importation, &c. is confined to the States now *existing only*, new States cannot claim it. Congress by their ordinance for erecting new States…declared, that the new States shall be republican, and that there shall be no slavery in them."[64] At

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[53] Samuel Hopkins to Moses Brown, Newport, Rhode Island (October 22, 1787); in ibid., 73.

[54] William Rotch, Sr., to Moses Brown, Nantucket, Rhode Island (November 8, 1787); in Ibid., 74.

[55] Benjamin Workman, Philadelphia's *Freeman's Journal* (November 28, 1787); in ibid., 134.

[56] Oliver Ellsworth, *Connecticut Courant* (December 10, 1787); in ibid., 78.

[57] Thomas McKean, Pennsylvania Ratification Convention Debates (November 28, 1787); in ibid., 135.

[58] Ibid., 137.

[59] James Wilson (December 3, 1787); in Bailyn, *Debate on the Constitution, Part One*, 830.

[60] Ibid., 138.

[61] Kaminski, 88.

[62] Ibid., 91.

[63] Ibid., 89.

[64] Ibid., 90.

the same time, though, he cautioned radical antislavery advocates that in 1808 many southern states would not emancipate their slaves.[65]

On January 30, Heath elaborated on his conviction that the north could not force the south to abolish slavery. "Each state is sovereign and independent to a certain degree," he said, "and they have a right, and will regulate their own internal affairs, as to themselves appears proper." Heath was expounding upon the notion, born out of the Revolutionary era, that the individual should ideally be at liberty to possess private property free of government intrusion. Bluntly stating that "we are not in this case partakers of other men's sins, for in nothing do we voluntarily encourage the slavery of our fellow men," he at the same time drew a line between northern antislavery and southern proslavery ideals.[66]

The location of slaves influenced the arguments used in the ratifying conventions. As Fehrenbacher has said, "advocates of ratification were likely to stress [the Constitution's] proslavery features in the South and its antislavery potential in the North. Opponents of ratification tended to do the reverse."[67] David Ramsay of Charleston, South Carolina said that though "Congress may forbid the importation of negroes after 21 years, it does not follow that they will. On the other hand, it is probable that they will not." Ramsay believed the rice crops would increase business in the north, and they would in turn allow for the slave trade to continue.[68] In such upper south states as Virginia, however, it was difficult to frame the Constitution either way, because there was a strong mixture of both pro- and antislavery sentiment in the area. At the Virginia convention, George Mason and James Madison both pointed out that the clauses concerning the general welfare and defense, and those pertaining to taxation, could be interpreted as expressly opposing slavery. "Their expressed concerns should give pause to historians who suggest that the Constitution was an unequivocally proslavery document," writes Anthony Iaccarino.[69]

The genuine disagreement in Virginia over whether slavery would be protected or abolished under the Constitution highlights the institution's potential vulnerability at the time, and shows that all did not agree that it was safe from federal intervention. Patrick Henry thought that several confederacies would best protect slavery, and he

believed such a framework was possible at the time. "Compared to such a consolidation, small Confederacies are little evils," he said. Virginia and North Carolina "could exist separated from the rest of America" and they would not be "swallowed up" in any Union they did not agree to.[70] Zachariah Johnston reminded his fellow Virginians that, though slavery was at least acknowledged under the Constitution, the document as a whole was better than anything yet produced. "This Constitution may have defects," he said. "There can be no human institution without defects. We must go out of this world to find it otherwise. The annals of mankind do not shew us one example of a perfect Constitution."[71]

A dissolution of the union was on the minds of many citizens when they read the slavery provisions, and they realized that such concessions were needed in order to maintain a solid union of states. Governor Edmund Randolph gave an impassioned speech on the consequences of failure. "I entertain no less horror at the thought of partial confederacies," he wrote. A confederacy composed of southern states would be weighed down by their slave populations; their ability to defend themselves would be diminished "by the mixture of unhappy species of property."[72] George Washington also believed secession was not only dreadful, but a very real possibility. "I am fully persuaded it is the *best that can be obtained at this Time*," he said, "and that *it* or *Disunion* is before us to choose from."[73] Still, there were many who supported Simeon Baldwin's view that "an odious slavery, cruel in itself, degrading to the dignity of man, and shocking to human nature, is tolerated, and in many instances practised with barbarian cruelty." Threat of disunion or not, Baldwin scorned the delegates for missing a prime opportunity to abolish the institution.[74]

As mentioned earlier, Virginia's George Mason emerged as the leading opponent of the slave trade, but his criticism conflicted with his firm belief that slavery within the states should be protected. On June 11, 1788, he spoke of "the continuation of this detestable trade," but then complained that "there is no clause in the Constitution that will prevent the Northern and Eastern States from meddling with our whole property of that kind. He argued for a clause "to secure us that

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[65] General William Heath, Massachusetts Ratification Convention Debates (January 30, 1788); in Bailyn, *Debates*, 916.

[66] Heath (January 30, 1788), Kaminski, 90.

[67] Don. E. Fehrenbacher, *The Slaveholding Republic*, 37.

[68] David Ramsay, Charleston *Columbia Herald* (February 4, 1788); in Kaminski, 178.

[69] Anthony Iaacarino, "Virginia and the National Contest Over Slavery in the Early Republic, 1780-1833," 2.

[70] Patrick Henry, Virginia Ratification Convention (June 9, 1788); in Herbert J. Storing, ed., *The Anti-Federalist*, 317.

[71] Zachariah Johnston, Virginia Ratification Convention (June 25, 1788); in Bernard Bailyn, ed., *The Debate on the Constitution, Part Two*, 755.

[72] Governor Edmund Randolph, Richmond, Virginia (December 27, 1787); in Bailyn *Part One*, 603-605.

[73] George Washington to Charles Carter, *Virginia Herald* (December 27, 1787; in ibid., 612.

[74] Simeon Baldwin's Oration, New Haven, Connecticut (July 4, 1788); in Kaminski, 113.

property, which we have acquired under our former laws, and the loss of which would bring ruin on a great many people."[75] Incredulous, Henry Lee explained that Mason "abominates [the Constitution], because it does not prohibit the importation of slaves, and because it does not secure the continuance of the existing slavery!" Lee asked, "if it be reprehensible in the one case, it can be censurable in the other?"[76]

Mason tried to elaborate on his position, explaining that "the augmentation of slaves weakens the States; and such a trade is diabolical in itself, and disgraceful to mankind." He even said that he "would not admit the Southern States into the Union, unless they agreed to the discontinuance of this disgraceful trade," because it would weaken the Union.[77] It seems Mason opposed the slave trade more because he thought it weakened the nation's defensive capabilities, and less because of its "disgraceful" nature. Indeed, it was difficult for him to criticize a trade providing the landed gentry of which he was a part with the very species of property he wished to protect. On the contrary, Mason had ample reason to abhor the trade but tolerate the practice of slavery. In 1787-88 Virginia had a surplus of slaves and did not need anymore; slave owners sought to sell the excess slaves to planters from other states, and therefore wanted greater protection for a commodity that was scarce elsewhere.

James Madison, rising to answer Mason's charges, agreed that such a clause would seem imprudent, "if it were on of those things which could be excluded without encountering greater evils." Such an evil was disunion, Madison explained. "The Southern States would not have entered into the Union of America, without the temporary permission of that trade. And if they were excluded from the Union, the consequences might be dreadful to them and to us."[78] Turning to the language of the clause itself, Madison said, "We are not in a worse situation than before." Virginia already prohibited the trade, and they were free to continue its proscription. Even the Union was better off with the clause, because "an end may be put to it after twenty years," and a tax "may be laid in the meantime."

The slave trade compromise, when compared to no sanctions or rules under the Articles, provided "an amelioration of our circumstances." Madison again reminded Mason and others that, "Great as the evil is, a dismemberment of the Union would be worse. If those States should disunite from the other States, for not indulging them in the temporary continuance of this traffic, they might solicit

and obtain aid from foreign powers."[79] George Nicholas readily agreed with Madison that disunion was worse than twenty years more of the slave trade. "As the Southern States would not confederate without this clause," Nicholas asked "if Gentlemen would rather dissolve the Confederacy than to suffer this temporary inconvenience, admitting it to be such?"[80] The point was clear: the southernmost states would not have signed the Constitution if slavery was abolished.

If the northern, middle, and upper south ratifying conventions demonstrate a consistent belief that the slave trade was put in jeopardy under the Constitution, then it seems that Deep South conventions should conversely be pervasive with defenses of the trade, and praise for its continuation. Instead, many southerners were upset that the trade would be subject to review in twenty years, and they criticized their delegates for bargaining away their rights to import slaves. For example, in the South Carolina House of Representatives Rawlins Lowndes asked pointedly, "Why confine us to 20 years, or rather why limit us at all?" He thought "this trade could be justified on the principles of religion, humanity and justice," and without slaves, "this state would degenerate into one of the most contemptible in the union." While slaves "were our wealth, our only natural resource," the northern states "were determined soon to tie up our hands, and drain us of what we had." Citing the lack of any restrictions on New England importations, Lowndes wondered why anyone would "call this a reciprocal bargain, which took all from one party to bestow it on the other?"[81]

Charles Cotesworth Pinckney, who had bargained for the slave trade clause in Philadelphia, tried to answer Lowndes's charges. Pickney said that the South Carolina and Georgia delegations "had to contend with the religious and political privileges of the eastern and middle states, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves." The southernmost states could not acquire an unsanctioned slave trade; they had to bargain for any allowance. Turning to the clause itself, Pinckney highlighted the advantageous portions for the House members. "By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued." In addition, the south would have "a security that the general government can never emancipate them, for no such authority is granted." When all the circumstances were considered, Pinckney thought "we have made

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[75] George Mason, Virginia Ratifying Convention Debates (June 11, 1788); in ibid., 185-186.
[76] Ibid., 186-7.
[77] Mason (June 17, 1788); in ibid., 186-187.
[78] James Madison, ibid., 187.

[79] Ibid., 187-188.
[80] Ibid., 189.
[81] Rawlins Lowndes, South Carolina House of Representatives, Debate over the Calling of a State Ratifying Convention (January 16, 1788); in ibid., 167-168.

the best terms for the security of this species of property it was in our power to make."[82] Robert Barnwell stood to support Pickney, saying that "Congress has guaranteed this right for that space of time, and at is expiration may continue it as long as they please."[83] Picnkey and Barnwell were correct in a sense, but in another, the limited power of the new government with respect to slavery implicitly acknowledged that such powers *needed* to be stated. The very act of stating powers, or restrictions on power, implies that they have been challenged, either in the Federal Convention or in public opinion throughout the country. That such powers and restrictions were necessary to settle disputes of ambiguity points to a certain degree of slavery's vulnerability. To men like Rawlins Lowndes, the delegates had not attained a ringing endorsement of slavery, but only a temporary continuation of a vital "resource."

During the North Carolina ratifying convention slavery was, for some, a problem with no clear solution; the slave trade clause presented an opportunity to limit at least one aspect of the practice. On July 26, 1788, James Iredell said that "were it practicable to put an end to the importation of slaves immediately, it would give me the greatest pleasure; for it certainly is a trade inconsistent with the rights of humanity, and under which great cruelties have been exercised." While he believed that emancipation "will be an event which must be pleasing to every generous mind, and every friend of human nature," he added that "we often wish for things which are not attainable."[84] The final version of the clause settled upon, Iredell explained, "was the utmost that could be obtained." Wishing that more could have been done, he asked the convention delegates, "Where is there another country in which such a restriction prevails? We, therefore…set an example of humanity, by providing for the abolition of this inhuman traffic, though at a distant period."[85] James Galloway also spoke in favor of the clause, saying he wished "to see this abominable trade put an end to."[86]

The debates over the slave trade in the state ratifying conventions suggest that the majority of delegates voting on the Constitution wished for the trade to end as soon as possible, while many also despised the larger practice of slavery. Only in the Deep South was slavery, much less the importation of slaves, viewed as something along the lines of a positive good. Those advocates such as

Charles Pinckney, who judged the slave trade clause as great concession to the south, were in the clear minority, but the fact remains that it was indeed added to the Constitution.

Despite the fervent antislavery stance in the northern and middle states, the established government would allow for the slave trade to continue. It is clear, however, that while the Constitution indirectly acknowledged slavery to exist within the states, this was in no way a positive endorsement of the institution, much less the importation of slaves. The slave trade clause was the most forceful stance a fledgling country could take at a time when disunion was a genuine threat. A nation that had cut ties with slave states would never see the problem diminish, but only expand and grow at an even faster rate. The slave trade clause restricted this expansion and stunted this growth.

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[82] Charles Cotesworth Pinckney, S.C. House (January 17); in ibid., 169-170.

[83] Ibid.

[84] James Iredell, North Carolina Ratifying Convention Debates (July 26, 1788); in ibid., 198-199.

[85] Ibid., 199.

[86] Ibid.

THE CHEROKEE NATION AND THE CIVIL WAR

Wade Ellett

The Civil War was the most tragic of American wars. It pitted neighbors against neighbors, sons against fathers, and the citizens of America against their fellow citizens. Amidst the men caught in the maelstrom, Native Americans fought admirably on both sides of the conflict. America was divided, but not often remembered was a similar division driven through the Cherokee Nation, that was as bad if not worse than that of America as a whole. For the Cherokee, the war was not fought for the same reasons as it was for white Americans. The division within the tribe was not simply North versus South, or merely pro-slavery versus abolitionist, but also had within its confines a division of full-blood versus mixed-blood and in some ways, a division based upon whether or not the Cherokee should trust the American government. One of the most paramount of the divisions was based upon the feud between John Ross and Stand Watie, which had existed for decades. Watie had been one of the four leaders who had signed the treaty in the 1830s that moved the Cherokee to the reservation in Oklahoma.[1] The decision divided the tribe, although most were not in favor of relocation. After arriving in Oklahoma, the feud between Watie and Ross fermented over time. Because of this feud, the Cherokee nation had its own civil war that finally appeared to end when principal chief John Ross and Stand Watie shook hands and signed a treaty that established one Cherokee government, recognized all Cherokee land claims, and pardoned all who had signed the removal treaty.[2] The feud between the two men and their respective factions seemed to die as the Cherokee nation rebuilt itself. Where there was once two factions there existed one tribe that seemingly worked together to empower its government, educate its children, and strengthen its infrastructure.[3] Unfortunately, as time would tell, the Civil War would again divide the tribe along the same fault-lines as the earlier feud, splitting the Cherokee into factions more

distinct than they had been in the past. This division ultimately caused significant losses for the Cherokee Nation, in terms of economy, government, and the lives of its people.

In 1860, John Ross, then principal chief of the Cherokee, was determined to keep his tribe neutral, and he encouraged the surrounding tribes to do the same.[4] But, maintaining neutrality was a difficult task. Southern tacticians saw the benefits of an alliance with the Cherokee Nation. Indian Territory was perfectly placed to provide sustenance for Southern troops, to build bases for raiding the Union, and it offered a clear route to Texas.[5] Having access to Indian Territory would prove most beneficial to the Confederates and they quickly and aggressively sought the favor of the territorial chiefs, most notably John Ross.[6]

As the Confederacy maneuvered to gain an alliance with the Cherokee, the tribe began to divide into two factions, one supporting the Union and the other the Confederacy. In addition to the old line drawn between Ross and Watie, there emerged new differences for the factions to fight for. Each group saw benefits where the other saw drawbacks. Ross originally favored neutrality because he longed to avoid bloodshed and the loss of his people, but Watie envisioned all that could be gained by siding with the Confederacy. As a slaveholder who had become invested in both agriculture and commerce, Watie felt that the Civil War was an opportunity for those investments as well as an opportunity to topple John Ross's political power.[7] Ross was also a slaveholder, but he and many of his supporters were wary of the Confederacy because many of the Southerners seeking an alliance were the same men who had been involved with the confiscation of sacred lands.[8] While Ross's supporters were wary of the Confederates, Watie's supporters were not. Watie already had many followers due to his success and involvement in the Cherokee pro-slavery group, The Knights of the Golden Circle.[9] In spring of 1861, the Confederacy asked Watie and his followers to join them. By July of the same year, Watie was commissioned in the Confederate army as a colonel. His support quickly grew, and he rallied many more Cherokees to the Confederate cause.[10]

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[1] "The Cherokee General," *Civil War Times Illustrated*, February 1997, 50.

[2] Laurenve M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: The Free Press, 1995), 45.

[3] Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture 1830-1900* (Lincoln: University of Nebraska Press, 2004), 55.

[4] Grace Steel Woodward, *The Cherokees* (Norman: University of Oklahoma Press, 1963), 253.

[5] Ibid.

[6] Ibid.

[7] Wilma Mankiller and Michael Wallis, *Mankiller: A Chief and Her People* (New York: St. Martin's Griffin, 1993), 124.

[8] Ibid.

[9] Ibid.

[10] Hauptman, *Between Two Fires*, 47.

Initially, Ross successfully maintained neutrality, but as time passed, he realized that the Confederacy completely enveloped Cherokee land and that Watie and his followers had already allied themselves with the Confederacy.[11] The Cherokee Nation was essentially an island in the ocean of the South. The Confederates continuously wrote letters and sent delegates offering the Cherokee enticing benefits to an alliance such as permanent ownership of their territory, large annuity payments, and representation in Confederate Congress.[12] John Ross handled the pressures and the temptations throughout the various meetings and letters until it became apparent that Watie's group had already formed a regiment and had been armed by the Confederacy.[13] Knowing that Watie's group would use these weapons to attempt to depose him, Ross called a general council on October 7, 1861, following his reception of a final letter from the Confederacy proposing a beneficial alliance and explaining that the majority of the other tribes in the Indian Territory had already made treaties with the Confederates.[14] At that point in time, it appeared that the South would be victorious, meaning that the nation would remain divided, and since Indian Territory was geographically positioned in the South, it made sense for the Cherokee Nation to support the Confederacy.[15] Thusly, it was not surprising that at the general council, which was open to all Cherokees, Ross and his followers explained that given the situation in which they found themselves, the wisest course of action for the Cherokee would be to ally themselves with the South.[16]

The Confederacy proved to be an unpleasant ally to the Cherokee Nation, however, and the alliance would not last. After the Confederacy forced the Cherokee to attack a band of Creeks led by an old friend and ally, Opothleyohola, at the battle of Red Fork on November 19th, the battle of Bird Creek on December 9th, and finally on December 26th of 1861 at Chustenahla, Reverend Evan Jones plead Ross's case before the Indian Commissioner W.P. Dole.[17] Jones cited lack of protection by the Union, threats from the Confederacy, and the alliance of neighboring tribes in defending Ross and his decision to ally with the Confederacy.[18] Ross was eventually given a chance to explain his actions to the Union and to repudiate the treaty he signed with the Confederates.[19] Ross reaffirmed his and his tribe's loyalty to the Union upon meeting with President Lincoln in Washington D.C.[20] A friendship even developed between the president and the principal chief, who remained in Washington for the reminder of the war, eliciting a promise from Lincoln that the treaty with the Confederacy would not be held against the Cherokee.[21]

For all practical purposes, Ross was doing all he could to protect and preserve the Cherokee nation, but at this point, the tribe itself was divided in a way that mirrored the secession of the Confederacy from the Union. A rebel group of Cherokee, led by Stand Watie, remained loyal to the Confederacy. Meanwhile, Watie viewed Ross' stay in Washington as desertion and took the opportunity to seize control of the tribe and become the principal chief of the Cherokee.[22]

Watie proved to be a very capable military leader, even though his soldiers were often poorly armed and lacking in food and supplies.[23] Although his troops would sometimes commit what whites would view as barbaric atrocities, they did not engage in blind terrorism; they always followed, and almost always achieved, a military objective.[24] Watie and his troops, unlike many Native American troops that were viewed as disorganized and poorly trained, fought exceptionally well during the Civil War, impressing many Confederate officials and earning Watie the rank of General.[25]

On the adverse side, many loyal Cherokee fought against the Confederates. Many of these men lost their lives in battle but even giving their lives and killing their own people would not gain them any post-war consideration from the United States.[26]

During the war, a great many of the loyal Cherokee who did not fight were simply refugees, living in Kansas, without adequate food and clothing.[27] They were a great burden on Kansas, who demanded that the Union do something to alleviate the strain. The Union army made many forays into Indian Territory to reduce Confederate forces there. When they felt they had made Cherokee land safe for the refugees to return home and plant crops, they ordered them to do so.[28] Upon their return home, however, they were attacked

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[11] Denson, *Demanding the Cherokee Nation*, 58.
[12] Woodward, *The Cherokees*, 262.
[13] Denson, *Demanding the Cherokee Nation*, 58.
[14] Woodward, *The Cherokees*, 265.
[15] Denson, *Demanding the Cherokee Nation*, 58.
[16] Ibid., 58-59
[17] Woodward, *The Cherokees*, 271-274.
[18] Ibid., 274-275.

[19] Ibid., 280.
[20] McLoughlin, *After the Trail of Tears*, 206.
[21] Woodward, *The Cherokees*, 280.
[22] McLoughlin, *After the Trail of Tears*, 207.
[23] Ibid.
[24] Hauptman, *Between Two Fires*, 50-51.
[25] "The Cherokee General," 50.
[26] McLoughlin, *After the Trail of Tears*, 220-221.
[27] Ibid., 209.
[28] Ibid.

by Watie's forces, and those that survived were ordered to leave immediately and to seek refuge at Fort Gibson in Oklahoma. Fort Gibson was subsequently attacked by the Confederate Cherokee; however, they were out numbered and out-gunned, and so retreated. Shortly afterwards, a large number of Union troops left the area, leaving the loyal Cherokee to their own devices. Just as they had feared, it was not long until they were attacked again when Watie returned.[29]

The Civil War was brutal, and the Cherokee were caught right in the middle of it, despite Ross's initial attempts at neutrality. The Confederate Cherokees had won many decisive battles, and these victories greatly encouraged the Confederacy and frightened the Union. But as time pressed on, the major fighting of the Civil War drifted eastward, away from Cherokee territory, and the Union began winning more decisive battles. Eventually, it would become clear that the increased number of Union victories marked the beginning of the end for the Confederacy.[30]

Like America itself, the division within the Cherokee nation did not subside at the end of the war. Watie held the distinction of being the last general of the Confederate army to surrender.[31] Following his military surrender, however, his faction of the Cherokee nation did not simply go away. The peace that followed Watie's surrender was only a military peace; the two factions still aggressively sought control of the Cherokee Nation.[32] While Union Cherokees were anxious to return to their homes and begin rebuilding, most Confederate Cherokees were afraid to return to their homes, as retaliation seemed inevitable, and many felt that a permanent division of the tribe was the only way to find true peace and safety.[33]

Ross and his group of loyal Cherokees argued against the idea of officially dividing the tribe, believing that such a division would weaken and inevitably shorten the life of the Cherokee Nation.[34] The Loyal Cherokee Council met on July 13, 1865 and came to the decision that they would grant a pardon to all Cherokees that had served with the Confederacy, with the condition that the rebel Cherokees swore an oath of loyalty to God and the Union.[35] This offer of amnesty was offered to all Confederate Cherokees, with the exception of Watie and

his closest supporters, who were still in favor of permanently splitting the tribe.[36]

The Cherokee Nation faced many problems shortly after the Civil War had ended. One of the greatest was that even though a large portion of the tribe had served the Union during the war, the United States government reneged on Lincoln's promise to Ross, and decided that since the Cherokee Nation had forged an alliance with the Confederacy they had "forfeited and lost all their rights to annuities and lands."[37] New treaties would have to be arranged but before that could occur, a decision had to be reached about who was the legitimate principal chief of the Cherokee Nation, John Ross, or Stand Watie. At a meeting between commissioners and delegates from Watie's and Ross's factions, commencing on September 8, 1865, the United States government agents tried to finalize a treaty. Ross was unable to attend the meeting until September 14, when he was informed that he was not recognized as the principal chief of the Cherokee and viewed as an enemy of the Union, most likely because Watie's faction was more responsive to the government's agenda.[38]

The commissioners representing the United States seemed responsive to the idea of splitting the Cherokee nation, possibly because Watie's faction was willing to accept all the stipulations of the treaty they were being urged to sign, with the exception of allowing former slaves to become Cherokee citizens and detribalization under governmental supervision. This led to the common practice among commissioners of dealing with the cooperative Watie faction, rather than with the loyal Cherokees. But, the United States changed its viewpoint before the end of the treaty process, and encouraged the Cherokee to remain one united tribe, despite their differences.[39] The Loyal Cherokee reaffirmed John Ross as their principal chief in October of 1865, and he, along with a set of delegates from his party, set out at once to arrange a treaty with the United States that would not divide the Cherokee nation, even as Watie's faction did everything it could to undermine Ross's efforts and his authority as principal chief.[40]

In the end, the Cherokee, as a whole, were forced to sign a treaty that weakened them and robbed them of even more land. Since the Cherokee Nation had sided with the Confederacy at one point in time, they were all treated as disloyal. Finally, Watie and Ross agreed on something; their contention with the treatment the Cherokee Nation received from the United States. This did not end the feud

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[29] Ibid., 210.
[30] Hauptman, *Between Two Fires*, 58.
[31] "The Cherokee General," 50.
[32] Hauptman, *Between Two Fires*, 58.
[33] McLoughlin, *After the Trail of Tears*, 219.
[34] Woodward, *The Cherokees*, 301.
[35] McLoughlin, *After the Trail of Tears*, 219.

[36] Ibid.
[37] Woodward, *The Cherokees*, 292.
[38] McLoughlin, *After the Trail of Tears*, 220-221.
[39] Ibid., 221.
[40] Ibid., 222.

between them, however, and many of Watie's allies still settled in a separate section of the territory than the loyal Cherokees.[41] Ross died shortly after the treaty was ratified, but he died knowing that the Cherokee nation would not be officially divided, although the Southern Cherokees were given authority to elect their own council representatives and local offices.[42] The treaty was ratified by the United States, even though the Southern Cherokees did not support it or even sign it. But the government had decided to treat the Cherokee as one nation, not two separate nations, and thus, the treaty applied to both factions within the Cherokee Nation. This treaty, as Grace Steel Woodward summarized, "abolished slavery forever; proclaimed a general amnesty; and repealed confiscation laws imposed on southern Cherokees during the war and restored to these Cherokees their confiscated property."[43] But the treaty also established federal courts and military posts within Indian Territory and required the tribe to cede the Neutral Land and the Cherokee Strip to the United States.[44]

Not surprisingly, given that a division had existed long before the war, dating back to the pro-removal and anti-removal parties present in the 1830s, the division in the Cherokee Nation between the two factions remained beyond the Civil War. [45] Feelings of brotherhood between the two factions were non-existent and the bitterness simply would not dissipate.[46] At a time when the Cherokee nation suffered from a reduced population, striking poverty, and a desperate need for unity, the two factions still feared one another.[47] The same lingering Ross-Watie family feud that had caused problems before the war still haunted the Cherokee Nation during Reconstruction, and as it had done during the war, it brought them nothing but problems.[48] The Cherokee did their best to rebuild their nation. Population slowly increased, as did their prosperity.[49] Still, the division in the tribe remained.

Eventually, the two parties of the Cherokee reconciled, but it was a slow and laborious task, despite the apparent political unity that emerged in the late 1860s through the early 1870s.[50] Many Cherokees worked harmoniously to rebuild the nation, but personal fears and animosities still existed. The true process of uniting as one people was a gradual one that involved taking small steps little by little to move towards forgiving the past and becoming one nation.[51] Slowly, fears shrank, people forgave, and the tribe came together. Cherokee unity took much longer than the reconciliation of the Northern and Southern states.[52]

The Civil War was an incredibly bloody war that tore a nation apart. Within the midst of it, the Cherokee Nation was torn apart as well. A decades old feud was re-ignited, and it lead to the bloodshed of Cherokees by Cherokees. This split not only forced Cherokees to fight their own people, but almost created a permanent division in the tribe's government, organization, and worst of all, its people. Like the United States as a whole, there was no easy way to reconcile such divisions after the war. For the Cherokee the situation was just as bad; at least one quarter of the Cherokee population had died, the tribe was poverty-stricken, and their lack of unity slowed the rebuilding of their nation and caused multiple governmental and organizational problems.[53] These problems could only be solved by the Cherokee themselves, because until 1875, when Judge Isaac Charles Parker was appointed and became determined to restore peace to the Indian Territory that fell under his jurisdiction, government officials took little interest in the tribe beyond the possible uses of its land.[54]

It could be said of the Civil War that the Confederates were not the losers, but rather the Native American tribes, like the Cherokee, that were caught in the middle. They fought on both sides of the war, and in the end, regardless of their allegiance, received no restitution for their service. In the case of the Cherokee Nation, all were punished, even those that had fought on the side of the Union. The Cherokee, having been forcibly removed from their homes merely decades prior, were once more reduced to a poverty stricken nation. The Civil War tore their nation in half, diminished their population, and in effect, took away even more Cherokee rights and land.[55] All the work they had done since relocation was in vain; they were in the same position that they had worked so hard to get out of. What the Trail of Tears had done to the Cherokee nation, the Civil War renewed. It was the Confederates who surrendered the Civil War, but it was the Cherokee that lost.

[41] Hauptman, *Between Two Fires*, 59.

[42] Ibid., 219.

[43] Woodward, *The Cherokees*, 303.

[44] Ibid., 304.

[45] Denson, *Demanding the Cherokee Nation*, 56-57.

[46] McLoughlin, *After the Trail of Tears*, 223.

[47] Woodward, *The Cherokees*, 308-309.

[48] Hauptman, *Between Two Fires*, 61.

[49] McLoughlin, *After the Trail of Tears*, 239.

[50] Mankiller and Wallis, *Mankiller*, 130.

[51] McLoughlin, *After the Trail of Tears*, 239.

[52] Hauptman, *Between Two Fires*, 61.

[53] Woodward, *The Cherokees*, 305-309.

[54] Mankiller and Wallis, *Mankiller*, 129-131.

[55] Woodward, *The Cherokees*, 303.

BUCK v. BELL

Ryan D'Arcy

In an age of discrimination and racism, the Supreme Court interpreted the constitution in ways allowing the use of police powers to control the characteristics of the American population following eugenic theory, which was beyond the authority granted to the federal government. *Buck v. Bell* (1927) was a keystone case for the practice of eugenics in the United States. Eugenics was a theory in which a population tried to control it's characteristics by determining who could reproduce and inject their own traits into that population. This dealt with whether the right to bodily integrity of the inmates of the State Colony for Epileptics and Feeble-Minded were protected in Virginia, especially the rights of Carrie Buck. The constitutional question was whether the law requiring the sterilization of such people deemed feeble-minded was in violation of the due process and equal protection clauses of the fourteenth amendment. Carrie Buck was deemed mentally incompetent because she had given birth to a child out of wedlock, as had her mother. It was determined by the state that Buck's daughter was also feeble-minded. The State of Virginia decided to sterilize Buck to prevent her from further procreating and perpetuating her defect. The case was decided in 1927, a high period for the eugenics movement in the United States. This movement tried to control the genetic makeup of society by writing laws governing procreation. The majority opinion in this case about eugenics was written by Justice Oliver Wendell Holmes, Jr., who was known for judicial restraint.[1]

Carrie Buck was at a disadvantage from the very beginning of her case. She was in an institution run by Albert Priddy, one of the leaders behind the act that would eventually cause her sterilization. The other main leader behind the act was one of the authors of the state law, Aubrey Strode, who was the defense attorney for the case. The reason that the case is called *Buck v. Bell* rather than *Buck v.*

Priddy is that Priddy died, and Dr. John Bell became the superintendent of the Virginia State institution.[2] Dr. Bell was eventually the person responsible for sterilizing Carrie Buck.[3] This was not the end of Buck's disadvantage, however. She was to be represented in court by Irving Whitehead, a close friend of Aubrey Strode. His lack of effort on her part is evident when one considers his actions. He neither called expert witnesses nor called character witnesses to testify on her behalf.[4] Legal scholar Paul Lombardo said that Mr. Whitehead was in fact colluding with the "state's lawyer to guarantee that the sterilization law would remain in force."[5] All of this, combined with a country that was very much in the mood to believe in eugenics, meant Carrie Buck was never likely to succeed, and so she did not.

Buck was also at a disadvantage because so many things were considered to be genetically inheritable at the time. According to Dr. Lynne Curry, "eugenicists' notion of 'inherited traits' was quite broad when compared with the twenty-first-century understanding of the term, encompassing virtually everything one acquired from one's parents, from social and economic standing to eye color and physical height."[6] Strode, when addressing the Supreme Court, also noted in his statement why Carrie Buck could not offer her own insight. He said, "She cannot determine the matter for herself both because being not of full age her judgment is not to be accepted nor would it acquit the surgeon, and because she is further incapacitated by congenital mental defect."[7] Justice Holmes, in his majority opinion, said "Experience has shown that heredity plays an important part in the transmission of insanity, imbecility, &c."[8] According to eugenic thought, the social costs of these less than desirable traits could be erased.[9] It should be noted that Carrie Buck's mental incapacity is in fact doubtful. As Curry said, "Although Carrie Buck herself was described as being capable of working constructively under supervision, a social worker asserted that the fact of her illegitimate pregnancy was strong evidence of Buck's feeblemindedness since 'a

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[1] Michael Benedict, *The Blessings of Liberty: A Concise History of the Constitution of the United States.* (Lexington, Massachusetts: Ohio State University, 1996).

[2] Lynne Curry. *The Human Body on Trial* (Santa Barbara, California: ABC-CLIO, 2002), 58-60.

[3] Paul Lombardo, "Facing Carrie Buck," *The Hastings Center Report* (March-April 2003): 14.

[4] Curry, The *Human Body on Trial,* 60.

[5] Lombardo, "Facing Carrie Buck," 1.

[6] Curry, *The Human Body on Trial* , 35.

[7] Buck v. Bell, 274 U.S. 200 (1927).

[8] Ibid.

[9] Lombardo, "Facing Carrie Buck," 1.

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feeble-minded girl is much more likely to go wrong."[10] Today, this would hardly be grounds to determine someone as feeble-minded.

To understand why there was only a single dissenting justice and why he did not write an opinion, it is necessary to understand the mood of lawmakers at the time of this decision. Following eugenic theory, many supported limiting immigrants who entered the country.[11] As stated by Curry, this was because:

In their view, the massive influx of eastern and southern European immigrants bearing criminal and imbecilic tendencies, the substantial proportion of the native-born population that was non-white (and thus self-evidently genetically contaminated), and the propensity of degenerates of various stripes to multiply at higher rates than their more desirable fellow citizens had all come together to create a national epidemic more insidious and more threatening to the public's well-being than any contagious disease.[12]

Many ideas were proposed to prevent further contamination of American blood, and several were put into place. Many of them were not even directed at immigrants but were still based on race. According to Paul Lombardo in *The American Breed: Nazi Eugenics and the Origins of the Pioneer Fund*, "eugenicists advocated the elimination of 'suspect biology' using the legal methods of court-ordered eugenical sterilization, criminalization of interracial marriage and prohibitions on immigration of groups with 'inferior genetic potentiality.'"[13]

White men of Anglo-Saxon descent were in power politically at that time in history. These men held themselves to be the "normative standard by which all humans were to be judged."[14] It should be noted that "Virginia successfully passed both its compulsory sterilization law and the Racial Integrity Act in the same year the immigration quotas became national policy."[15] These all seem to be directed at maintaining white supremacy. The next logical step was for those in power to make sure that the white race remained in power and a strong race. This can be done by eliminating the threat of those people with either real defects or with undesirable characteristics. For example, undesirable characteristics could include either immorality, as perceived by those in power at the time, or mixed-race ancestry. The

whites in power wanted to purify their race. This sounds like the policy adopted by the Nazis prior to World War II

For those politicians who were intent on purifying the white race, the final subject to deal with was the control of characteristics within that race. They saw what they were doing as beneficial to society. The white majority was, after all, the most important part of society to lawmakers. Justice Holmes understood how legislated eugenics was supposed to benefit society and included it in his opinion. He said that "it is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind."[16] He, in effect, said that it was necessary to protect society from itself, which is the perfect statement of the principle of police powers, or the power to control aspects of a society for the betterment of that society.

A good statement of the police powers can be found in a later case, *Skinner v. Oklahoma* (1942). In *Skinner*, Chief Justice Stone said that "a state may, after appropriate inquiry, constitutionally interfere with the personal liberty of the individual to prevent the transmission by inheritance of his socially injurious tendencies."[17] Curry said that eugenicists believed that the genetic deterioration of the United States' population justified the use of the police powers as a way to infringe on personal liberties.[18] Strode used this argument when he argued *Buck*. As his example, he explained how school children were vaccinated against their will for the good of society as a whole and equated the compulsory vaccination to the compulsory sterilization in question in *Buck*.[19]

The imperfection of law was not ignored. Holmes said that "the law does all that is needed when it does all that it can, indicates a policy, applies it to all within the lines, and seeks to bring within the lines all similarly situated so far and so fast as its means allow."[20] This means that the laws in question should specifically state what type of person is being targeted. However, the laws are not entirely foolproof and thus rely on human intuition to apply them accurately. Before proceeding, it should be noted that *Skinner v. Oklahoma* (1942) was the court decision that limited the application of *Buck v. Bell* without overturning it. The justices in *Skinner* interpreted the laws more narrowly when they said that "strict scrutiny of the classification which a state makes in a sterilization law is essential lest unwittingly,

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[10] Curry, *The Human Body on Trial*, 59.
[11] Benedict, *The Blessings of Liberty*, 255.
[12] Curry, *The Human Body on Trial*, 58.
[13] Paul Lombardo, "The American Breed: Nazi Eugenics and the Origins of the Pioneer Fund" *Albany Law Review* (Spring 2002): 743.
[14] Curry, *The Human Body on Trial*, 35.
[15] Gregory M. Dorr, "Principled Expediency: Eugenics, Naim v. Naim, and the Supreme Court." *The American Journal of Legal History* 42, no. 6 (April 1998): 119-159.

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[16] Buck v. Bell, 274 U.S. 200 (1927).
[17] Skinner v. Oklahoma, 316 U.S. 535 (1942).
[18] Curry, *The Human Body on Trial*, 37.
[19] Buck v. Bell, 274 U.S. 200 (1927).
[20] Ibid.

or otherwise, invidious discriminations are made against groups or types of individuals in violation of the constitutional guaranty of just and equal laws."[21] Thus, only fifteen years later, it was asserted by Justice Douglas that the law can do more than just indicate a policy; it can also protect people from violations of their rights by that policy.

But what rights are being violated? Those involved were fully aware as they argued against Buck's rights. Strode knew what constitutional questions would be raised and argued against them well. He focused largely on the eighth amendment's protections.[22] Strode said that "In *State v. Felin*… it was expressly held that an asexualization operation… was not a cruel punishment." He also argued that the protection against cruel and unusual punishment was intended to protect against torture. Another of Strode's arguments was that it was decided in "Weem's Case that the provision of the federal Constitution (Amendment VIII) does not apply to the state legislatures." The initial act that brought all of this about was an act of the Virginia state legislature. Justice Holmes also helped to point out rights that people believed were being violated by these compulsory sterilization laws. He believed that due process of law was present and said so in these words:

There can be no doubt that so far as procedure is concerned the rights of the patient are most carefully considered, and as every step in this case was taken in scrupulous compliance with the statute and after months of observation, there is no doubt that in that respect the plaintiff in error has had due process of the law.[23]

Strode also argued that restrictions on those who were deemed unsuitable to reproduce had already been protected in *Gould v. Gould* when it was sustained that a statute could prohibit the marriage of epileptics.[24]

Whitehead argued for her rights without using previous precedent to a great a degree. In fact, a good example of his arguments for her rights was when he said that "the inherent right of mankind to go through life without mutilation of organs of generation needs no constitutional declaration."[25] While this fit with the eighteenth century federalists' view that the Constitution need not enumerate all of the American citizens' rights, it hardly helps support his argument very strongly. Precedent appeared to be the strongest form of support for such arguments, and he did not offer precedent

well. He did offer the precedent of the case *Munn v. Illinois* (1876).[26] He used this to show how the court defined deprivation of life. The court said that it protected against the "deprivation not only of life but whatever God has given to everyone with life."[27] According to Whitehead, "the inhibition [of the government] against its deprivation extends to all those limbs and faculties by which life is enjoyed. The deprivation not only of life but whatever God has given to everyone with life…is protected by the provision in question.

While Mr. Whitehead used the statement from *Munn v. Illinois* out of context, it is still a relevant statement in this situation. God gave most people the ability to reproduce; the government does not have the right to take that away. The ruling of the court did not find Whitehead's case to be strong enough.

It is very tempting to compare and contrast *Buck* with *Skinner* in depth. However, this shall be done briefly because it is important to understand how much changed from 1927 to 1942. The people targeted by the eugenics movement were obtaining rights that they had previously been denied in *Buck v. Bell*. Justice Jackson wrote in his concurring opinion in *Skinner* that "there are limits to the extent to which a legislatively represented majority may conduct biological experiments at the expense of the dignity and personality and natural powers of a minority − even those who have been guilty of what the majority define as crimes."[28] This represents a change in the thinking of Americans. The white majority was no longer the "normative standard" by which people were to be judged. The Supreme Court recognized in *Skinner* both the rights of minorities and that there were limits to the police power when used to accomplish eugenic goals. It did not overturn *Buck v. Bell*, though Justice Douglas acknowledged that "[an] Act cannot be sustained as an exercise of the police power, in view of the state of scientific authorities respecting inheritability of criminal traits." They merely observed those points mentioned without "intimating an opinion on them."[29]

The differing opinions of the two courts within such a short time period shows just how unclear the constitutional issues around the police powers and the fourteenth amendment were. Taking each decision in context can also show how great an influence the opinion of the public can have on the Supreme Court as well, even though the justices are supposed to be buffered against public opinion by not

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[21] Skinner v. Oklahoma, 316 U.S. 535 (1942).
[22] "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."
[23] Buck v. Bell, 274 U.S. 200 (1927).
[24] Ibid.
[25] Buck v. Bell, 274 U.S. 200 (1927).

[26] The case of *Munn v. Illinois* was not concerning bodily integrity. It concerned the abilities of states to regulate certain businesses, such as railroads, within their borders.
[27] Buck v. Bell, 274 U.S. 200 (1927).
[28] Skinner v. Oklahoma, 316 U.S. 535 (1942).
[29] Ibid.

being popularly elected and being appointed for life. In the 1920s the people deemed unfit to procreate were expected to acquiesce in order to benefit the larger society. As stated by Justice Holmes:

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the state for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence.[30]

Justice Holmes' scorn for these people who "sap the strength of the state" is very evident. His statement is a very clear and concise statement of eugenic thought. Justice Holmes' prejudice was evident when he said "so far as the operations enable those who otherwise must be kept confined to be returned to the world, and thus open the asylum to others, the equality aimed at will be more nearly reached."[31] What he implies is that the people being kept in these asylums were not being kept there because they were in need of help or were a threat to society directly, but were being kept in the asylums because they were a threat to society only if they were allowed to procreate and reproduce "their kind." They were not deemed a threat worth keeping out of society for any other reason than the transmission of their genes and the muddying of the American gene pool.

When the Supreme Court showed its approval of eugenic theory by the Virginia law requiring compulsory sterilization, it helped lead a great change, not only in our country, but in the world. According to Paul Lombardo, *Buck* "paved the way for more than 60,000 operations in more than thirty American states with similar laws and provided a precedent for 400,000 sterilizations that would occur in Nazi Germany."[32] It was not until *Skinner v. Oklahoma* (1942) that the Supreme Court began to think along what most Americans today would call "saner" lines. More restrictions on such rampant uses of the police power were put into place but not before the harm was done and thousands of people had been sterilized for the purpose of maintaining the quality of the American bloodline. That the fourteenth amendment was considered not to apply yet again in this case was no great surprise when considering the constitutional conservatism practiced by the Supreme Court at that time. This was one example of where a broader interpretation of the amendment would have made a huge difference in many lives. Much suffering could have been spared for many people if the Court had interpreted the amendment and laws regarding the police powers differently.

Though the case of *Skinner v. Oklahoma* (1942) made it more difficult to pass eugenic laws, it was decided in a time when racism was still a strong part of American culture. It should be noted that other precedents support mandatory vaccination and laws promoting the general health and welfare of the citizens of the United States, so *Buck* is not needed for this purpose. *Buck* is still a means of control over the population that is not needed in the twenty-first century. Today, the concerns that fueled the case of *Buck v. Bell*, such as the genetic inheritability of certain characteristics and the befouling of the American bloodline, are no longer worries due to a better understanding of how traits are truly inherited as well as *what* can be inherited from parents. *Buck v. Bell* does not serve a protective purpose today and could only serve the purpose of the subjugation and oppression of a minority group again in the future. However, it has never been overturned. Justice Holmes said that "three generations of imbeciles are enough" when referring to the Bucks, but the question is, was it ever really his place to decide whether it was enough or not?[33]

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[30]Buck v. Bell, 274 U.S. 200 (1927).
[31] Ibid.
[32] Lombardo, "Facing Carrie Buck," 4.

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[33] Buck v. Bell, 274 U.S. 200 (1927).

THE IRISH FAMINE: A HISTORIOGRAPHICAL REVIEW

Lori Henderson

The great Irish famine of the 1840s and 50s resulted in over a million deaths from starvation and disease and witnessed the emigration of millions more. It has been estimated that Ireland lost an eighth of its population from 1846 to 1851. The fact that a disaster of this magnitude took place in relatively modern times is as surprising as the fact that it took place in a country that was part of the wealthiest empire in the world, Great Britain. However, with great power and wealth comes the paranoia that everyone is determined to take advantage of that prosperity. The British perception of the Irish peasantry was that their reliance on the potato had destroyed their work ethic and produced a society of lazy, indolent, and violent people. They also blamed the primitive landlord-tenant relationship for a backward agrarian arrangement. British policy and aid for the Irish through the calamity was thus restrained by their concern that the Irish would not progress in reforming their society and would only take advantage of any assistance. Historian Christine Kinealy asserts that "from the beginning, members of the British government saw themselves as being involved in a crusade to bring about social changes in Ireland, the enemies being the recalcitrant landlords on one side, and the perfidious potato on the other." [1]

Research on Anglo-Irish relations could fill a library, but it was not until the sesquicentennial commemoration that an abundance of research on the famine was published. In spite of the enormity of the disaster, the historiography of the famine was extremely sparse up until the last decade. This paper seeks to understand what compelled historians to first neglect, then revise, and ultimately return to a nationalist interpretation of the Irish famine.

Despite a cast of colorful characters, a tragedy of epic proportions, and endless stories of personal suffering that any Hollywood screenwriter would envy, the Irish famine received very little scholarly attention until the middle of the twentieth century. Historian James Donnelly's research discovered that the scholarly journal *Irish Historical Studies*, founded in 1938, published only five articles related to the famine in the first fifty years of its existence. He

also notes that the journal *Irish Economic and Social History* offered no improvement on that record. [2] This period of neglect for an event that altered the social and economic fabric of Ireland is puzzling. However, some historians have developed intriguing theories as to why the famine was literally ignored by historians in the century following the disaster.

Hazel Waters theorizes that the famine "has been little remarked by historians mostly concerned to distance themselves from charges (powerful but not validated) that government policy amounted to deliberate genocide." [3] The claims of genocide by the British government were a recurring theme of the Irish nationalist response to the ineffective and limited aid received during the famine. Further discussion of these claims and how they have influenced the historiography will be covered later in this paper. Waters may have a valid point; however, Christine Kinealy develops the theory further with her claim that Irish historians have enforced a "self-imposed censorship" for fear of providing "ideological bullets to the Irish Republican Army." [4] Further echoing Waters' theory is Cathal Portier's argument that the difficulty for historians resides in the fact that folklore is often the primary storyteller of the famine. The claim is that historians fear folklore carries a nationalist bent so severe that accurate and unbiased research cannot be accomplished. [5]

Irish historian Colm Toibin takes a social approach to the neglect and speculates on how much guilt plays a factor:

> [T]o suggest that it was merely England or Irish landlords who stood by while Ireland starved is to miss the point. An entire class of Irish Catholics survived the Famine; many, indeed, im-proved their prospects as a result of it, and this legacy may be more difficult for us to deal with in Ireland now than the legacy of those who died or emigrated. [6]

Toibin claims that Irish silence might possibly be traced to Irish guilt as well as a fear of offending the farmers and traders who had gained wealth and prestige at the expense of human suffering.

Lori Henderson, a senior from Charleston, Illinois, wrote her paper for Dr. Michael Shirley's Fall 2005 session of HIS 2500, Historical Research and Writing. Her work earned first place in the Social Science Writing Award competition in the Spring of 2006.

[1]Christine Kinealy, *This Great Calamity: The Irish Famine* (Dublin: Gill & MacMillan, Ltd., 1994), 40.

[2]James Donnelly, Jr., *The Great Irish Potato Famine* (England: Sutton, 2001), 12.

[3] Hazel Waters, "The Great Famine and the Rise of Anti-Irish Racism," *Race and Class* 37, 1 (1995): 95.

[4] Mary Daly, "Review Article: Historians and the Famine: A Beleaguered Species," *Irish Historical Studies* 30, (1997): 591-2, quoting Christine Kinealy, *A Death Dealing Famine: The Great Hunger in Ireland* (London: Pluto Press, 1997), 1.

[5] Ibid., 599.

[6] Colm Toibin and Diarmand Ferriter, *The Irish Famine: A Documentary* (New York: St. Martin's Press, 2001), 6.

Whatever theory historians adhere to regarding the lack of scholarly research, it is clear the interruption of that silence began with the centenary commemoration and exploded by the sesquicentennial. The first century following the famine found historians paralyzed by the nationalist sentiment of Irish folklore, afraid of stoking further nationalist unrest, and reluctant to offend those who benefited from the calamity. The second century began a new chapter in the historiography, and its title was revisionism.

To commemorate the centenary of the famine, Eamon de Valera, serving as Taoiseach[7] of Ireland in the 1940s, offered funding for the purpose of researching and producing a scholarly book on the famine. The result was *The Great Irish Famine: Studies in Irish History 1845-52.* Published in 1956, too late for the 1945 commemoration, it has become the flagship for the revisionist school. Revisionism absolves the British government and lays the blame on Ireland's dependence on the potato, Irish landlords, and a backward agricultural economy. In the foreward of *The Great Irish Famine*, K.B. Nowlan writes,

> Modern research on the administrative and political backgrounds to the Great Famine reveals more clearly the limitations of men in office who were unwilling to rise or incapable of rising effectively above the economic conventions of their day and struggling with no outstanding success against a disaster that had its roots deep in Irish history. The disaster originated in that ordering of human affairs which condemned so many to a life-long dependence on a single crop. The potato economy, the primitive state of agriculture and the bad relations between landlord and tenant were but different expressions of the same evil, poverty. [8]

The historian James Donnelly, an American of Irish descent, claims that the editors "appear to have been quite anxious to avoid reigniting old controversies or giving any countenance to the traditional nationalist-populist view of the famine."[9] In order to accomplish this task, it has been necessary for revisionists to approach the famine clinically and analytically, in the process extracting the emotional and national component. Professed critic of the revisionist school, Brendan Bradshaw claims that "the trauma of the famine reveals, perhaps more tellingly than any other episode of Irish history, the inability of practitioners of value-free history to cope with the

catastrophic dimensions of the Irish past."[10] It has been noted that de Valera was disappointed in the project that he funded and envisioned. Irish historian, Cormac O'Grada remembered that "he expressed unhappiness with the book, presumably because it seemed to downplay those aspects of the tragedy that had been etched in his own memory."[11]

If de Valera was disappointed in the revisionist classic, in 1962 he was able to acknowledge and celebrate a book that took a great leap in the opposite direction. Cecil Woodham-Smith's *The Great Hunger: Ireland 1845-49* was a bestseller at the time of publication and still sells well to this day. Although Woodham-Smith was not a professional historian, her work involved over ten years of research. O'Grada credits her as a "formidable researcher."[12] Revisionists dismissed her work as too emotional and passionate to be taken seriously as a scholarly work. In reality, Woodham-Smith revived the nationalist interpretation, placing the blame for the famine back at Britain's door.[13] While the revisionists were chagrined at the publication and subsequent commercial success of her book, de Valera finally had the book he had hoped for. President of Ireland at the time, he held a dinner in her honor and she was awarded an honorary degree from the National University of Ireland. Toibin reflects on Woodham-Smith's legacy:

> Her crisp style belongs to another age. It is full of certainties and judgments about matters which have since been surrounded with qualifications and altered by shifting perspectives. She presents pen portraits of her protagonists of a kind that is now frowned upon. Her work is readable- something which later historians of the Famine have tried hard not to be. If she relies too much on the study of personalities, her command of detail, her insistence on the cruelty of those in charge and the misery of those who suffered, and her ability to structure the narrative, account for the book's extraordinary impact. Reading *The Great Hunger* is like reading Georgian poetry.[14]

Despite the success of *The Great Hunger*, the revisionist school was not prepared to give up their cause. First published in 1986, Mary Daly's book, *The Famine in Ireland*, generated criticism that provoked new debate and controversy among historians. Toibin describes the

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[7] Taoiseach is a title given to the head of government of the Republic of Ireland and the leader of the Irish cabinet.

[8] R. Dudley Edwards and T. Desmond Williams, eds., *The Great Famine, Studies in Irish History* (New York: University Press, 1957), xi.

[9] Donnelly, *The Great Irish Potato Famine*, 17.

[10] Brendan Bradshaw, "Nationalism and Historical Scholarship in Modern Ireland," *Irish Historical Studies* 104, (1989): 340.

[11] Toibin and Ferriter, *The Irish Famine*, 9.

[12] Ibid., 29.

[13] Donnelly, *The Great Irish Potato Famine*, 14.

[14] Toibin and Ferriter, *The Irish Famine* , 29.

book as "short on emotion, long on detail and cautious examination…careful not to blame the administration."[15] In his scathing attack on revisionism, Bradhsaw does not spare Daly's work of criticism. He accuses her of isolating herself from the trauma of the disaster and in the process isolating her audience. Bradshaw writes that her method consists of "assuming an austerely clinical tone, and by resorting to sociological euphemism…thus cerebralising and thereby de-sensitizing the trauma."[16] Donnelly maintains that Bradshaw's "criticisms appeared to be especially relevant to the general scholarly approach to the great famine. That approach had long been almost entirely dismissive of the traditional nationalist interpretation, which laid responsibility for mass death and mass emigration at the door of the British government, accusing it of what amounted to genocide."[17] Bradshaw's essay arrived just in time for the commemoration of the sesquicentennial of the famine, a commemoration that would yield a plethora of new research and publications. Christine Kinealy has been quoted as claiming that "more has been written to commemorate the 150th anniversary of the Great Famine than was written in the whole period since 1850."[18] This last decade of work has seen historians attempting to un-revise the revisionists, address the issue of blame, and assess Britain's role in managing the disaster. In essence, a return to the nationalist interpretation has been necessary to engage in a more balanced and open dialogue to examine the disaster in Ireland in the 1840s.

The sesquicentennial of the famine was surrounded by a hoopla of concerts, speeches, monuments and, in the process, it began a new chapter in famine historiography. For years, revisionists had worked hard to absolve Britain of blame for the famine. In an ironic twist of fate (or perhaps savvy political maneuvering), British Prime Minister Tony Blair offended all sentiment of revisionist theory with an apology. Below is an excerpt of Blair's speech delivered by Irish actor Gabriel Byrne in 1997:[19]

The Famine was a defining event in the history of Ireland and of Britain. It has left deep scars. That one million people should have died in what was then part of the richest and most powerful nation in the world is something that still causes pain as we reflect on it today. Those who governed in London at the time failed their people through

standing by while a crop failure turned into a massive tragedy. We must not forget such a dreadful event.[20]

Of course Blair's apology stirred a generous amount of controversy but it provides an appropriate starting point for the journey that witnessed a return to the nationalist interpretation in the historiography of the famine. After a century of neglect, there is no denying that there are a good number of scholarly works now available dealing with the Irish Famine. There is also no denying that these works include the nationalist interpretation; therefore, at this point we will examine the compelling evidence that those historians relied upon to produce their work.

In recent works, historians point to the British ideologies of providentialism and moralism, along with how these attitudes resulted and justified the limited aid and disastrous policies by the British government. The ideology of providentialism espoused that the famine disaster was the work of divine providence; the potato blight, in other words, was a result of God's plan to reform Irish society. Moralism naturally follows providentialism in the belief that the Irish suffered a moral deficiency of character, therefore calling upon them the wrath of God in the form of famine. James Donnelly contends that Charles Trevelyan, an influential policy maker and head of the treasury during the famine, was a proponent of these ideologies.

Trevelyan was identified not only with providentialism and laissez-faire but also with what has come to be called moralism- the set of ideas in which Irish problems were seen to arise mainly from moral defects in the Irish character. Trevelyan and other moralists, who were legion, believed passionately that slavish dependence on others was a striking feature of the Irish national character, and that British policy during the famine must aim at educating the Irish people in sturdy self-reliance.[21] Underlying these ideological beliefs was the ultimate tool for disaster for the Irish people: racism.

Middle-class public opinion in Britain at the time of the famine served to influence government policies. Public opinion was distributed to the masses by London's newspaper, *The Times*. Kinealy claims that the *Times* "was the most influential newspaper of the day" and that it "had an impact on parliamentary and public opinion." However, she also asserts that "much of the information upon which these stories were based was supplied by Wood and Trevelyan who used the powerful medium to their own advantage."[22] The racist attitudes of the British toward the Irish are overwhelmingly played

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[15] Ibid., 11.

[16] Brendan Bradshaw, "Nationalism and Historical Scholarship in Modern Ireland," *Irish Historical Studies* 104, (1989): 341.

[17] Ibid.

[18] Mary Daly, "Review Article: Historians and the Famine: a Beleaguered Species," *Irish Historical Studies* 30, (1997): 599.

[19] Blair was unable to attend the event and commissioned the Irish performer to deliver his words.

[20] Christine Kinealy, *The Great Irish Famine: Impact Ideology and Rebellion* (New York: Palgrave, 2002), 1, quoting Prime Minister Tony Blair.

[21] Donnelly, *The Great Irish Potato Famine,* 20.

[22] Christine Kinealy, *This Great Calamity: the Irish Famine* (Dublin: Gill & Macmillan, 1994), 105.

out in newspapers as well as cartoons such as *Punch*. A reproduction of a *Punch* cartoon is featured in Donnelly's study, titled *The English Labourer's Burden*, which portrays a very simian-like Irish character grinning atop a humble, noble, and miserable Englishmen's shoulders.[23] What are harsh words for the consciousness of modern readers trained in the verse of political correctness, the *Times* printed such text as, "we have to change the very nature of a people who are born and bred, from time immemorial, in inveterate indolence, improvidence, disorder, and consequent destitution."[24]

Many historians have devoted entire studies to the issue of racism during the famine. Among them, Michael de Nie's article, "The Famine, Irish Identity, and the British Press," focuses on the issue of race and the failures of the British government. Even in the early years of the famine, de Nie notes that the *Times* was already setting a precedent of otherness and racism. In September of 1846, the *Times* stated that "They have come amongst us, but they have carried back neither our habits or our sympathies, neither our love of cleanliness nor our love of comfort, neither our economy nor our prudence. Is this distinctive character capable of subjugation or change?"[25]

De Nie finds that it "is interesting that even in this plea for empathy the Irish were held to be to blame for the cultural distance between the two peoples. They were incomprehensible because they had failed to Anglicize themselves." He concludes that by employing racism the British people accomplished "self-justification by projecting the blame for Irish suffering onto the Irish themselves."[26] Edward Lengel has produced a book titled, *The Irish through British Eyes*, where he addresses the effect racist attitudes had on British policy making. Perhaps the most damaging policy for the relief of the Irish people was the amendment to the poor law in 1848 with the addition of the Gregory clause.

The Gregory clause prohibited anyone from seeking relief in the workhouses if they held more than a quarter of an acre of land. In essence, this law forced smallholders to give up their land before they could seek to feed their starving families. This policy was disastrous for the victims of the famine and was added to the arsenal of the nationalist cause that accused the British of intentional genocide. Donnelly writes of the poor laws defects being so "serious that they gave plausibility to charges (then and later) that there was genocidal intent at work." He also contends that Parliament recognized "its

enormous potential as an estate-clearing device." Gregoryism, as the clause came to be known, "became a byword for the worst miseries of the disaster- eviction, exile, disease and death."[27]

With ample evidence pointing to the intentional limits on aid by the British government, the racist views of the British public, and ultimately the millions of deaths of Irish citizens only miles from the shores of the world's wealthiest nation, it is difficult to understand how the nationalist interpretation was ever lost to the historiography of the famine. It is even more perplexing as to how the disaster could be neglected for so many years. As we have learned from the theories on neglect, complex political and social conventions paralyzed historians and stifled any serious scholarly treatment of the famine until the centenary. One hundred years later, historians still felt compelled to distance themselves from the nationalist sentiments of the folklore and claims of genocidal intent by the British government. In order to accomplish this, a new school of thought was created, now known as revisionism. It took another fifty years to untangle the revisionist's model and ultimately open the debate and dialogue as to what went so wrong in Ireland during the 1840s.

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[23] *Punch* cartoon as reproduced in Donnelly's *The Great Irish Potato Famine*, 120.

[24] *The Times* (London), 23 March 1847.

[25] Michael de Nie, "The Famine, Irish Identity, and the British Press." *Essays in History* 38 (1996) : 28.

[26] Ibid.

[27] Donnelly, *The Great Irish Potato Famine*, 102.

THE EASTER RISING AND THE FALL TO FREEDOM

Margaret Hawkins

History regards the 1916 Easter Rising in Ireland as a dismal military failure, led by fanatic but condemned rebels resolute in their determination to achieve an independent, republican, Gaelic, united Ireland. However, the Easter Rising set into motion the means by which Ireland would realize her freedom. Though the rebels did not realize their aspirations, their actions set off a series of events that caused Ireland to unexpectedly stumble upon the path that would lead them to freedom. This unanticipated fall onto the right path coincided with perfect timing. That year, the British Parliament had once again pushed Home Rule away from the Irish. Incensed by the disappointments of failed constitutional nationalism, they turned to revolutionary nationalism, in the spirit of the Rising, to achieve what Parliamentary action could not. The immediate effects of the Rising, namely the reaction of Britain, fueled Irish nationalism with the indignation of an exasperated people. With the leaders of the Rising having been executed, two men emerged from the ashes to lead Ireland to independence. Without the military aptitude of Michael Collins and the political resolve of Eamon de Valera, Ireland might not have secured its freedom. However, the combination of timing, the actions of the British and the new leaders who were willing to travel down that unexpected path was just what the nation needed. Inspired by the spirit and the heart of the martyrs, Ireland stood up, looked Britain directly in the eye, and said, "No more."

Historians agree that a military victory against Britain was not feasible. Some, such as Alan J. Ward, describe the leadership of the rebels as disorganized and divided, despite their dedication.[1] As early as 1926, W. Alison Philips argued that the British reactions to the Rising had started the Irish fall to freedom.[2] The popular support for the revolutionaries that followed, according to Ward, was an anomaly in Irish history. He strongly believed that if the three nationalisms- constitutional, revolutionary and romantic- would have been merged, the conglomeration would have been a sophisticated political machine, effectively led, enforced with popular support, enabling the cultivation

of a distinct nationality.[3] Unfortunately for Ireland, these three never seemed to coincide effectively. This mishap did not prevent the Easter Rising from becoming the cataclysm that began the chain reaction. Michael Collins claimed that the Easter Rising awoke "the sleeping spirit of Ireland."[4] Richard B. Finnegan and Edward T. McCarron argue that the Easter Rising became a symbol of Irish independence and a focal point for nationalist identity. They assert that 1916 was given a place of pride in Irish history, despite its "failure."[5] The fall to freedom had begun.

The Easter Rising exhorted the first great push to an independent nation with its immediate effects. It had failed as a military venture, it had failed as a political gesture, and it had failed to arouse the support of Dubliners.[6] The leaders of the Rising had assumed that when the Rising began, the people of Dublin, angry at British grievances, would join in the fray. Their initial reaction, however, was one of inconvenience and distaste.[7] John Redmond, the leader of the Irish Party in Parliament, condemned them and accused the rebels of obliterating the progress that Ireland had made toward the goal of Home Rule.[8]

Britain itself had been taken by surprise. She knew that the Irish Volunteers and treasonous activities had been growing, but she also knew that, because of the fight for Home Rule, there was no widespread antagonism.[9] When the Rising caught the attention of the British government, its immediate concern went to the current trouble in World War I. David Lloyd George, the British Prime Minister, feared the reaction of his powerful American ally. This grew in importance when Woodrow Wilson told Lloyd George to solve the Irish problem and return his attention back to the war.[10]

Therefore, Britain attempted to undervalue the gravity of the Irish situation. *The Times* initially placed blame for the Rising on the Germans, stating, "They have striven to provoke it from the outbreak of the war, and at last they have succeeded in getting their dupes to indulge in an insane rising."[11] The newspaper alluded that the

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[1] Alan J. Ward, *The Easter Rising: Revolution and Irish Nationalism* (Wheeling, IL: Harlan Davidson, Inc., 2003), 62.

[2] W. Alison Phillips, *The Revolution in Ireland 1906-1923* (London: Longmans, Green and Co., 1926), 105.

[3] Ibid., 70.

[4] Michael Collins, *The Path to Freedom* (Boulder: Roberts Rinehart Publishers, 1996), 53.

[5] Richard B. Finnegan and Edward T. McCarron, *Ireland: Historical Echoes, Contemporary Politics* (Boulder: Westview Press, 2000), 53.

[6] George Dangerfield, *The Damnable Question: A Study in Anglo-Irish Relations* (Boston: Little, Brown and Company, 1976), 207.

[7] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 13.

[8] Ibid., 10.

[9] Ibid., 14.

[10] Ibid., 119.

[11] *The Times* (London), 26 April 1916.

Germans were attempting to use the Rising to disable Britain, but Britain was certain that the "lack of alarm" in the United Kingdom would prevent its spread. *The Times* directly told the world that the Rising would be suppressed immediately.[12] This, unfortunately, amid the subsequent wave of executions, left the world wondering why Britain had reacted with such savage punishments for a mere street riot.[13]

Britain's mistake was the fifteen executions of rebel leaders. The irrationality of these executions manifested itself when a chair held up James Connolly, wounded during the actual experience of the Rising, in order for him to be shot. After these needless executions, outrage surged throughout Ireland. The Irish who had previously condemned the Rising were shocked,[14] and they grew weary of long court proceedings and executions each day.[15] Observing the conduct of those to be executed, Irish public opinion began to swing rapidly.

The leaders upheld their cause until their death, securing the sympathy and support of many Irishmen. On the eve of his execution, Sean MacDiarmada declared, "We die that the Irish nation may live. Our blood will rebaptise and reinvigorate the land."[16] Roger Casement spoke out to his countrymen, maintaining that self-government was their right. He pleaded with them to continue the fight, portraying Ireland as a criminal in worldview. He pledged, "If it be treason to fight against such an unnatural fate as this, then I am proud to be a rebel, and shall cling to my 'rebellion' with the last drop of my blood."[17] George Bernard Shaw warned Britain that if Casement was executed, he would become a national hero. He asserted that if Britain continued to manufacture martyrs "in fits of temper experience has thrown away on her," she would continue to be governed by the Irish.[18] These claims went unheard, and Casement was hung in August of 1916. The other executions could possibly have been sanctioned as occurring in the heat of the moment, but Casement's execution, months after the Rising, was just seen as absurd, and it further pushed Ireland's opinion towards that of the rebels.[19]

The Easter Rising alone could not have pushed Ireland into the war for its independence. The actions of the British government were instrumental in turning the majority of Ireland to nationalism. It failed to cultivate the initial belief that the rebels had devastated Ireland's chance at Home Rule, and instead the British turned on Ireland in rage. Ward believed that it would have been generous of the British to forgive the rebellion, allowing them to keep Irish favor. Instead, he said that the executions aroused and focused the latent hostility towards Britain, and the British government could not control the emotional aftermath of the Easter Rising.[20] The martyrs became immortal heroes and the Easter Rising became a foundation for Irish nationalist identity.[21] The sympathy for the rebels turned the Irish majority against Britain, gave Irish nationalism the fuel it needed to get off its feet, and led to a growing dissatisfaction for the yet unsuccessful approaches of Irish constitutional nationalism.

The Easter Rising signified a change in the Irish approach from constitutional nationalism to revolutionary nationalism. Ireland had allowed its nationalists to attempt the realization of governmental freedom through Parliamentary action, but to no avail. A drawn out, fervent fight for Home Rule had been thrust aside when World War I emerged, revealing the inconsequentiality that the British placed on Irish concerns.

Constitutional nationalism, prior to the Easter Rising, had been one of the best political party organizations of the time. It had adequate funding, dedicated and talented leaders, and it compiled popular support, which was evident from its election successes.[22] Constitutional nationalists were primarily concerned with the establishment of a regional government that could focus on the interests and needs of Ireland, not the United Kingdom.[23] They saw this goal as a means to the final end: governmental independence.

The revolutionary movement had been motivated by a hatred for Britain, disdain for the failures of constitutional nationalism, and a strong desire for political independence.[24] Prior to the Rising, revolutionary nationalism was purely provoked by hatred of British oppression, and its principal concern was removing Britain from Ireland's back. The dedicated, unorganized and divided leaders of the Rising left Ireland with the realization that she deserved better. Revolutionary nationalism became devoted to the creation of an independent Irish republic, determined to drive out the British who refused to willingly leave.[25]

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[12] Ibid.

[13] Phillips, *The Revolution in Ireland 1906-1923*, 103.

[14] Timothy Patrick Coogan, *Ireland Since the Rising* (New York: Frederick A. Praeger, Publishers, 1966), 2.

[15] Phillips, *The Revolution in Ireland 1906-1923*, 105.

[16] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 10.

[17] Alan O'Day and John Stevenson, eds., *Irish Historical Documents Since 1800* (Savage, MD: Barnes and Noble Books, 1992), 163.

[18] Ibid.

[19] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 118.

[20] Ibid., 116-7.

[21] Finnegan and McCarron, *Ireland: Historical Echoes, Contemporary Politics*, 53.

[22] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 41.

[23] Ibid., 56.

[24] Ibid.

[25] Ibid., 62.

Michael Collins believed that the "valiant effort [the Easter Rising] and the martyrdoms which followed it finally awoke the sleeping spirit of Ireland."[26] He knew that revolution would follow. Collins concluded that the Rising had expressed the Irish right to freedom and their determination to have it, and he proclaimed that Ireland would challenge the right of Britain to dominate her.[27] Ireland had been put under martial law. Constitutionalism had lost its appeal. Ireland was itching, resolute to remove the sand from her shoe.[28] The time for change had come.

Irish politics had been altered as a result of the Rising. Although the faction had no formal role, the press and the government hailed it as the "Sinn Fein rebellion." This was not entirely accurate, but following the Rising, the Sinn Fein officially became the political wing of the revolutionary movement.[29] The Irish people, growing in resolve, began to put nationalists in power. The General Election of 1918 returned a Sinn Fein majority of 73 seats, although protest became their parliamentary policy and they refused to take their seats, not accepting the legitimacy of the United Kingdom's Parliament.[30] The Irish Party temporarily disappeared when nationalists, frustrated with a party of moderation, had nowhere to turn except to Sinn Fein.[31]

It grew increasingly clear to the Irish Party that they had to assume more active opposition to the United Kingdom if it was to retain credibility in Ireland. It condemned the executions, but more importantly, it abandoned a Home Rule objective. The Irish Party realized that the Irish would not accept limited autonomy, and it therefore demanded dominion status.[32] Unfortunately, posture now was more highly regarded than policy, and Sinn Fein's militancy was proving to be more attractive.[33]

Revolutionary nationalism rapidly won political favor and Irish support. It was the support of the Irish-Americans, however, that kept it alive. They viewed Britain as the oppressor of Ireland and the traditional enemy of American democracy.[34] They had long supported the goals of constitutional nationalism financially, but this crumbled

when Redmond announced Irish support of Britain's World War I involvement in 1914.[35] The money from Irish-Americans then went to revolutionary nationalism, which kept the previously weak movement strong.[36]

Thus, dissatisfied with the disappointments of constitutional nationalism, the Irish turned to revolutionary nationalism to attain their freedom. This would prove to be a wise venture, for it ultimately would lead to their goal. This ambition could not have been possible, however, without the dedication and leadership of two men that emerged from the ruins of the Easter Rising. Michael Collins and Eamon de Valera would prove to be crucial to the events that followed the revolutionary conversion until the attainment of freedom.

At the end of 1916, hoping to improve Irish opinion, the British government released many of the prisoners from the Rising.[37] This proved to be a terrible mistake, for two of those prisoners were the men that would damage the union the most – Collins and de Valera. Between the years of 1919 to 1921, Michael Collins pioneered 21st century guerilla warfare, aided by the sanctuary of a few sympathetic people,[38] while Eamon de Valera commanded an illegal Irish government in order to stabilize the fight of the country. Collins called the period between 1918 and 1921 the "struggle between our determination to govern ourselves and to get rid of British government and the British determination to prevent us from doing either."[39]

Sinn Fein was determined to make Ireland ungovernable for Britain. From 1917-1919, the British government authorized thousands of raids on private homes. Erratic fighting broke out between the Irish Republic Army and the British police. Labour arranged transportation strikes to impede British troops. Michael Collins led 'The Squad,' which was a branch of the IRA that was liable for disabling British intelligence through murder, informants and double agents. Lawlessness spread through the country.[40] Brutal murders occurred on each side. Between January 1919 and December 1921, the Irish suffered 752 dead and 866 wounded, while the British endured 600 dead and 1200 wounded.[41]

In 1918, Lord French was summoned to complete an investigation of public order in Ireland. He professed that "a minority of rebels" misled Ireland. He proceeded to extend martial law into

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[26] Collins, *The Path to Freedom*, 53.

[27] Ibid., 58.

[28] Coogan, *Ireland Since the Rising*, 22.

[29] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 10.

[30] Ibid., 122. The term "Sinn Fein" became the collective designation for anyone who promoted the goals of the Easter Rising, and the faction grew tremendously. Ibid., 121.

[31] Ibid., 126.

[32] Ibid., 121.

[33] Ibid., 122.

[34] Ibid., 75.

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[35] Ibid., 78.

[36] Ibid., 80.

[37] Ibid., 120.

[38] Ibid., 130.

[39] Collins, *The Path to Freedom*, 64.

[40] Coogan, *Ireland Since the Rising*, 26-7.

[41] Ibid., 30.

nationalist parts of the country, and soon most of Sinn Fein's leaders were imprisoned without a trial on the basis of the "German plot in Ireland."[42] Also in 1918, the British Parliament, desperate due to World War I devastation, extended conscription to Ireland. Its effect was immediate, overwhelming and unprecedented.[43] The Irish Party, Sinn Fein, the Irish Catholic bishops and trade unions, united by de Valera and John Dillon, rallied to oppose conscription. Ward believes that nothing did more to legitimize the Sinn Fein than this anti-conscription coalition.[44]

Collins contended that all the brutality, disorder and slaughter transpired from the British forces. He publicized murders and wounds of innocent men, women and children. He emphasized that nationalist newspapers were suppressed, thousands were arrested for political offenses, and nationalist leaders were deported.   The British government attempted to stifle the nationalist movement before it suffered defeat. Collins declared that the Irish did not instigate the atrocities, but only defended themselves.[45] He stated that they broke up communications and attacked armed forces and British spies. According to Collins, it was because of the British brutality that Irishmen hailed the war as "the Terror".[46]

The war led by Collins eventually ended in victory. By 1921, Britain was proposing a truce, having failed to subjugate the rebels. The distraction of World War I led to the use in Ireland of poorly trained police and military forces that were never properly integrated. Britain attempted to succeed by utilizing a large force, which the government believed would be necessary to defend possible targets from attack and to search out adversaries.[47]

The objective of Collins and de Valera was not a military overthrow, which they knew was not possible. Instead, they focused on creating propaganda and anarchy in the hopes that the British would withdraw from Ireland.[48] One purpose of guerilla warfare, which Collins used to great effect, is to use calculated aggravation to coerce the government to participate in the collapse of law and order. Thus, the government becomes the enemy.   The malice of the government indicated that the provocation of the IRA was prevailing, and the British forces became the problem, not the solution in Ireland.[49]

Ireland secured world sympathy, however passive, due to the murderous rage of Britain. Therefore, although Britain could regain control of Ireland, she was reluctant to do so against world opinion.[50] Their radical neighbors terrified the Unionists in the North.[51] The overwhelming support for revolutionaries, according to Ward, was an anomaly in Irish history that has since been regretted.[52] Thus, the Irish understandably turned back to constitutional nationalism once revolutionary nationalism had brought Britain to submission.

While Michael Collins was instrumental in the revolutionary tactics that attained independence for the Irish, it was Eamon de Valera who ensured that Ireland retained a system of government during the war, and it was de Valera who became imperative to the conversion back to constitutional nationalism.

In January of 1919, twenty-four Sinn Fein members of Parliament gathered for the creation of the Dáil Éireann, the illegal legislature of Ireland. It established a government for Ireland, and in April, de Valera became its president.[53] The Dáil instituted its own court system, as well as departments of education, labor, fisheries, trade, industry and agriculture. It was not, however, able to completely control the IRA, which was still diffused with the Irish Republican Brotherhood.[54]

De Valera went to America in 1919 to campaign for the Irish Republic, the definitive governmental goal of the Dáil. The British atrocities and the Irish suffering won political support in the United States, and De Valera earned American recognition of the Irish Republic through the American press and people. His excursion renewed America as a financial benefactor.[55]

Impeded by Collins' revolution, the British Parliament instituted the Government of Ireland Act in 1920. This granted Ireland two Parliaments, one in the North and one in the South, with a Council of Ireland to plan for eventual integration. The Unionist approved this because the Southern Parliament could not absorb the North without its consent. The Sinn Fein declined on the basis that the Irish Republic, albeit illegally, had been in effect since 1916.[56] Collins increased military efforts after this slight, but de Valera, upon his return from America, willingly went into negotiations with David Lloyd George.[57]

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[42] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 125.
[43] Ibid., 124.
[44] Ibid., 125.
[45] Collins, *The Path to Freedom*, 66.
[46] Ibid., 70.
[47] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 130-1.
[48] Ibid., 131.
[49] Ibid., 132.

[50] Collins, *The Path to Freedom*, 87.
[51] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 150.
[52] Ibid., 159-60.
[53] Ibid., 128-9.
[54] Ibid., 129.
[55] Ibid., 133-4.
[56] Ibid., 136.
[57] Ibid., 138.

In 1921, a series of letters were written between de Valera and Lloyd George. These began with a persuasive document from Lloyd George imploring for peace. He called the conflicts with Ireland an "embarrassment to our forefathers."[58] He offered a settlement giving Ireland all the powers and privileges which the self-governing dominions of Britain had, including control of home defense, police, courts, education, transportation and many other local matters.[59] Britain would be allowed free trade, military bases in Ireland, money and troops for the military, and aid in the debt of the United Kingdom.[60]

De Valera, whose primary concern was a republic for Ireland,[61] adamantly refused. He called dominion status an illusion, and maintained that a harmonious relationship with Britain would only be achieved through complete separation.[62] De Valera informed Lloyd George, "The sole cause of the 'ancient feuds' which you deplore has been, as we know, and as history proves, the attacks of English rulers upon Irish liberties. These attacks can cease forthwith, if your Government has the will. The road to peace and understanding lies open."[63]

Lloyd George was willing to compromise for peace, but could not accept separation.[64] De Valera was insistent on a small nation's right to defend its liberties from the powerful, and he threatened war if Britain attempted force.[65] In the end, they agreed to meet, after a quarrel over Ireland delegates as coming from a sovereign and free state. During the course of these letters, the eloquence and evidence the leaders use dissipates, and by the closing stages, they became very short, terse, firm and unyielding. The tension was evident and negotiations were set for October of 1921.

De Valera sent Michael Collins, among others, to the negotiations. On December 6th, the Anglo-Irish Treaty was reached. This treaty inaugurated an independent Irish Free State with dominion status under the crown and a governor general.[66] The new state had to assume some of the United Kingdom's debt, to assist with

war and defense amenities for British forces,[67] and to submit to a boundary commission to determine the line between Northern Ireland and the Irish Free State.[68]

The Anglo-Irish Treaty split the wartime partnership of Collins' military tactics and de Valera's governmental strategies. The Civil War in Ireland had begun. De Valera and others were irate that the representatives failed to accomplish a united Ireland, but they were absolutely livid at the betrayal of their republic ideal.[69] Collins upheld that they had maneuvered the best arrangement for the circumstances, for Lloyd George had threatened full-scale war if the treaty was refused. Collins knew that the IRA had the power to compel Britain to negotiate, but winning a military victory was decidedly improbable. Lloyd George would not tolerate a united Ireland or a republican government. Collins defended his decision, stating that the treaty granted "not the ultimate freedom that all nations aspire and develop to, but the freedom to achieve it."[70]

As it turned out, Collins was accurate. The Civil War brought a divided Ireland to her knees. Restoration of civic order was arduous.[71] A war of erratic guerilla attacks and retaliations ensued, creating a brutal war, with many dead and many executed. The anti-treaty forces were finally forced to surrender in May of 1923.[72] The Civil War resulted in the death of Collins, a legacy of blame,[73] and the ancestors of Ireland's future political parties, the Fine Gael and the Fianna Fáil, from the pro-treaty and anti-treaty factions respectively.[74] Shortly after the end of the Civil War, Collins' prediction of the treaty as a means to an end came to light.

By 1932, de Valera became the Prime Minister of the Irish Free State, from which he legally abolished the Irish oath of allegiance to the British crown. In 1937, the Irish Free State eradicated all allusions to the crown from its constitution, other than that allowing the British king to act for Ireland in foreign affairs. Later that year, the Irish Free State adopted an entirely republican constitution and renamed the country Eire. Consultation in 1938 resulted in the abandonment of United Kingdom naval bases in Ireland. Eleven years later, in 1949, Eire assumed the designation "Republic of Ireland," and she withdrew from the British Commonwealth. As stated by

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[58] Tim Coates, ed., *The Irish Uprising 1914-1921: Papers from the British Parliamentary Archive* (London: The Stationary Office, 2000), 155.

[59] Ibid., 157.

[60] Ibid., 155.

[61] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 138.

[62] Coates, *The Irish Uprising 1914-1921: Papers from the British Parliamentary Archive*, 165.

[63] Ibid., 168.

[64] Ibid., 170.

[65] Ibid., 174.

[66] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 138.

[67] Coogan, *Ireland Since the Rising*, 35.

[68] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 138.

[69] Ibid., 142.

[70] Ibid., 139.

[71] Coogan, *Ireland Since the Rising*, 47.

[72] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 141.

[73] Coogan, *Ireland Since the Rising*, 49.

[74] Ward, *The Easter Rising: Revolution and Irish Nationalism*, 145.

Desmond Williams, "By the time the British found the answer, the Irish had lost interest in the question."[75]

The Easter Rising of 1916 had set into motion the events that led to the creation of the Irish Free State in 1922. After repeated mistakes on the part of the British, they eventually had to surrender to the revolutionary force that the Rising and its aftermath incited. Ireland was no longer playing the games of the British. After the sacrifices of the Rising, she was inspired, relentless, and angry. Collins and de Valera refused to fail, they refused to deter from their dream, and they refused to settle for anything less than everything. Pearse and the other leaders of the Rising had died for the realization of an independent, republican, Gaelic, united Ireland.[76] It was because of them that Ireland fought in the way that she did, invigorated by the support the Rising secured and the leaders that the Rising left behind. They died so that Ireland might live, and live she did.

[75] Ibid., 143.
[76] Ibid., 147.

NAZISM AND THE GERMAN PEOPLE:
A HISTORIOGRAPHY

Kevin Korst

On April 30th 1945, Adolf Hitler took his sidearm, pointed it at his head and fired a single shot, killing himself instantaneously. With this, the German Fuhrer quite unceremoniously ended a war that had been raging for six bloody years. Around Hitler's body, his beloved capitol lay in ruins while the reign of his thousand-year Reich was abruptly cut short. Ever since the extraordinary events of April 1945 unfolded, historians have grappled with the Nazis and their horrific chapter in history. Numerous questions have been raised regarding the circumstances of their rise to power and dealings while in control. Even more important, however, is the inquiry into the attitudes and actions of the common German citizen during this time. How was it that so many people seemingly supported a political organization obsessed with racial "purification" and bent on world domination? What exactly was their view of Nazism and their racial policies during the height of its power? Such complicated questions require equally complicated answers, leaving historians the great task of searching for a response through the remnants of Nazism.

The years following the end of the Second World War saw many historians take a sympathetic view toward the general population of Nazi Germany. It was believed that they were victims of a great illusion, one ruled by terror in which numerous atrocities were allowed to occur. The issue of German denial helped to encourage this type of thinking until historians began to take a closer look at the situation, seeking better answers. From the creation of this new partition came two primary schools of thought. The functionalist and the intentionalist groups disagree about the core explanations for the Holocaust. The functionalists believe that this tragic event came out of the chaos of the Nazi bureaucracy and the increasing desperation of their circumstances. On the other side, the intentionalists see the Holocaust as a preplanned event that came to fruition because of a mad man's twisted dream. Each of these groups offers a different and unique perspective on the Holocaust, giving historians several different avenues of thought from which to pursue.

In 1969, historian Martin Broszat released his work, *The Hitler State: The foundation and development of the internal structure of the Third Reich*, which tended to take a functionalist view of Nazism. Broszat's

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book describes the policies of the Nazis and how they operated within the structure of the state. He believes that Nazi policies did not truly grow out of their ideology, but were the outcome of the structure and conditions of government in Germany. Broszat specifically focuses on a Hitler that, while being the center reference point for the entire organization, tended to operate on the periphery of actual government decisions. In reference to ordinary Germans, Broszat does not disclose much but states,

> Even the excessive Fuhrer cult in Nazi Germany, that persuasive belief in the leader which had a meaning and real importance far beyond determining ideology, for the integration and mobilization of the German people in the Nazi era, cannot be understood simply in terms of personality, as a result of the superior strength and leadership of Adolf Hitler.[1]

Even with Hitler's rise to power, the "success in overthrowing the Weimar Republic and in establishing the Hitler regime was primarily due to the collaboration between the conservative opposition to democracy and the national Socialist mass movement."[2] In other words, the German people who opposed democracy and wanted a restoration of conservative and authoritarian principles helped put Hitler in power and fostered the growth of his cult-like image. While there were struggles in the beginning as to how the party would be run within the German government and who would exert their new power, by 1938 Hitler filled this void when he ceased to be the party leader and became the Fuhrer.[3]

Martin Broszat sees the Nazis as an organization that needed popular support to establish its power in Germany. This was not a revolution in the usual sense of the word, but merely an exchange of authority. Once the Nazis grasped this authority, however, the German people, fueled by Hitler himself, the Nazi propaganda machine and their own social expectations, allowed Hitler to become the object of a cult of personality that we see today. His influence continued to grow with the successful implementation of Nazi foreign policy and only subsided after 1941 with the tide of the war turning against Germany. Overall, Broszat suggests that "Hitler's special authority as Fuhrer was not founded like [Joseph] Stalin's on the control of the central organizational apparatus of the Party and state, but in the last resort of charismatic appeal, and the ability this gave to integrate the nation as a whole."[4] Inevitably, this was just one part of a larger story brought to life with the consent of many Germans.

Continuing with the precedent set by Broszat, in 1982 historian Detlev J. K. Peukert published a fascinating study of everyday life in Germany titled *Inside Nazi Germany: Conformity, Opposition, and Racism in Everyday Life.* Peukert seems to take a middle course regarding the question of whether German citizens, both young and old, had been active participants in Nazism and its subsequent policies. He focuses on the various groups that existed in Nazi Germany, beginning with the working class. In this instance, Peukert reveals that "the Nazis' use of terror in the working-class districts and the continuous pressure to conform combined to create a ubiquitous sense of persecution and insecurity, as in a city occupied by foreign troops."[5] He believes that the working class as a whole may have offered some small measure of token resistance, but because of the Nazi terror apparatus, could not organize in any significant way.[6]

Shifting focus slightly, Peukert understands that the young people of Germany have a slightly different story to tell. Peukert evaluates the impact of the Hitler youth and sees a program that, while at first possessing a major influence, lost its grip over younger Germans. Initially, the systemized Hitler Youth institution offered many young people opportunities they would not have normally had access to. However, as the war dragged on, more youth leaders were called into service and "the war reduced the Hitler Youth's leisure activities: playing fields had been bombed, official hiking trips were cut down and finally discontinued."[7] Because of this, opposition groups known as "Edelweiss Pirates" began to form and physically harass the Hitler Youth patrols.[8] Youths would gather together listening to music forbidden by the Nazis, and engage in swing dancing, helping to create an atmosphere of passive resistance. Peukert reasons that no major resistance was mounted because of the Nazi policy of "atomizing" the public, meaning that numerous social structures and traditional networks were broken down and swept away forcing many to see Nazism as a new center of focus.[9]

Even with these small measures of resistance, Peukert acknowledges that some aspects of Nazism were generally accepted by the population. He states that

> The terror, directed against political or social trouble makers was not only not concealed from the population-as many who pleaded for excuses were to suggest after 1945-but was highly visible, was documented in the press during the Third Reich, was given legitimacy

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[1] Martin Broszat, *The Hitler State: The Foundation and Development of the Internal Structure of the Third Reich* (New York: Longman, 1981), xiii.

[2] Ibid., 346.

[3] Ibid., 294.

[4] Ibid., x.

[5] Detlev J. K. Peukert, *Inside Nazi Germany: Conformity, opposition, and Racism in Everyday Life* (New Haven: Yale University Press, 1982) 105.

[6] Ibid., 104.

[7] Ibid., 155.

[8] Ibid., 154.

[9] Ibid., 236.

in the speeches of the Reich's leaders and was approved and welcomed by many Germans.[10]

More important was the public policies of Nazi racism, which while being decried by churches and some members of society, more often than not "were accepted and even approved, provided that they were applied within a framework that was outwardly legal."[11]

Throughout his book, Peukert seems to align himself with the functionalist camp of Nazism. In reference to the ordinary Germans' stance on the Nazis, he sees a nation that operates under an umbrella of terror and offers some resistance to its oppressors, yet acknowledges the dark underbelly of acceptance that did exist. On the whole, Peukert realizes that terror played an important role in the Nazis control of Germany, but refuses to believe they were completely unaware and unwilling to cooperate in the racially and ethnically charged system of government.

Several years after Peukert released his work, author Ian Kershaw contributed to the discussion with his work titled *The 'Hitler Myth': Image and Reality in the Third Reich*. This comprehensive review on the source behind Hitler's control of the government and its people, in a minute way, resembles Broszat's effort. In his book, Kershaw takes an interesting approach to the average German's outlook on Nazism by separating the Nazi party and Hitler into two separate and distinct categories. He claims that many citizens, especially in the early years of the World War II, disliked the Nazi party and their policies. However, they adored Hitler to the extent that when things went badly or policies backfired, Hitler was spared much of the criticism, at least until the defeat at Stalingrad in 1943.[12] Before, though, the German people seemed to gravitate to answers that drew attention away from Hitler by claiming that he was being misinformed, curbed by the Allies or so engaged in foreign affairs that he had no time for the home front. According to Kershaw, it was the Nazi propaganda machine that takes the greatest responsibility for this feat and states, "After 1933, Nazi propaganda, largely uncontested now that opponents within Germany had been silenced, could almost deify Hitler. Joseph Goebbels,[13] as we saw, ranked his creation of the public Hitler image as his greatest creation"[14] Kershaw also looks into the German people's thirst for a new leader who could unite and stabilize a nation which had floundered under the tutelage of the Weimar government. Hitler provided such an opportunity and using

Goebbels' machine, he lured the German masses into a state of trust and misguided belief, a trust that, in certain ways, outlasted the Hitler and the war itself.[15]

While Kershaw does portray the Germans as a "victimized" group, in his eyes they are not without fault, especially surrounding the circumstances of the Jewish question. In his book, Kershaw recognizes that while many Germans were anti-Semitic before Hitler's arrival, most did not support extreme racial policies. The Jewish question was therefore avoided by fusing the Third Reich with the popular and attractive aspects of Nazi rule symbolized by Hitler himself. Kershaw says that "this in itself distracted attention away from the seamier side of Nazi policy," which in turn "ensured at least passive acquiescence in if not outright approval for escalating inhumanity of Nazi anti-Jewish policy."[16] More frightening are Kershaw's examples of how the Hitler myth, for some people at least, continued until the end of the war and beyond. "In 1968, six percent of the West German population (compared with four percent in 1965 and 1967) reported their willingness to vote again for a man such as Hitler."[17] Kershaw exemplifies just how powerful the image of Hitler created by his propagandists was, and how far reaching its effects could be felt. He believes that the German people fell under the spell of the image of a man who never really existed, but he is not shy about condemning their indifference to the most horrific of Nazi policy.

The aforementioned authors, while having slightly different ideas, tend to agree that Germans citizens were both ruthlessly deceived and themselves at fault in their sometimes lax views and approval of Hitler and Nazism. However, the topic of rule by terror is given only a small amount of reference in proportion to each work's scope. The treatment of this subject was improved upon in 1990 when historian Robert Gellately published *The Gestapo and German Society: Enforcing Racial Policy 1933-1945*. In his work, Gellately looks into the Gestapo and how they managed to control an entire nation with only a small core of individuals. He concludes that it was impossible for the terror organization to follow the orders that were given to them, especially as their responsibilities grew during the war. Gellately claims that "it simply did not have the physical resources to accomplish the task assigned to it, especially as these increased in number and scope. And this point stands even when one includes the help it could count on from other organizations of the Nazi party and German state."[18] How then was this task accomplished with such

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[10] Ibid., 197.

[11] Ibid., 219.

[12] Ian Kershaw, *The 'Hitler Myth': Image and Reality in the Third Reich* (Oxford: Clarendon Press, 1987) 192.

[13] Propaganda minister of the Third Reich.

[14] Ibid., 254.

[15] Ibid., 264.

[16] Ibid., 252.

[17] Ibid., 267.

[18] Robert Gellately, *The Gestapo and German Society: Enforcing Racial Policy 1933-1945* (Oxford: Clarendon Press, 1990) 253.

horrific efficiency? For this answer, Gellately points to the average German citizen as an accomplice to the Gestapo's mission of state control and racial purification. Since it was impossible for the German Gestapo to be everywhere at once, they relied heavily on the information and participation readily given by many citizens.[19] Why, according to Gellately, were Germans so eager and willing to commit these acts? For starters, the Nazis had done such an impressive job through their propaganda techniques and examples that many believed there truly was an agent on every corner, watching their every move. Gellately presents evidence that a number of Germans came forward with information because of petty differences including relationship squabbles, heated competition between businesses, and disputes involving neighbors.[20] This helped to create a society in which its citizens engaged in a kind of self-regulation, ensuring the Gestapo could easily control a numerically superior target with little or no difficulty.

Robert Gellately's take on Nazi Germany sees a society in which total control was achieved through active participation. The average German seemed to view the Gestapo as an omnipotent being, even though evidence clearly points to the opposite. Even so, Gellately says that "one ought to be cautious, however, in extrapolating from Wurzburg, the focus of his study, to the rest of the country. Enforcement may have been easier to achieve in smaller cities and towns in rural districts."[21] He paints the common German in a way that few authors had up to this point. Through his evidence and analysis, they appear much more as aggressors, rather than victims.

Following the course that had been laid out by Robert Gellately and others, historian Daniel Jonah Goldhagen took the case against the German people to a place few had before. In 1996, with the release of his book *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*, Goldhagen attacks the German people as a nation that was willingly and actively participating in the Holocaust. Furthermore, he asserts that only in Germany could an atrocity on the level of the Holocaust have occurred, thanks to Germany's highly anti-Semitic past. Goldhagen sets up a scenario where anti-Semitism had been rampant in Germany for centuries. He believes this was ingrained into the German psyche until a particular situation came along to set in motion an event that was literally hundreds of years in the making.[22] One of the examples he uses to support his thesis is the

actions of Police Battalion 101.[23] This group of men who were mainly composed of regular German police was sent to Poland to commit the unthinkable. While most had no affiliation with the Nazi party, they participated in the killings of innocent people, with apparently very little remorse. They even told their friends and family about their actions, leading Goldhagen to state that "the Germans' openness about their genocidal slaughtering-making it available to the view of so many other German men and women who happened to be stationed in Poland-is but an indication of the perpetrators' obvious approval of their historic deeds."[24] According to Goldhagen, this is just one example of what countless Germans were ready to do, giving little thought to the extraordinary consequences of their actions.

Hitler's Willing Executioners created a firestorm of criticism upon its release in 1996. Many historians assaulted the book as nonsense, saying that he could not adequately defend many of the controversial statements held within his writings. Goldhagen, in return, defended his thesis claiming "that the perpetrators approved of the mass slaughter, that they willingly gave assent to their own participation in the slaughter, is certain. That their approval derived in the main from their own conception of Jews is all but certain, for no other source of motivation can plausibly account for their actions."[25] If anything, Goldhagen showed that ordinary Germans were much more involved in Nazi racial policies than historians initially thought. He seems to conform to the intentionalist view of Nazism but includes nearly every German in the equation.   However, there are many flaws within his argument, especially in regard to his point that the Holocaust could only happen in Germany, but for better or worse, his assertions led the discussion into relatively uncharted territory.

Following the storm created by Goldhagen, author Eric A. Johnson published his book, *Nazi Terror: The Gestapo, Jews and Ordinary Germans*, in 2000. Following the lead set by Gellately and Goldhagen, Johnson analyzes the Gestapo and their impact on the German population. Reacting as several of the previous authors had, Johnson sees the Gestapo as a well-trained and staffed organization without the necessary resources to control the targeted population. How then did the average German view this organization? First, Johnson claims that most Germans had little or no contact with the Gestapo in their daily lives, and for the most part, did not fear them.[26] Also, the citizen informer that previous historians, such as Gellately, point to did not truly exist on a large scale, and if a person did present

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[19] Ibid., 130.

[20] Ibid., 144-158.

[21] Ibid., 256.

[22] Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage Books, 1996) 27-48.

[23] Ibid., 239.

[24] Ibid., 245.

[25] Ibid., 416.

[26] Eric A. Johnson, *Nazi Terror: The Gestapo, Jews and Ordinary Germans* (New York: Basic Books, 2000) 253.

information to the Gestapo, many times it was ignored. Johnson sees that Germany was still indeed a "police state" and that the Gestapo was not merely a reactive organization.[27] Still, he does not absolve Germans for their crimes against the Jewish race. He believes that the evidence of mass deportations reveal that by 1942, most Germans knew exactly what the Nazi regime was trying to accomplish, and the Gestapo agents who were shipping Jews away from their homes were well aware that they were headed to near certain death.[28] For their part in maintaining silence in view of these crimes, Johnson is not afraid to direct blame squarely at them. Even so, Johnson does reveal elements of the resistance movement, such as the church, showing that certain sects of German society did fight the Nazis and their twisted ideology.[29]

Johnson's work follows a pattern set in the preceding decades by fellow historians. As he states in his book, "A recent trend in historical scholarship places the onus of guilt on ordinary Germans for the perpetration of Nazi crimes."[30] However, Johnson is careful to note that "the recent trend in historical scholarship threatens to underestimate and obscure the enormous culpability of the leading organs of Nazi terror, such as the Gestapo and to overestimate the culpability of ordinary German citizens. It needs to be remembered that some Germans were far more guilty than others."[31] Johnson's book attempts to pursue the middle course, in showing that ordinary Germans were a greater factor in the Holocaust than first believed, but they were far from the only factor. Johnson reinforces the idea that the Gestapo did not rule by fear alone, and were not the ever-present demon in people's lives. Representing a moderation of the extreme views held by Goldhagen and others, Johnson understands that culpability and blame is to be shared by many in Nazi Germany, but by none completely.

From 1945 to the early 1980s, a majority of historians pointed the blame for wartime atrocities solely in the Nazi party and their underlings. Even in Martin Broszat's 1969 book *The Hitler State*, he makes only a small reference to the German people and instead concentrates mostly on Hitler and the bureaucracy. Historians saw German citizens as victims of an elaborate scheme, one in which they entered a state ruled by terror, and the truths of the Holocaust were hidden from them. This interpretation held for over thirty years, until scholars began to question what exactly occurred during the Nazi reign, along with the German people's place in it. Harnessing the burgeoning field of social history, coupled with newer quantitative methods, they poured over voting records, Gestapo files, military papers, court documents, and other related materials. What they found was something quite startling and contrasting to previous sentiments. Historians like Broszat and Peukert saw a Germany where many of its citizens bowed before Nazi policies and even wanted a figure such as Hitler to obtain power. They argue, however, that the German people did not necessarily actively participate in the killings of Jews and other minorities. Complementing this are historians Johnson and Gellately, who see German citizens as holding a greater proportion of guilt than had been previously associated, but still refraining from the extreme nature of Goldhagen's thesis. In addition, the concept of the Gestapo has changed dramatically over the last three decades, ranging from a nearly invincible organization that controlled the whole of the civilian population, to one struggling with meager resources and relying heavily on citizen participation. In the end, the field of German studies during the Second World War has seen drastic changes over the past sixty years. Splintering groups such as the functionalist and the intentionalists, along with those debating the true power of the Gestapo have added dimensions once thought impossible. This rapidly evolving subject continues to divide scholars, but ultimately clarifies our understanding of one of the most dramatic eras in human history.

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[27] Ibid., 353-354.

[28] Ibid., 395-396.

[29] Ibid., 195.

[30] Ibid., 483.

[31] Ibid., 483-484.