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HISTORIAN

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HISTORIAN

NEW YORK UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
DEPARTMENT OF HISTORY

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54TH EDITION

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We would like to thank those who so generously contributed to the funding of this year's journal. Without the help of the NYU Department of History and CAS Student Council, this collaborative work of students would not be possible.

We would also like to thank our wonderful sponsors, Professors George Solt and Maria Montoya. Their support has been invaluable to our work, and we have benefited greatly from their guidance and encouragement.

Our thanks as well to the administrative staff of the Department of History, whose patience and assistance have been absolutely essential in a variety of ways.

Finally, we would like to thank those whose work is the driving force of this journal. To the professors who have read the journal over the years, who have encouraged their students to submit, and to the writers who have shared their work with us, we offer you our most sincere gratitude.

Many thanks,
THE HISTORIAN EDITORIAL BOARD

Alexia Cooley
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EDITORS

FACULTY ADVISOR'S INTRODUCTION

53 years ago, New York University's undergraduate leaders in the study of history launched this journal in order to disseminate and preserve their scholarship. As one of the oldest and most distinguished student-directed undergraduate journals in the country, the *Historian* is a source of pride for all of us who teach in the History Department. Its publication every spring is a particularly gratifying event that allows us to see the result of all the work that our student editors and writers contributed to its production throughout the course of the year. Alexia Cooley and Clark Noone, the Co-editors of this year's *Historian*, provided exceptional leadership for the group of history students who put this volume together.

The collection of essays in this year's *Historian* continues the journal's tradition of excellence in undergraduate research and scholarship. There is a significant range in terms of the geographic scope, temporal breadth, and scale of the unit of analysis in the essays that, together, provide a sense of the richness of our students' research interests, and the variety of our Department's course offerings. From the history of vagrancy laws in New York, to the transnational dispute over scarce water resources in South Asia; from the Flavian dynasty in Ancient Rome, to the negotiation of gender in 1960s Germany – the collection is a reflection of the independence of scholarship and open-endedness of historical inquiry conducted by NYU's undergraduates.

The academic year 2012-2013 has also been full of epoch-making events that will perhaps be the subject of future historical analyses to be published in this journal. The re-election of President Barack Obama, the resignation of Pope Benedict XVI, the unrelenting civil war in Syria, and the heightening of tensions in East Asia, are some of the historical events for which our past academic year will likely be remembered in the ensuing decades. Equally important, however, are the current events that have the potential to

drastically unsettle our social organization, but have yet to register on our radars as “history.”

I am deeply thankful to have been provided with the opportunity to take part in preserving this standard of distinction in student-directed publication at New York University.

George Solt
ASSISTANT PROFESSOR OF HISTORY

BIOGRAPHIES

BEN MILLER

Ben is a Presidential Honors Scholar and Junior at NYU. A native of Boston, his research interests include 20th century American history and global LGBT history. He recently received an NYU DURF grant to research LGBT pioneer Harry Hay. Ben's other interests include music and writing short fiction.

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Amelia is a junior majoring in History. She enjoys connecting animals and nature to traditional historical narratives, and examining why we conserve certain species but not others. She hopes to study American environmental history in graduate school. When not in Bobst, she loves running, playing music, daydreaming, and reading.

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Alex is a senior majoring in Politics. He is president of International Relations Society and a finalist in the 2012-2013 NYU Global Debate competition. He recently received the CAS Alumni Association Award. After graduation, Alex plans to intern in New York and travel abroad before attending law school.

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Jacob, a native of Oakland, California, is a double major in Politics and History with a minor in Spanish. He was included on the CAS Dean's Honors List and was inducted into NYU's chapter of Phi Alpha Theta. Jacob has experience at legal non-profits, most recently at Legal Information for Families Today.

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Debbie is a senior in NYU's School of Arts and Sciences. She will graduate with a double major in History and English/American Literature. Originally from London, Debbie intends to return to the UK to pursue a PhD there. She will work for a non-profit organization serving NYU students.

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Emad is a senior from Boston, Massachusetts. A Lebanese Druze, he is interested in their history and their role throughout the Middle East. Currently, he is president of Students for Justice in Palestine at NYU. A double major in Politics and Middle Eastern Studies, he hopes to pursue a career in International Law.

"I AM NOT A BANNER WAVER:"
QUEER MEN'S EXPERIENCE OF THE LAW IN EAST AND WEST
GERMANY, 1960-1969

Ben Miller

After World War II, during Germany's national period of denazification and self-reflection, one group's experience under the Nazi regime was left out of the national conversation: that of gay men and lesbians. In fact, Nazi-era restrictions on homosexuality remained in place in West Germany until 1969 and in East Germany until partial repeal in 1950, followed by a complete repeal 1968. Queer men and women were forced to continue their lives underground and in private, forging subcultures of resilience that battled official condemnation and brutality. This paper focuses on the experiences of queer men before the repeals of the last parts of the Nazi anti-homosexuality laws in the 1960s. To further narrow its focus, it surveys only the experience of queerness in post-war Germany, and deals with the lived experiences of those who were born during or after the war itself.

A brief note on terms: it is always difficult to define terms such as 'gay,' 'lesbian,' and 'queer,' as different individuals maintain different understandings of their identity despite using the same words to define themselves. For the purposes of clarity and consistency, this paper uses the term "queer men" to refer to men whose sexual and romantic orientations are primarily or equally directed towards other men. This does not exclude those in marriages of convenience with women. Although "queer" is an anachronistic term for the period this paper describes, the category is useful shorthand for a meaningful group that would have understood itself as one.

This paper, then, examines how queer men experienced the laws that oppressed them, and how they established counter-legal lives that allowed them to live and to love. In comparing East and West German queer men's experiences, it becomes clear that while East German queer men had fewer opportunities to shape their legal landscape, the more aggressive and harsher codes of West German law proved more challenging to navigate. While the legal structures countering both East and West German queer men were oppressive, East German anti-homosexuality law was experienced largely as a steady, unchanging, and predictable set of codes around which a queer life could be constructed. In West Germany, however, anti-homosexuality law was experienced as fluid and more

persecutory in nature. East German queer men could construct relationships around the law, but were prohibited public displays of cultural expression; West German queer men could express themselves culturally in public, but were more harshly prosecuted for their individual relationships. Although the democratic nature of West Germany allowed for laws to be changed more easily with societal attitudes, West Germany prosecuted far more queer men, and punished them far more harshly.

The Nazi persecution and post-war ostracism of queer men is particularly tragic because, during the Hohenzollern Empire and the Weimar Republic, Germany had the first, most active, and most successful movement fighting for queer rights. Queer culture flourished in Berlin during the Weimar era, incubating the first generation of Modern queer writers and artists (including Christopher Isherwood) and codifying many elements of Queer culture that remain prevalent to this day.¹ This changed rapidly during the Nazi era, as homosexuality and queer culture became useful scapegoats for Germany's supposed decadence and decline. When the Nazis took power, informal persecution began to build, including the creation of a "special department" of the SS to combat crimes of morality, including queer persecution.²

Most important to the lives of post-Nazi queer men was the Nazi revision of the existing anti-homosexuality law, which dated back to the early days of the unified Reich under the Hohenzollerns. Paragraph 175 of the German Penal Code was originally written to prohibit "unnatural sex acts between persons of male sex or by humans with animals;" punishment was restricted to "imprisonment."³ The Nazi revision was revised to read, "A male who commits a sex offence with another male or allows himself to be used by another male for a sex offence shall be punished with imprisonment," and later escalated the punishment to "penal servitude" in work or concentration camps.⁴ This new law was accompanied by devastatingly effective enforcement – national resources were poured into the "struggle against homosexuality," which police forces were instructed via secret directive to pursue "with all permissible means."⁵ Nearly 100,000 individuals were prosecuted, 50,000 were sentenced to penal servitude in concentration camps, and 25,000 were murdered.⁶

After the Nazi regime fell, queer men were often unsure as to which form of the law applied. By 1950, following a series of court cases and administrative decisions, the law had been clarified. While East Germany reverted to the original Hohenzollern regulations (with the exception of the specific criminalization of male prostitution), West Germany ratified the Nazi-revised anti-homosexuality acts as the law of the land.⁷ This became the legal framework confronting German queer men

during the 1950s and 1960s: oppression on one side of the wall, and harsher oppression on the other. This paper now jumps ahead to the early 1960s, to examine the compared experience of East and West German queer men born during or after the war, and the development and understanding of their sexual orientation and identity against the persecutory legal frameworks of the period.

Before the closing of the intra-German borders in 1961, East and West Germany's legal regimes were not experienced as particularly different in essential character by queer men, although knowledge of the specific differences in the law and its enforcement was a key ingredient of queer male culture and survival. An example of pre-Wall queer men confronting the regulatory structures of the period is the case of Otto N., who was picked up by the West Berlin police for male prostitution though he and his client were both East German citizens, and they met and exchanged money in East Berlin. While he was eventually convicted, at his trial he attempted to convince the court that he thought he had been in the Eastern sector, where differing rules of evidence prevented his prosecution.⁸ This legal strategy as underscored the way in which queer men "still conceived of the city according to their own compasses," experiencing a code of legal oppression that differed in theory but that was in practice unified, with only minor technical differences that could provide a way out of prosecution.⁹ The later divide of Germany, however, soon physically split the queer community. It was after this split that the differences between legal and prosecutory regimes became clear, especially as experienced by young men coming into their sexual and emotional maturity during this period.

For East German queer men in the 1960s, the law was a blunt object, shadowing and shaping their lives with bureaucratic oppression and threatened imprisonment, but ultimately predictable and possible to circumvent. The experiences of East German queer men were quietly catalogued through interviews conducted by Jürgen Lemke published (unedited) only after the wall fell, providing a remarkable archive of oral histories. "Dieter," a man born in 1946, experienced formal legal prosecution only once during the 1960s, and after his brief imprisonment, reunited with his long-term partner. The law colored their relationship: they were forced to work opposing shifts after their manager discovered their relationship, leaving them with little time to spend together. Despite this, they managed. Dieter recalled "planning [our days together] well ahead of time...we are forced to plan because of how they allot vacation spots at work."¹⁰ Law and society allowed him and H. to live together as long as they did not explicitly discuss or reveal their relationship in public. Volker, another man also in a committed partnership during the late 1960s, recalls

similar feelings of fear during the few moments when his relationship was subject to public and legal judgment:

We felt the need to document our relationship externally. We had rings made, little games that were important to us...I still remember saying to Peter once: it isn't fair that we cannot pick each other up at work with a kiss and with flowers. The next day he was standing with a bouquet in front of my office. No kiss, just our hearts beating fast. We didn't look each other in the eye either; rather, we watched other people to see how they would react to it.¹¹

This experience of fear had a tremendous chilling effect on the openness (or lack thereof) of queer men during this period. Reinhold, a man who lived in a small town, described the pursuit of an active homosexual sex life while remaining married to his unaware wife. One man in the town lived openly and pursued homosexual sex too obviously. Reinhold and the town's other closeted individuals described "embarrassment" and "fear" whenever the 'too-open' man was discussed or criticized.¹²

At least in cities, however, queer men were able to find ways to circumvent official and societal opprobrium, but the bar scene in the East never fully recovered from its heyday before World War II. A photograph taken in 1968 shows men in cheerful drag celebrating at a bar in East Berlin; while they are in a much older style of drag than the date indicates – perhaps due to the slow percolation of Western trends through the Iron Curtain – they are clearly celebrating their alternative sexualities openly in the public space of a bar.¹³ This photograph, however, was likely taken after the lifting of the laws against homosexuality in 1968; before then, such a space would have been shut down by the watchful eyes of state security. But even after the change of the law in 1968, queer men's lives and legal experiences in East Germany did not change as much as might have been expected. While they could congregate in public spaces and pursue their relationships without being arrested, they could still be pressured by the state with the many other ways that it could persecute those of whom it did not approve. Queer men interviewed by Lemke did not once mention the change of the law as a watershed moment; rather, they spoke of continued discrimination in apartment selection, job assignments, and other factors.

In the West, queer men experienced a law that was ultimately mutable but pernicious, a law that persecuted them harshly for relationships but allowed them relatively many spaces in which to express themselves culturally, primarily in bars and in theaters. West German queer men experienced most of their encounters with legal and societal oppression at

the boundaries between the safe spaces they were able to create for themselves and the public world in which they needed to assume safer straight identities.

The political climate in post-war West Germany made life even more difficult for queer men, particularly the *Familienpolitik* of Christian Democratic chancellor Konrad Adenauer, whose government publicly committed itself to the pursuit of Christian ethical principles in economic, social, and political life, and stayed in power from the first elections in 1949 until the mid-1960s.¹⁴ *Familienpolitik* signified a language of politics that focused on family values and family health, and, in the words of historian Clayton Whisnant, "argued that the traditional family, with its strict division of sex roles and its limitations on sexuality, would enable the country to rebuild."¹⁵ These strict traditions were incompatible with the challenges made to traditional sex and gender roles by homosexuality, and in most ways the legal and prosecutory regimes facing queer men under the Adenauer government resembled those of the Nazi era as much as they did those of the Weimar era. Individuals themselves were heavily targeted outside the few available queer-safe spaces – in their homes and at their jobs, and in the often-public spaces to which they were forced to flee to pursue sexual activity.

Between 1955 and 1965, 100,000 queer men were tried under § 175, and 45,000 of those men were convicted.¹⁶ While this demonstrates the pervasiveness of prosecution – which often used pernicious techniques such as one-way mirrors in public restrooms and officers who initiated sexual contact only to immediately arrest their victims – it also demonstrates the success many queer men had at using the legal institutions of democracy to counter the opposition of law. Freed by the new West German Basic Law from warrantless searches, indefinite jailing without trial, and aggressive interrogation, queer men's resistance made the laws more difficult to enforce. Police were often forced to resort to denunciations from neighbors in order to obtain search warrants that uncovered homosexual material within individuals' homes.¹⁷

In the West more predominantly than in the East, it was possible for queer people to carve out spaces for the expression of their culture and identity, and to make those spaces relatively safe from prosecution. In West Germany, prosecutors and police made crucial distinctions between performing queer sex or obtaining queer pornography, and having a queer identity, operating a queer bar, or publishing a queer magazine; the former were strictly illegal and heavily prosecuted, the latter were largely tolerated.¹⁸ Whisnant describes the gay bar scene in post-war West Germany as being characterized by a combination of secrecy and openness; the bars' statuses

as queer spaces could not be openly spoken of, but it was fairly easy to find them and they operated steadily through a varying prosecutorial climate.¹⁹

One such bar, Elli's, was particularly targeted for hosting "masquerade dances, (drag) balls, and mixed crowds" by a watchful police, "to safeguard public morals, protect the youth, and limit the spread of vice."²⁰ Drag often became a way for individuals to perform their sexual expression around the limits of the law. "Ramona" (real name Kurt Unger), became a minor celebrity in Berlin, and posed for movie-star style glamour shots in full-velvet regalia.²¹ *Der Weg zu Freundschaft und Toleranz*, or "The Way to Friendship and Tolerance," started in the mid-1950s in Hamburg and stayed in print throughout this period, providing a tremendously important lifeline for discussion and celebration within the queer male community.²² The magazine, which operated from a complicated publishing network of offices in Hamburg, printers in Frankfurt, and subscribers' lists in Berlin, protected itself from prosecution even as it expanded into mail-order pornography and included lonely-hearts ads and frank discussions of queer spaces and sexualities.²³

West German men were able to build upon this growing openness of culture to fight back against the legal codes that persecuted them, not only resisting but working to change that system. As early as 1950, pamphlets were being distributed in efforts to repeal the Nazi-era version of § 175.²⁴ By 1952, the first legal organizations had formed, primarily the *Gesellschaft für Reform des Sexualrechts* (Society for the Reform of Sexual Rights) in Berlin, and in 1959 the Bundestag's criminal law commission had voted to decriminalize homosexuality.²⁵ It was not until the 1960s, however, that the battle to change the law gained significant traction within the Ministry of Justice itself. As law reform in the larger sense was discussed in the German Bundestag, activists delivered petitions supported by a variety of the new gay organizations that had sprung up around Germany.²⁶ Queer men were able to ally themselves with the youth-oriented New Left, with the growing attitudes of sexual freedom during the 1960s, and with general anti-Nazi sentiment, defining their struggle as an element of anti-fascism. This political tactic worked. By 1969, half of Germans under 30 supported the decriminalization of homosexuality, according to a poll by weekly newsmagazine *Der Spiegel*.²⁷

The passage of the decriminalizing law itself proved to be a watershed in the international history of queer rights, timed coincidentally to the hot summer of the American Stonewall riots. The presence of primed-and-ready networks of queer individuals who had fought for decriminalization meant that West Germany was ready and able to assume its place at the head of the post-1970 international fight for queer rights. In

the East, of course, there was no such revolution until the fall of the wall in 1990. While the West had splashy gay pride parades yearly after legalization, open discussions of and fights against HIV/AIDS, and ever-increasing public visibility and acceptance, queer men behind the wall remained stuck in the same late-1960s limbo. While the East had persecuted its queer men with less voracity and allowed them more open and fulfilled lives during the period before both states officially decriminalized homosexuality, the West's fluidity meant that change emerged there far more quickly.

While the experiences and fights of queer men before the beginning of the well-known rights movements in 1970 are often left out of historical discussion; it is critically important to discuss the experiences of these men, especially in Germany, where their additional layers of unacknowledged Holocaust victimhood added to the burden these men bore. They did not live as victims, however, but courageously resisted and fought back against legal systems designed to oppress them. Ultimately, no academic paper could do better at describing the experience of all oppressed queer peoples everywhere than Volker, a salesman interviewed by Lemke in the mid-1980s:

The majority of people do not like us gays, do not accept us. This has remained stuck in the back of my mind, because that's the way things are. That thought is always present. I am always on the lookout, always checking myself...I am always striving for matter-of-factness. In vain. Because I live in a relationship that is not tolerated by the majority. This majority cannot be unimportant to me...the way we drag around our gay backpack, they carry millenia-old prejudices in their vest pockets.²⁸

NOTES

- ¹ Andreas Sternweiler, *Self-Confidence and Persistence: Two Hundred Years of History* (Berlin: Schwules Museum, 2004), 99.
- ² "Secret Directive on the Combating of Homosexuality and Abortion." Heinrich Himmler. October 10, 1936. In *Hidden Holocaust: Gay And Lesbian Persecution In Germany, 1933-1945*. London: Cassell, 1994.
- ³ Reich Penal Code of 1871, § 175. In *Hidden Holocaust: Gay And Lesbian Persecution In Germany, 1933-1945*. London: Cassell, 1994.
- ⁴ Revision of Reich Penal Code, 1935, § 175. In *Hidden Holocaust: Gay And Lesbian Persecution In Germany, 1933-1945*. London: Cassell, 1994.
- ⁵ "Practical Implementation Of The Secret Directive." Guidelines of the Kassel Police Authority. May 11, 1937. In *Hidden Holocaust: Gay And Lesbian Persecution In Germany, 1933-1945*. London: Cassell, 1994.
- ⁶ Sternweiler, 113
- ⁷ *Ibid*, 129
- ⁸ Jennifer V. Evans, *Life Among the Ruins: Cityscape and Sexuality in Cold War Berlin* (New York: Palgrave Macmillan, 2011), 128.
- ⁹ *Ibid*, 129
- ¹⁰ Lemke, 151
- ¹¹ *Ibid*, 88-89
- ¹² *Ibid*, 41
- ¹³ *Mardi Gras in the "Burgfrieden" Bar In East Berlin*, 1968, Photograph, Permanent Collection, Schwules Museum, Berlin, Germany.
- ¹⁴ Clayton J. Whisnant, *Male Homosexuality in West Germany: Between Persecution and Freedom, 1945-69* (New York: Palgrave Macmillan, 2012), 25.
- ¹⁵ *Ibid*, 27
- ¹⁶ Sternweiler, 149
- ¹⁷ Whisnant, 32-33
- ¹⁸ Evans, 179
- ¹⁹ Whisnant, 133
- ²⁰ Evans, 179
- ²¹ Hellmuth von Gaza. *Ramona (Kurt Unger)*, 1950, Photograph, Permanent Collection, Schwules Museum, Berlin, Germany.

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- ²² *Der Weg zu Freundschaft und Toleranz*, Magazine Cover, 1955, Permanent Collection, Schwules Museum, Berlin, Germany.
 - ²³ Sternweiler, 134-135
 - ²⁴ Paul Hugo Biederich. § 175: *Homosexualität*, Pamphlet, 1950, Permanent Collection, Schwules Museum, Berlin, Germany.
 - ²⁵ Sternweiler, 133 & 151
 - ²⁶ *Petition Submitted To The Deputies of the German Bundestag*, 1962, Permanent Collection, Schwules Museum, Berlin, Germany.
 - ²⁷ Whisnant, 197
 - ²⁸ Lemke, 92-93

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BISON SOCIETY SUCCESSFUL: HOW AMERICA TRANSFORMED BISON INTO A CONSERVATION ICON

Amelia Brackett

The Montana Bison Range is now, to all intents and purposes, an accomplished fact...Five years ago, it would have been impossible.

— New York Zoological Society Bulletin, 1908.¹

The relationship between bison and American identity constitutes an integral part of United States conservation history. The modern ecological mindset sees no obvious contradictions in the prevalence of bison imagery on National Park road signs and as mascots for zoological societies. Bison, commonly referred to as American buffalo, are a keystone species in some of the most photogenic American ecosystems. They have been highly valuable to humans as sources of food and clothing, and they perform essential ecological functions. Their conservation history, in which their restoration was assured by the same humans who drove them to the edge of extinction, appears to strengthen the triumphant narrative of early American conservation.² Their attractiveness as a modern conservation icon began in the earliest efforts to protect them. The major factors involved in the 1907 establishment of the Wichita Game Reserve, the first successful conservation herd of bison, were the market, the government, and public opinion. The intersection of these factors allowed for the bison to be transformed into a nostalgic icon for a closed frontier. These social and political components aligned with an exhausted market, converging to allow for the bison to become an American icon and therefore conserved for the perpetuation of a new American identity.

The decades immediately following the Civil War witnessed both widespread bison destruction and mild conservation. Masses of bison were killed for hides and meat, and countless more for mere enjoyment. The nineteenth-century rampage brought the continental population from 20 million to 1,091 after the Great Slaughter of the 1870s.³ In addition to market demand, railroad expansion facilitated joy killings that were encouraged by governmental campaigns to cripple the Indians' nomadic lifestyle. At the same time, there existed small, private herds of bison, such as the Goodnight Herd in Texas. Texas rancher Charles Goodnight first collected a herd to appease his wife, who worried that they were

disappearing completely. Later, government interest in purchasing his bison for their federal lands reinvigorated his efforts. Interest in more aggressive conservation developed alongside the slaughtering and reached its height in the first decade of the twentieth century.

The forty-year period between Grant's presidency and 1908 – the year in which the New York Zoological Society declared bison conservation “successful” – included three major conservation attempts: the Yellowstone National Park, the Wichita Game Reserve, and the Montana Range. When Yellowstone was established in 1872, there were approximately twenty-five wild bison on the range. This herd became an official conservation concern in 1902, when Congress passed a bill to protect it against poaching. The Wichita Game Preserve was established in 1907 by governmental action and consisted of transported bison from private herds and zoological parks. The Montana Bison Range followed shortly thereafter, formed in the same manner as Wichita. Among these herds, the Wichita Game Reserve is the most convenient marker for the first ‘successful’ establishment of a bison herd because of the difficulties faced by the Yellowstone herd and the ambiguous nature of its ‘starting’ point. The Wichita herd’s ‘success’ was measured by the fact that the bison there were installed and bred successfully.

Many factors contributed to the Wichita Reserve, a template that confirmed the possibility of successful conservation and spurred the rapid development of the Montana Bison Range. However, historians often overstate the power of public sentiment in the conservation fervor of the early twentieth century. For example, according to Andrew Isenberg, “An enthusiasm for animal protection was the most important obstacle to destruction of the bison.”⁴ The anti-cruelty movement provided popular support for Congressional action, but it neither funded nor organized the conservation efforts themselves. The Society for the Prevention of Cruelty to Animals (SPCA) is emblematic of the growing “enthusiasm for animal protection” of the nineteenth century. SPCA was founded in New York in 1866 and grew throughout major cities in the North, spreading into the Midwest as far as Illinois. The movement originally focused on domestic animals.⁵ These animals fit easily into the Biblical *scala naturae* popular throughout the organization’s circulations and essays, because their meekness and dependence on humans allows them to be fashioned with what Katherine Grier describes as “personhood...[a] deep recognition of the individuality of selected animals.”⁶ This “personhood” allowed SPCA members to assume what considered their divinely ordained role as protector of god’s creatures, but it required that the images of the selected animals have the potential to be personified and welcomed into the familial

structure.

As the outcry against animal cruelty spread westward, it began to encompass wild animals. This transition was aided by individuals such as Lieutenant-Colonel Brackett, whose efforts to extend SPCA compassion to the big game of the West included aligning the bison with domesticity instead of wildness: “[bison are] a noble and harmless animal, timid, and as easily taken as a cow.”⁷ His letters on bison were published in *Harper's Weekly* and *The New York Times*, and they encouraged SPCA members to expand their philosophy to include the “harmless” bison. Those same newspapers also published cartoons such as “The Last Buffalo,” which depicted a bison shedding his robe to avoid being shot; his standing form was hauntingly reminiscent of a human body.⁸

These were blatant reconfigurations of the bison image. In order for the largely urban, middle-class SPCA membership to conceptualize bison welfare, the bison itself had to change. Its image needed to be domestic and personable. By advertising the bison in these ways, the press and organizations like SPCA created a new bison that was more deserving of public sympathy and better suited to public imagination. The bison’s supposed potential for domestication also divorced the bison from his problematic ‘nomad’ image, ensuring—at least to the public—that he would be equally as happy confined to a pen as he would be roaming an open west.

Public opinion was an essential component of formation of the Wichita herd, as Isenberg suggests. It could not, however, have been the “most important.” For nearly thirty years before Wichita was established, SPCA worked against animal cruelty, to little avail in the bison’s case. Yet the reconfiguration of the bison to suit public opinion reflects the human ability to reshape an unchanging object to suit changing times, something from which the bison would later benefit on a larger scale. The new bison image of a ‘native cow’ began the process of creating a new role for the bison in American history and identity.

Congress’s relationship with the bison followed no such expansive trajectory; they were more concerned with effectively eliminating the Indian threat. In fact, extermination of the bison followed hand-in-hand with Indian extermination policy, as the bison were the main sustenance for the Plains Indians. Attempts at pro-bison legislation were met at every turn with stronger anti-Indian action. Secretary of the Interior Columbus Delano and Representative Greenburg Lafayette Fort of Illinois exemplified this split, exposing the direct conflict between helping bison and harming Indians. In 1874, Fort represented a Congressional faction that, in the SPCA-approved vein, focused on measures against animal cruelty. While

Fort legislated decisively against animal cruelty, his relationship with Indian policy was less clear: he admitted that he was “not in favor of civilizing the Indian by starving him to death,”⁹ but he maintained that his legislation did not manifest out of an “especially friendly feeling” for the Indians.¹⁰

Delano, however, was very clear about his opposition to a more benevolent Indian policy. He encouraged weakening plains tribes by attacking their game supply. Both men had support: Fort’s 1884 bill passed both chambers, but Delano-sympathetic President Grant pocket-vetoed the bill. Just as Fort was unable to escape the sticky tie between bison and Indians, finding it necessary to declare himself no lover of Indians in defense of his pro-bison legislation, ‘The Indian Question’ haunted the Congress at large. It prevented bison conservation from taking any firm legislative hold, as the government preferred to encase in ambiguity what it could not reconcile outright.¹¹

The public steadily grew more cognizant of animal suffering, while the Congress remained divided. Neither of these factors changed significantly enough at the turn of the century to account for the success of the Wichita Bison Range. Considering the progression of executive involvement in contrast to these two factors underscores the importance of the presidential office in efforts first to eradicate and, ultimately, to save the bison.

The presidents of the post-Civil War era operated with a perpetually divided Congress, one that could be swayed in either direction by an enthusiastic executive branch. Grant’s experience fighting Indian Wars influenced his bison policy. He did not become a United States President until four years after the Civil War ended. During that time, he continued to serve as General in Chief, a position he held through the Bozeman War. On December 21st, 1866, the massacre at Fort Phil Kearney in the Wyoming territory began a two-year conflict between the Sioux and the US Army as they struggled over rights to the Sioux land. The cause of the massacre itself was unclear. The U.S. Army claimed that their actions were provoked, but Commissioner Lewis V. Bogy described the Sioux as “on a friendly visit,” attacking only after several of their own had been killed.¹² U.S. motives for instigating a war may have included land rights: the Bozeman Trail cut through the Powder River Valley, the Sioux’s most abundant hunting grounds, towards mining towns further west.¹³ Bogy later suggested peace by encouraging the government to subsidize agricultural endeavors in the Sioux’s new reservation, predicting that they would soon take to the agrarian lifestyle.¹⁴

General Grant approached the ‘Indian Question’ with less delicacy. In his Congressional correspondence regarding the massacre, he urged

Secretary of War Edwin Stanton to limit the Sioux’s territory even more, cautioning, “As long as these Indians can hunt the buffalo and antelope within the described limits ... to guard [the Pacific railways] perfectly is an impossibility, unless we can restrict the Indians as herein stated.”¹⁵ “Herein stated” limited the Sioux to the western half of present-day South Dakota, miles below the Northern Pacific Railway and stopped in the East by the Missouri River. His plea was heard and enacted: the new Sioux reservation did not include the Powder River Basin.

Grant’s crusade did not stop there. As President, he and Delano manipulated the vague wording of the Treaty of Fort Laramie, which ended the Bozeman War, to limit Indian hunting rights on the very reservation for which Grant had earlier lobbied.¹⁶ This served two purposes: first, the U.S. could gain land and hunting rights after the Sioux ceded their reservation; and second, it cut back even more on the Sioux’s access to bison. This second purpose is perhaps even more important than the first, as Delano believed that the “rapid disappearance of game from the former hunting-grounds must operate largely in favor of our efforts to confine the Indians to smaller areas, and compel them to abandon their nomadic customs.”¹⁷ While the federal government could not very well slaughter the Indians outright in the post-Civil War social climate, they *could* limit their mobility, forcing them to rely on the farms the government provided them. Grant’s administration and the administrations to follow stressed the correlation between settling the Indians, introducing them to agriculture, and eradicating the main continuant of their lifestyle: the bison. Even in the face of public and legislative humanitarian efforts towards Indians and animals alike—in the East and the West—Grant resisted. He stood by the lessons of the Bozeman War, dedicated to eliminating the enemy Indian by exterminating the bison.

In the twenty-four years between the presidencies of Grant and Theodore Roosevelt, political ambiguity in the executive and legislative branches largely continued. James A. Garfield spoke out for ending the Indians’ nomadic lifestyle by ending their supply of bison and Grover Cleveland’s first term perpetuated this practice.¹⁸ During Cleveland’s second term, Congress passed a bill detailing harsh punishments for poachers after receiving a disturbing census estimating the wild bison population at their newly minted Yellowstone to be approximately twenty-five head. Cleveland signed the bill in May 1894.

While the bison census invigorated public and legislative action, Cleveland was already engrossed in questions regarding a new frontier – Hawaii – which would be annexed by his successor, William McKinley.¹⁹ After all, Frederick Jackson Turner had already famously declared the West

closed, and the 1890 human census revealed that the frontier, defined by human population density, no longer existed on the continent. If a new frontier were to exist for American expansion, it would have to be somewhere beyond the West.

In 1901, Theodore Roosevelt was elected President of the United States, and with him, the executive branch finally took a decisive turn for conservation. Having strengthened his sickly body on the frontier, he harbored a special affinity for big game animals: "I heartily enjoy this life, with its perfect freedom, for I am very fond of hunting, and there are few sensations I prefer to that of galloping over these rolling, limitless prairies, rifle in hand."²⁰ He also displayed an early nostalgia for the lone hunter, facing the West and its animals alone: "The old hunters were a class by themselves. They penetrated...to the farthest and wildest haunts of the animals."²¹

Roosevelt had made his name as Assistant Secretary of the Navy in the Spanish-American War. Unlike his predecessors of the last thirty years, Roosevelt came into his own not in a domestic war, but rather in an international one. He focused on expanding the Navy into an international power for upcoming conflicts and excursions into Hawaii, Cuba, and the Philippines. His sights had moved beyond the West and onto the international sphere and its waters. Unlike his predecessors, Roosevelt was therefore able to envision a West without the Indian Question, for the continental U.S. had been 'tamed' by the presidents before him. It is hardly coincidental that he was the first president to seize on bison conservation and throw his entire support behind it. He was nostalgic for a West that he never knew. As the Badlands he roamed as a young man were already devoid of Indians and bison, the land and its animals could assume a different symbolic role for him and his contemporaries than it had for the older generation of presidents and lawmakers.

During Roosevelt's presidency, the first truly successful bison herds were established. The National Bison Range and the Wichita Game Reserve typify this period of conservation as combinations of private and governmental efforts. William Hornaday of the American Bison Society, created out of the New York Zoological Society of which Hornaday was President, petitioned Congress to put up \$15,000 for a fence around the pre-existing Wichita Game Reserve in Oklahoma. Congress provided the money and the fence around the 8,000 acres was completed in 1907. The majority of the Wichita Game Reserve herd came from the Bronx Zoo, and the money from individual donations.²²

Environmental factors also contributed to the success of the Wichita herd, as the bison were native to that region and the U.S.

government aggressively protected the herd from Texas fever tick. These factors were not indicative of a larger shift, though. The Montana herd, established two years later, suffered from human miscalculation of environmental factors, which suggests that those involved still had no significant knowledge of bison's ecological needs or role. There is also no evidence that storms or freak accidents affected any of the three herds, ruling out inclement weather as a differentiating factor. The Wichita herd benefited from a limited understanding of one particular environmental factor – disease – but benefitted little from benign weather or human understanding of the natural world. Rather, the Wichita herd's protection from Texas fever tick is indicative of private and government cooperation and organization.

Although Roosevelt was not solely responsible for bison conservation, his position as executive meant that the most important factors – executive, legislative, and public power – were now aligned. Roosevelt himself influenced both the governmental and the private sides of the exchange. He endorsed the \$15,000 towards the Wichita Reserve fence, and was Honorable President of the American Bison Society.²³ A letter regarding that Society reveals his subtle reshaping of the West:

I feel real and great interest in the work being done by the American Bison Society to preserve the buffalo – the biggest of the American big game, probably on the whole the most distinctive game animal of this Continent, and certainly the animal which played the greatest part in the lives of the Indians, and which most deeply impressed the imagination of all the old hunters and early settlers.²⁴

This letter clearly expressed Roosevelt's well-known interest in big game, but several other elements reveal a separate sentiment that is particularly important in understanding why this time period gave birth, finally, to the Wichita herd and other herds. First, the Indian's reliance on the buffalo was stated in past tense. What once had been a reality to Presidents Grant, Garfield, and Cleveland was now a safe memory of an old, admirable relationship between bison and Indian. Second, Roosevelt's use of the word 'imagination' created a mythological past of "old hunters and early settlers" of the United States. That past must be preserved, because the bison spark a connection between modern Americans and their ancestral "heritage." In other words, once the bison shed their connection to the Indian, they were enveloped in American heritage and identity, and thus lost the contradiction that perpetuated their earlier destruction. This sentiment resembled the one used by the SPCA, which transformed the image of bison from roaming and sometimes dangerous wild animals into

gentle cows. Between these social and political manipulations of the bison, the animals became gentle, living symbols of a past American wildness.

While sentiment, publicity, and individual dedication have their places in the conservation discussion, none of them could have overcome the power of market and money. The hide trade perpetuated the Great Slaughter of the 1870s, when one robe sold for as much as \$50.²⁵ In the rush, meat and hide prices plummeted as the incredible supply saturated the market, simultaneously easing demand.²⁶ By the 1880s, the hide trade was finished because there were simply no more bison.²⁷ The bone trade picked clean the last mass bison by-product. This market lull created a vacuum, incubating the other forces that would lead to successful conservation. When the U.S. and Canadian governments, along with zoos, started buying privately conserved herds of bison at the turn of the century, the bison finally became worth more alive than dead.²⁸

By examining the major influences of the late nineteenth century – market, public opinion, environmental factors, and government action – the unique factors encasing the Wichita Game Reserve differentiate themselves from the continuum. While all of the factors here identified were essential in allowing for bison conservation, they operated on different levels. Public opinion, private dedication, and legislative ambiguity characterize the entire period, and their consistent nature allowed for a period in which bison conservation was possible. They were not, however, the deciding factors that made it a reality. By the time of the Wichita Game Reserve, the American Frontier had moved past even the Pacific Ocean, all the way to Hawaii and the Philippines. The lynchpin of the Wichita Game Reserve's success was the disentanglement of the bison from the Indian, which finally allowed the animal to assume an "American" identity. Once the frontier had been officially closed in 1890 and the Indians had been relegated to their bisonless reservations, the animals could occupy a new imaginative space. The sympathetic, personable animals of the SPCA crusade became reminders of an "American wilderness" that enforced contemporary notions of American masculinity, as Roosevelt professed to embody. The Wichita Game Reserve most benefitted from a new bison image that touted the bison's role in the American Past – a role that deserved protection.

Hindsight shades that simple headline – BISON SOCIETY SUCCESSFUL – in a myriad of grays. The bulletin simply conveyed that the newly established American Bison Society had successfully lobbied Congress – rather easily, by their accounts – for \$40,000 to establish a bison herd on the Montana National Bison Range.²⁹ But American society had also changed with the turning of the century, into a society with room for roaming bison.

NOTES

¹ New York Zoological Society, *Zoological Society Bulletin* 30 (New York: New York Zoological Society, 1908): 436.

² National Park Service, *FAQ*, answer to question "Were bison hunted almost to extinction?", (<http://www.nps.gov/yell/naturescience/bisonqa.htm>).

³ Defenders of Wildlife, Bison fact sheet. (<http://www.defenders.org/bison/basic-facts>).

⁴ Isenberg, Andrew C. *The Destruction of the Bison: An Environmental History, 1750-1920*. (Cambridge: Cambridge University Press, 2000), 144.

⁵ Isenberg, 144.

⁶ Grier, Katherine C., "'Kindness to All Around': Changing Ethics of Animal Treatment in the Middle-Class Household, 1820-1870" (paper presented at the Pacific Division meeting of the Society for the Study of Ethics and Animals, San Francisco, California, March, 1991). Available online at <http://digitalcommons.calpoly.edu>.

⁷ Isenberg 145; "Slaughter of Buffaloes," *Harper's Weekly*, 16 (24 February 1872), 165-166. A. G. Brackett, "Buffalo Slaughter," *New York Times* (7 February 1872). "Protection of Buffalo" *Congressional Record* (March 10, 1874), 2106.

⁸ Thomas Nast, "The Last Buffalo," *Harper's Weekly*, June 6, 1874.

⁹ Isenberg, 151; *Congressional Record* 43rd Cong., 1st Sess. (March 10, 1874), 2106-2107.

¹⁰ Isenberg, 151; *Congressional Record* 43rd Cong., 1st Sess. (March 10, 1874), 2106-2107.

¹¹ While Congress did manage to pass two acts that positively affected bison in 1894 and 1900, neither of the acts addressed bison outright and neither protected them even indirectly until after the new century began.

¹² Department of the Interior. "Letter from the Secretary of the Interior, Communicating...information in relation to the late massacre of United States troops by Indians at or near Fort Phil. Keanrey, in Dakota Territory" (Washington: Government Printing Press, 1867.), 3.

¹³ A.C Isenberg, *The Destruction of the Bison: An Environmental History, 1750-1920*. (Cambridge: Cambridge University Press, 2000), 126-127.

¹⁴ Department of the Interior, 4.

¹⁵ Department of the Interior, 12.

¹⁶ Delano wrote in his *Annual Report* that bison numbers were too low in the reservation to sustain the Sioux population, taking advantage of a part in the treaty that allowed Sioux to hunt on the reservation so long as bison numbers supported their tribe. Isenberg, 152.

¹⁷ C. Delano, Department of the Interior. *Annual Report of the Secretary of the Interior* (Washington: Government Printing Office, 1872,) 543.

¹⁸ Isenberg, 151.

¹⁹ Digital History, "Annexation of Hawaii," (http://www.digitalhistory.uh.edu/database/article_display.cfm?HHID=189).

²⁰ T. Roosevelt, letter to Henry Cabot Lodge. Quoted in N. Miller's *Theodore Roosevelt*, (New York: Morrow, 1992), 163.

²¹ T. Roosevelt, *Hunting trips of a ranchman* (New York: Putnam's sons, 1900), 58. Internet Archive.

²² D.F Lott, *American Bison: A Natural History* (Berkeley: University of California Press, 2002), 188-192. M.S. Garretson, *The American Bison: The Story of its Extermination as a Wild Species and Its Restoration Under Federal Protection* (New York: New York Zoological Society, 1938), 201-204.

²³ Lott, 188-192. Garretson, 201-204.

²⁴ T. Roosevelt, letter to Ernest Harold Baynes, October 24 1907, *Annual Report of the American Bison Society 1905-1907*, 21. American Bison Society: 1908. Available online at <http://archive.org/stream/annualreportofambs00amer#page/n5/mode/2up>.

²⁵ Dollar amount equivalent to value of U.S. dollar in 1982. D. Luek, "The Extermination and Conservation of the American Bison," Conference at Northwestern University, April 19, 2011.

²⁶ The lull in demand buffered the remaining bison from suffering terminal slaughter, as there was not sufficient supply for the traders to create a demand once the initial wave had died down. Garretson, 156-168.

²⁷ Lott, 179.

²⁸ Isenberg, 175-185.

²⁹ New York Zoological Society. *Zoological Society Bulletin*, No 30, New York: New York Zoological Society, 1908, 436. Available online at

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AN IMPERFECT UNION:
THE EVOLUTION OF THE INDUS WATERS TREATY OF 1960

Alex Kamath

The current series of disputes between the nations of India and Pakistan involve a water scarcity issue with serious international implications. Both of these nations depend on a series of major rivers – including the Indus River – for their water supplies both for human consumption and agricultural production. By virtue of geography, India has the ability to control the water flow of these rivers into its neighbor Pakistan's territory. Historically, both of these nations have been bitter political rivals since the dissolution of the British Empire, and have engaged in multiple wars since India gained independence from British colonial rule. Indeed, the harried process of British partition caused much of the distrust between the two nations. And, while India and Pakistan are currently at peace, they regard one other with cautious skepticism. Water, therefore, has the potential to be a flashpoint between the two nations.

A unique historical context shapes the conditions that exist between the two nations today. An inherent characteristic of trans-boundary water bodies is that they create critical interdependencies, including economic and social relationships, which must be considered when dividing these transnational water resources.¹ The case of British India, however, is unique in the division of necessary water resources between India and neighboring Pakistan was conducted with blatant disregard for these relevant factors when the Indus basin was divided. The British Raj did not consider the enormous economic ramifications that would result from the splitting of the major agricultural Indus basin unit between two separate counties.² The artificial and constraining barrier erected during the partition can be directly traced as the origin of the dispute between the two nations.³ The chaos of the partition of British India led to an initial standoff over water that spurred the initial Inter-Dominion Accord of 1948. After a series of ad hoc agreements, the landmark Indus Waters Treaty was passed in 1960. Brokered by the World Bank, it specified different water zones to be controlled by each nation and established the Permanent Indus Commission to resolve any future disputes.

The period immediately following the partition of British India ushered in a unique period of water relations between the newly formed

nations of India and Pakistan. At the time immediately preceding partition, the estimated 26 million acres of irrigated land in the Indus basin made it one of the most sizable irrigated areas in the world.⁴ It continues to be a major source of agricultural production for crops such as wheat, sugarcane, cotton, and rice. In 2008, Pakistan alone had a crop that was greater than 21 million hectares.⁵

India was only one part of the massive process of the dissolution of the British Empire. The British sought to grant self-rule to their former subjects in a manner that would still allow them to influence the internal affairs of their former protectorates. Often, territory was divided, as in the case of India, without regard to relevant history and important social and economic conditions. Cyril Radcliffe, the British lawyer who drew up the partition boundary between India and Pakistan, manifested a dangerous ignorance for the political tensions that defined the relationship between the two newly formed nations.⁶ The Radcliffe commission completely ignored or showed blatant disregard for the fact that they were splitting one contiguous watershed into two separate parts that relied on each other for the flow of water. This blatant disregard for geography and relevant political tensions highlights the degree of arbitrariness that characterized the British mediated partition process. Therefore, the "Radcliffe line" can be regarded as "the flawed product of a deeply flawed process," whose repercussions are still felt throughout South Asia today.⁷

The haphazard process of partition immediately led to conflicts over land in Kashmir and water.⁸ The initial agreement in December of 1947, known as the "Standstill Agreement," effectively froze the existing arrangements for the headworks that controlled the flow of water on the Ravi and Sutlej Rivers until March 31, 1948. Upon the expiration of the agreement and the simultaneous expiration of the Arbitration Tribunal created by the Indian Independence Act to distribute key assets between the two new nations, India cut off the flow of water from its origins on the Ravi and Sutlej rivers into the major arteries of the Dipalpur Canal and the Upper Bari Daab Canal.⁹ The water shortage that resulted threatened the survival of Pakistan's winter and summer crops, thus showing the extent to which Pakistan was extremely dependent on irrigation canals under Indian control.¹⁰

These events set off a major spiral of distrust between the two nations. Each feared that the other would try to dominate subsequent negotiations by placing unrealistic burdens on one or the other. The standoff that resulted was ultimately resolved by the passage of the Inter-Dominion Accord or Delhi Agreement of 1948.¹¹ The agreement reopened the flow of water between the two nations "on the basis of the East Punjab

Government [India] progressively diminishing its supplies to the affected canals in order to give reasonable time to enable the West Punjab (Pakistan) Government to tap alternative sources." Pakistan also officially acknowledged that India had legal right to "withdraw the supply of water," provided that it be done in a forthright and transparent manner.¹² Again, the emphasis was placed on building trust between the two nations over the issue of water. The agreement also set up an ad hoc deposit to be created to ameliorate differences in costs for the provision and for a "method of estimating the cost of water" to be supplied by India to Pakistan.¹³ The Accord also established a mandate for future meetings regarding the water supplies between the two countries.¹⁴

As time progressed, however, it quickly became apparent that the Inter-Dominion Accord was not sufficient to address the concerns of the two nations. Pakistan expressed displeasure with the agreement, stating that it was "onerous and unsatisfactory," and called for another conference to determine "an equitable apportionment of the flow of all waters common to Pakistan and India."¹⁵ Whatever trust and understanding fostered between the two countries by the preceding Inter-Dominion Accord quickly dissipated with rising fears. By the end of 1950, it became apparent that the two countries had reached a clear stumbling block regarding the process of sharing water in the Indus basin. Each side asserted that the other was acting in bad faith. The main points of contention between the nations were that Pakistan asserted that it agreed to the Inter-Dominion Accord under "compulsion," a difference in the method of resolving the dispute – Pakistan wanted the matter to be solved by the International Court of Justice while India preferred an informal tribunal – and amount of money owed for infrastructure spending that was referred to in the agreement of 1948.¹⁶ Despite a series of correspondence between the two nations, no change in the status quo seemed forthcoming.

The breakthrough came in the form of mediation via the World Bank. Under the direction of Eugene Black, the bank offered its assistance to serve as a mediator in an effort to spur the two nations into negotiations over their shared water resources. The World Bank went beyond the role of a simple mediator, however, and sought to deeply involve itself in every aspect of the resolution of the dispute.¹⁷ As a direct result of this intervention – and extensive diplomacy between both sides over many years – the Indus Waters Treaty was crafted. The first three articles of the treaty dealt with the division of specific rivers. The treaty granted the waters of the Eastern Rivers (Sutlej, Beas, and Ravi) to India for its own unrestricted use, except for the initial ten-year transition period from April 1, 1970, to March 31, 1970. The goal of this transition period was to allow Pakistan,

aided by \$62 million contribution by India towards the costs, to create alternative works that would replace the amount of water that it used to receive from the Eastern Rivers. Pakistan was granted exclusive control of the Western Rivers (Indus, Jhelum, and Chenab) with the promise that India would be “‘under obligation to let flow’ and ‘shall not permit any interference with these waters,’ except for irrigating existing areas” and developing a further 70,000 acres as specified by the particular conditions of the treaty. Additionally, a permanent Indus Commission was created to increase dialogue between the two nations regarding water usage, with a minimum of one meeting per year.¹⁸

The importance of this treaty to both nations borders on sacrosanct, so much so that despite wars in 1965, 1971, and 1999 and numerous other smaller conflicts, India and Pakistan have strictly adhered to their treaty obligations.¹⁹ It provided both – often distrustful – partners with a vehicle by which to negotiate the utilization of their water resources in good faith. The Indus Waters Treaty is a unique treaty in that it was passed *despite* this distrust. The agreement was effective because it was structured in such a way that each state has absolute authority over its respective tributaries, thereby allowing for limited interaction over certain issues that have the potential to be flashpoints that can lead to strained relations.²⁰ This careful construction of terms ensured that two nations only have to interact and negotiate over issues of major water relevance between the two parties.

The role that the World Bank played in the passage of the Indus Waters Treaty is not to be underestimated. As evidenced by the multiple wars and nuclear deterrence ambitions of both countries, India and Pakistan did not have an solid basis of trust with which to enter any sort of negotiations regarding their shared water resources. It quickly became apparent that an outside agent would be necessary in order to start the negotiating process. Indeed, the Indus Waters Treaty is significant because it was mediated through a multilateral aid organization (the World Bank) that created a solution that was acceptable to both parties.²¹ Additionally, Asit Biswas, founder of the Third World Center for Water Management, adds that “an analysis of the negotiating process of the Indus River Treaty clearly indicates the critical role of a third party in facilitating such an agreement, provided it can play an impartial but active and constructive role, and supplement it with potential significant financial aid on successful completion of the negotiation.”²² Arbitration through the World Bank allowed for both parties to achieve greater flexibility regarding the scope of the treaty, while having an organization that was familiar with the technical

complexities of the problem and was able to produce a solution that was just and equitable to all parties involved.²³

The interests of the two nations today are very similar to the state of affairs during the passage of the Indus Waters Treaty in 1960. Pakistan sees the use of the water from the rivers covered by the Indus Waters Treaty to be essential to agriculture, which is the largest and most important part of the Pakistani economy. The position of Pakistan is definitely understandable. Processes such as urbanization, industrialization, and the growth of hydroelectric power that increase the Pakistani economic output all tie directly into the country's access to water.²⁴ India, however, has undergone the same process, resulting in a skewed distribution of water resources. This unequal distribution means that downstream nations around the world, such as Pakistan, live in constant fear that their water resources may eventually be inadequate to meet the nation's water needs. Any change to the vital rivers that form the backbone of the Pakistani economy would have disastrous effects on the nation.

India, while still using the river resources for irrigation, has much larger aspirations for the rivers to quench the nation's insatiable appetite for energy. Leaders in India see hydroelectric power as a possible panacea for the country's energy ills. Chronic energy shortages and grid blackouts are limiting the scope of economic growth in the country. Proposals such as the River Interlinking Project have at their core damming of rivers in the Himalayas in order to generate electric power.²⁵ This goal, however, is at fundamental odds with what Pakistan hopes to achieve from the sharing of the river waters. Journalist William Wheeler writes that “India's projects are of a size and scope that many Pakistanis fear could be used to disrupt [Pakistani] hydropower efforts, as well as the timing of the flows on which Pakistani crops rely.”²⁶ Pakistan is currently “on the brink of water scarcity,” which has been falsely attributed to India. Experts, however, state that this scarcity can be attributed to “the country's haphazard water management policies, unproductive agricultural practices, dilapidated infrastructure and grossly inadequate water storage facilities.”²⁷ As a result, Pakistan has become a focal point for recruiting for militant groups who seek to use the tensions and anti-India sentiment to further their cause.²⁸ Water scarcity has become deeply enmeshed in the variety of issues that these groups aim to sensationalize. Hafiz Saeed, leader of Jamaat-u-Dawa, the political arm of the Pakistani militant group Lashkar-e-Taiba, has stated that “India intends to run Pakistan dry” by limiting the flow of water into Pakistan.²⁹ These accusations of water terrorism highly inflammatory, threatening the already fraught relationship between the two nations.³⁰ These simmering tensions highlight the fact that, although the Indus Waters

Treaty has served the two nations admirably since its ratification in 1960, there is a clear need for a revision of the terms of treaty or the drafting of an entirely new agreement. The pressures of modernization and economic growth have put tremendous strain on the existing treaty.

Global climate change is a major factor that has the potential to exacerbate the relations between the two rival nations. Climate change, coupled with explosive population growth, could spell dramatic negative consequences for the two nations. Over 737 billion gallons of water are removed from the Indus River each year to help irrigate the Indus River valley cotton production industry – which produces thirty percent of the world's cotton annually. This manmade impact, in addition to that of climate change, is becoming an increasingly important part of the water calculus of two nations currently experiencing exponential population growth. It is estimated that by 2025, the populations of India and Pakistan will be three times and six times larger, respectively, than when the Indus Waters Treaty was signed in 1960.³¹

The Indus River is but one example of a river shared by the two nations that has been markedly affected by climate change and will be further pressured by this growth in population. Currently, the water quality of the Indus River and its tributaries are considered to be an excellent source for fulfilling irrigation needs.³² Nonetheless, the levels of water in the Indus River have begun to shrink in recent years. The process of climate change is increasing the melting rate of glaciers that supply the river with water.³³ It is estimated that by 2050, the reduction of these vital glaciers will result in an eight percent decrease in the flow of the Indus River.³⁴ The process of global warming is added on top of the activities that are currently being conducted by the human populations of both countries.

Some believe that these tensions over water usage will not be sorted out in the future and will ultimately lead to armed conflict or a water war between two nations. Problems associated with water, when combined with additional factors such as weak leadership and poverty, have the potential to lead to the collapse of states. The government of the United States is closely monitoring potential areas of water conflict and is investing money into extensive research on this topic. A recent US Intelligence report states that while “water related state-on-state conflict is unlikely in the next ten years,” as “water shortages become more acute beyond the next ten years, water in shared basins will be increasingly used as leverage; the use of water as a weapon or to further terrorist objectives also will become more likely beyond ten years.”³⁵ While no individual hydroelectric dam project on the part of India could severely affect the well being of Pakistan, the presence of multiple hydroelectric projects could give India the capability

to significantly disrupt the flow of water into Pakistan during key moments in the growing season.”³⁶

The unique historical context between two nations, who have cooperated despite unprecedented levels of distrust, seems to point to the contrary. Indeed, it can be argued that both countries will use this period of extreme upheaval to form a closer bond on the issue of water security. As academic Seema Sridhar states, “the history of water sharing between India and Pakistan has been marked by exceptional cooperation and intermittent conflicts over the interpretation of the water sharing treaty that forms the basis for this cooperation.”³⁷ A realistic assessment of the conditions between the two nations lends credence in disavowing the possibility of a water war. Water war is simply too costly on military, financial, and internal reputation levels to make sense for the two actors. Additionally, India lacks the extensive storage facilities needed to withhold the flow of water into Pakistan. Any attempts to disrupt the water to Pakistan would also result in heavy collateral damage to arable land on Indian territory.³⁸ In addition to the threat of extraordinary defensive retaliation from Pakistan in the form of a nuclear strike, India must also consider three other factors when evaluating its willingness to act: that the length of time needed to execute a serious disruption in water flow would be enough to draw widespread attention, that illegal construction on the rivers inspires irrational terrorist attacks on dams, and that such actions would surely result in a loss of aid from international intuitions such as the World Bank that are essential for the state's continued economic development.³⁹

One of the most compelling arguments put forth as to why a water war is not imminent between the two nations is by Undala Alam, a water resources specialist with the United Nations. He argues that if the water wars rationale was valid, a war should have broken out between India and Pakistan in 1960, instead of the passage of the Indus Waters Treaty.⁴⁰ The water war rationale can be characterized as having three criteria: water scarcity, wider conflict, and inflammatory statements from leaders of conflicting nations.⁴¹ All of these criteria were met in 1960. Alam argues against a simple explanation that financial incentives were sufficient to incentivize treaty talks because this theory does not explain the numerous “ad hoc” agreements that had been made between the two nations in the years preceding the passage of the treaty. Alam instead provides a convincing counterargument, stating that it was “water rational” for India and Pakistan to rely on cooperation to resolve their water disputes, because it is only through negotiation and not conflict that long-term access to water can be assured.⁴²

The theory put forth by Alam provides hope for those who believe that India and Pakistan will be able to work together to create an effective solution moving forward that meets both nations' fundamental needs. Professor of international relations A.Z. Hilali expounds upon just how the two nations could work together. He highlights the importance of confidence-and-security-building measures which are actions designed to increase levels of cooperation that allow two rival nations to come to the realization that cooperation is more beneficial than conflict.⁴³ Additionally, with the rising nuclearization of the South Asia region, both countries need to increase the avenues by which they can resolve and manage crises. Successful cooperation over water can serve as a symbol of the potential to rectify other security concerns.⁴⁴

A definite possibility is a reworking of the landmark Indus Waters Treaty or the drafting of a completely new document. A host of new theories regarding water resource management have arisen since the Indus Waters Treaty was signed in 1960. A new or revised treaty could reflect these developments in international water law and address the concerns of climate change, quality control, sustainability, and equitable use.⁴⁵ It is evident that "the existing structures of transboundary river treaties and agreements are being tested and influenced by growing water scarcity and competition on the one side and efforts to increase availability through water transfer on the other." These factors have resulted in the inability of state actors in the South Asia region to decouple the essential issue of water sharing from other political issues that dominate the discourse of the relations between the nations.⁴⁶ In order for both countries to progress on economic and security fronts, dramatic changes to the Indus Waters Treaty of 1960 need to be made.

Despite this potentially dangerous politicization of the distribution of water resources, both sides must acknowledge that the Indus watershed is under enormous pressure in both in terms of quality and amount of water.⁴⁷ Politicizing water cannot be allowed to overshadow the process of cooperation that has proven to be a significant source of confidence between the two countries, and has favorably impacted the livelihoods of people on both sides of the Line of Control. The Indus Water Treaty – 2, as it is known in relevant policy discussions, would create new array of confidence building measures that would allow for the development of close joint deliberation which could improve both storage and distribution of water in the basin.⁴⁸ An important consideration of an IWT-2 structured on these arrangements would be the sizable domestic needs of each country, which are increasing on a daily basis.⁴⁹ The issue of water security between the two nations would require "prudent national water

management and sensible co-riparian relations so as to secure freshwater supplies in the long term."⁵⁰

In conclusion, the disputes over transboundary water resources between India and Pakistan is an issue of great importance in the global water scarcity and resource management debate. Each nation depends on a series of rivers – including those of the Indus Basin – for their irrigation and water provision needs. As the upper riparian nation, India has the ability to impact the passage of water into neighboring Pakistan. Since have been nuclear-armed rivals since the breakup of the British Empire, the situation between India and Pakistan is particularly intense. The poorly planned partition of British India by the British government created the historical context for conflict over water between both countries, and though they now share a long history of cooperation in water management, new measures must be taken to ensure such cooperation in the future.

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PROSTITUTION AND VAGRANCY LAWS IN ANTEBELLUM NEW YORK CITY

Jacob Watkins

During the antebellum years of 1830 to 1860, prostitution in New York City was rampant. Brothels were integrated into neighborhoods of all socio-economic classes.¹ Prostitutes openly plied their trade in public venues. Theaters considered prostitutes a draw for other patrons and incentivized their attendance with discounted tickets.² In *The Murder of Helen Jewett*, Patricia Cohen explains that "[b]ehavior not tolerated on the streets of Syracuse, Troy, or Ithaca flourished on the streets of certain wards in New York. Lax enforcement represented acceptance and tolerance of commercial sex in the metropolis."³ However, all prostitutes did not uniformly enjoy this tolerant attitude. The laws used against prostitution, while fair if taken at face value, disproportionately targeted prostitutes from the working class. Additionally, New York's localized and personalized police force actively discriminated against poor prostitutes while maintaining amicable relationships with their wealthier counterparts. Working-class prostitutes were discriminated against both by a non-centralized police force and by subjectively enforced vagrancy and disorderly conduct laws.⁴ This paper will discuss the discriminatory impact that the vagueness of antebellum vagrancy laws had on poor prostitutes. Further, it will detail the how New York City's very personalized system of law enforcement constituted a structural barrier to poor prostitutes, the majority of whom were immigrants who lacked the community ties necessary avoid prosecution. Ultimately, due to these factors, socio-economic class was the central factor in deciding whether or not a prostitute enjoyed the lax attitude towards the trade in antebellum New York City.

DISCRIMINATORY IMPACT OF VAGRANCY AND DISORDERLY CONDUCT LAWS

In antebellum New York City, prostitution was not explicitly illegal.⁵ Instead, laws designed to criminalize conduct deemed indecent when committed in public were broadly interpreted to include prostitution. Such laws granted law enforcement the discretion to determine what public behavior could and would be considered criminal. Further, by virtue of solely criminalizing acts that were in the public view, these statutes left out

acts of prostitution done in private. The two primary laws used against prostitutes were vagrancy and disorderly conduct laws.

In 1830, the New York State Legislature passed a vagrancy law that made no specific mention of prostitution, instead criminalizing any public behavior deemed lewd or unbecoming. The legislature additionally passed a vagrancy law in 1833 that applied only to New York City, stating, "All common prostitutes who have no lawful employment whereby to maintain themselves shall be considered vagrants."⁶ The wording of this statute is vague; it fails to actually define a "common prostitute," and therefore allowed the police to decide on an individual basis which women to prosecute. Further, between 1830 and 1860 the term "no lawful employment" could have easily applied to the majority of New York City's women. In a time when most women were not allowed to work outside of the domestic sphere, this provision gave law enforcement near carte blanche to arrest any woman on a vagrancy charge. This inexplicit language left the determination of what constituted a vagrant act up to the individual policeman and was therefore subjectively enforced. While this second vagrancy law was indeed passed in response to worries about the spread of prostitution in New York City, it failed to create any comprehensive way of outlawing the perceived vice. Yet the law did not specifically prohibit intercourse in exchange for money. Rather, it merely outlawed "indecent" behavior in public, which sometimes was deemed to include prostitution. The second statute thus gave the appearance of addressing contemporary concerns about prostitution without actually mandating that police evenly and fairly prosecute all forms of prostitution.

Wealthier prostitutes advertised their trade publicly, in venues such as operas and theaters, with apparent impunity. Describing this public solicitation Cohen writes, "[Prostitutes] came alone or in groups, entering [the theater] through special side doors and stairways that led to the notorious 'third tier'... From their opulent perch, they enjoyed the evening entertainments, visited with their friends in the trade, and met customers old and new."⁷ Yet these well-to-do prostitutes largely avoided the purview of vagrancy laws because they committed the physical act of prostitution in rented apartments or brothels.

In fact, brothels were very common during this period and were at least tolerated, if not tacitly accepted by both the police and general public. It was not uncommon for brothel madams to have cordial relations with local police. Brothels were mixed into the wealthy residential neighborhoods in which their clients lived and would have been too obvious to escape detection by their neighbors.⁸ This indicates that most citizens did not consider brothels such a blight as to warrant moving out of

the area. Further, brothels openly advertised their locations in brothel directories, which normally came in pamphlet form. One such pamphlet, entitled *The Gentleman's Companion*, was published anonymously in 1870 and provided a guide to known brothels in the city. Additionally, this and other pamphlets featured advertisements that disclosed the location of a brothel, its madam, and the number of prostitutes working there, such as a particular page detailing Mrs. Jane McCord's eight women brothel at 42 West 15th Street (Fig. 1). The brazenness in which upper and middle class prostitutes trumpeted their trade demonstrates that they had little fear of legal reprisal. Instead of pushing prostitution out of the public view, as was the law's intent, it appears to have enabled a greater degree of promotion. So long as they kept behind closed doors during the physical act, prostitutes catering to middle and upper class men were able to advertise their services with little risk of legal repercussions.

Poor prostitutes, by contrast, were often forced to operate in public or semi-public conditions. A result of their poverty, they could not afford the plush, or at least private, accommodations that their wealthier counterparts enjoyed. Many poor prostitutes worked as "streetwalkers." These women advertised and serviced their clients on the streets of New York's poorest areas, primarily around the docks in Wards One (the southern tip of Manhattan from Battery Park to Liberty St./Maiden Lane) and Three (East of Broadway between Liberty St. and Reed St.), as well as the Five Points area of the Sixth Ward.⁹

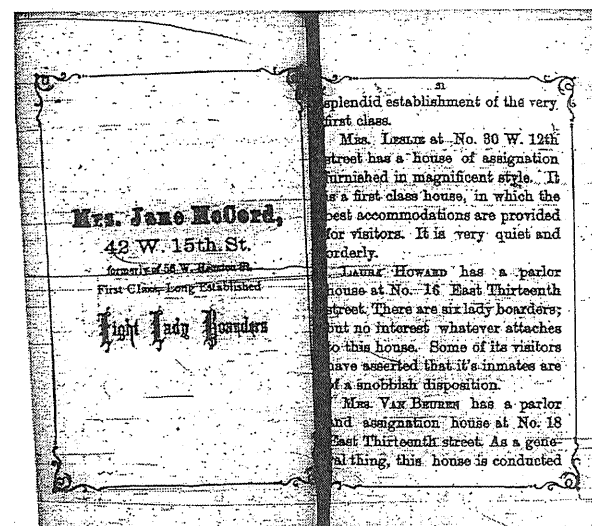


Figure 1 Advertisement from 1870 Pamphlet, *The Gentleman's Companion*.

Those impoverished prostitutes who did manage to find lodging for their trade primarily worked out of rented rooms in squalid tenements. Often they prostituted themselves in rooms directly adjacent to scores of families, or even in the same room: one contemporary reporter described "a large building in ward six that had been subdivided into dozens of small 'apartments' rented to the poor and the prostitute alike, where it was 'not unusual for a mother and two or three daughters, all prostitutes, to receive men at the same time, in the same room.'" ¹⁰ Poverty and limited affordable accommodations created a "geographic intimacy" and necessitated that poor prostitutes work far more in the public view than those catering to the rich.

The vague wording of the two applicable vagrancy laws created a situation wherein prostitutes who serviced (and were themselves members of) the poor working class were disproportionately targeted. As these laws only gave law enforcement the ability to act against prostitution that was visible, they were primarily enforced against impoverished prostitutes. To illustrate this point, of the nearly 500 arrests for vagrancy in 1850, approximately 400 came from the impoverished Sixth Ward, while a mere seven cases were listed from different wards, with 82 having no geographic designation whatsoever. ¹¹ Between 1849 and 1856, the Sixth Ward had vagrancy arrests for both sexes at a rate between two and ten times higher than any other ward. It is therefore evident that the brunt of New York's vagrancy laws was felt by working-class prostitutes.

As the wording of the law specifically outlawed public indecency and ignored private acts, it unfairly implicated prostitutes of lower socioeconomic class. Yet the discriminatory impact of these vagrancy laws was as much a result of practical considerations as the vagueness of the law itself. Prostitution in the public view was easier to identify by its very nature, and therefore easier to prosecute. Further, constitutional rights to privacy provided greater impediments to policing what occurred in the home than what occurred in public spaces. Most notably, the Fourth Amendment guarantee against "unreasonable searches and seizures" placed a high burden of proof on any official looking to prosecute actions committed in private. ¹² As these protections were not afforded to public behavior, any law criminalizing prostitution would inevitably have had a more significant impact on poor prostitutes. However, the laws could have ostensibly accounted for the practicality – or lack thereof – of enforcement. Had the laws explicitly criminalized solicitation they would have allowed police to crack down on the practices of wealthier prostitutes – namely, solicitation in venues such as theaters and the circulation of brothel

pamphlets – as well as the methods of the poor, like "streetwalking." Further, it would have created greater opportunity to prosecute the men who prostitutes serviced. By criminalizing public vagrant behavior as opposed to prostitution itself, these antebellum laws exacerbated the uneven effect that enforcement would have across class lines.

Those accused of vagrancy rarely received a trial, a fact which served to further differentiate prostitutes' experience of the law along class lines. ¹³ While they still had the option of appealing their case, legal fees were prohibitively high for working class prostitutes: "A vagrancy conviction offered officials an easier, quicker, and harsher way of handling conspicuous prostitutes, especially those too poor to contest the charges." ¹⁴ New York's vagrancy laws were designed to curb perceived social ills like prostitution, and yet the statute's focus on *public* decency truly only punished poor prostitutes, while tacitly permitting the trade among the more affluent.

The focus on public prostitution may have been intentional. If the contemporary moral reformers of the time are to be believed, so-called indecent acts were ostensibly more heinous when committed in public. ¹⁵ One of the most prominent groups of the time was the New York Female Moral Reform Society (NYFMRS). ¹⁶ The view of its members was that public indecency was not only harmful to the individual perpetrators, but to the surrounding community as well. These reformers preached that all prostitutes came to the trade willingly, driven by sexual desire and influenced by the visibility of prostitution in their communities. ¹⁷ In its first annual report, the NYFMRS reaffirmed its belief that exposure to "indecent" behavior was also its cause: "[The NYFMRS Missionaries] could rescue such as were willing to leave their vicious habits, especially such as had recently been plunged into vice, and whose consciences had not become seared, and their hearts hardened by a long course of dissipation." ¹⁸ They espoused the idea that keeping prostitution out of the public view would shield women from negative influences that could cause them to pursue a life of prostitution. Thus, criminalizing public indecency was the best method to combat spread of prostitution. Still, if this view was so pervasive, one would expect to see it reflected in the wording of the statute.

New York City primarily used disorderly conduct laws to prosecute upper class prostitutes. This type of law had been enforced in New York since its adoption as a state in the 1770's. ¹⁹ In 1822, New York created a new constitution which included wording against prostitution: "...the law for disorderly persons, covered both prostitutes and keepers of 'bawdy houses or houses of prostitution.'" ²⁰ However, this law proved far more difficult to enforce than vagrancy laws. Unlike vagrancy laws, a disorderly

conduct arrest could not be made by an observant police officer. Instead, a complaint had to be filed by a citizen who would then act as a witness. In fact, police had no legal right to enter a supposedly "disorderly" home unless expressly invited (which they often were by madams seeking protection from unruly clients) or legally permitted by a warrant.²¹ Witnesses had to pay bail or wait in jail along with the accused until the trial, which may well have acted as a deterrent against filing a complaint.²²

In the 1840s and 1850s, police reports indicate that vagrancy arrests came at a significantly higher rate than those for disorderly conduct. In 1846, there were a mere 22 disorderly conduct arrests (including houses accused of lewd drinking and gambling as well as prostitution) compared to 2,288 for vagrancy (both sexes). In 1855, vagrancy arrests (3,169) still greatly outnumbered those for disorderly conduct (167).

Admittedly, disorderly conduct laws criminalized a behavior primarily associated with wealthy prostitutes – poor prostitutes, after all, rarely had a home in which to be considered "disorderly" – much in the way that vagrancy laws criminalized conduct mainly associated with the poor. However, these disorderly conduct arrests occurred at such a lower rate that they do not compare to the level of prosecution brought against working-class prostitutes. Ultimately, the institutional deterrents against a disorderly conduct conviction shielded wealthy prostitutes from the legal repercussions that it was, in part, created to inflict.

New York's disorderly conduct and vagrancy laws created a piecemeal system under which prostitution was prosecuted. The primary focus of vagrancy laws was not prostitution specifically, but *publicly* perceived lewd and licentious behavior. As a result, the law was disproportionately inflicted on New York City's working class prostitutes, while richer prostitutes evaded prosecution. Disorderly conduct laws did provide an outlet for legal action against upper-class prostitutes. Yet the institutional hurdles set in place by the law served to undercut its efficacy. The absence of a comprehensive law criminalizing prostitution in and of itself created a double standard wherein poor prostitutes were overwhelmingly targeted.

DIFFERING INTERACTIONS WITH LAW ENFORCEMENT

In antebellum New York, police officers were the focal point of a prostitute's interaction with the law. Officers were afforded wide latitude in determining what constituted a crime, especially with regards to vagrancy. Therefore, the structure and mentality of law enforcement in New York between 1830 and 1860 had a significant impact on the experiences of prostitutes.²³

Law enforcement in New York City between 1830 and 1860 was largely disorganized. Until 1845, no permanent police force existed. Instead, police responsibilities fell to "Night Watchmen." These watchmen were paid a commission of fifty cents for each criminal apprehended, roughly two-thirds of their nightly salary.²⁴ Furthermore, this system incentivized making a high number of arrests. With the grounds for a vagrancy arrest left to the discretion of individual police officers, this pay incentive likely further encouraged persecution of highly visible working-class prostitutes.

Generally, police action was considered to be a local community issue rather than a uniform, citywide policy. In *Their Sisters' Keepers*, Marilyn Wood Hill explains that "Citizens preferred to depend on police supervision that was casual and sporadic and that was supplied by fellow members of the local community. The result was an inefficient but very personalized form of law enforcement...left to the discretion of the neighborhood police."²⁵ The night watchmen came from the communities over which they presided and therefore contributed to this community-based mentality. In May of 1845, the New York State Legislature passed a bill creating a permanent police force in New York City. The legislature set fixed salaries in the hopes of eliminating the possible monetary incentive to make vagrancy arrests. Yet the very personalized community-based form of policing persisted. This "gave the prostitute the opportunity to establish a working relationship with local law enforcers and reduced the likelihood of a large, citywide vice structure that might victimize the prostitute."²⁶ The unfortunate consequence of this community-based policing was that local residents often received preferential treatment while poor, immigrant prostitutes who lacked community ties were disproportionately targeted.

Wealthy prostitutes deftly took advantage of this opportunity and routinely made personal and business relationships with police. These prostitutes often appeared as witnesses on behalf of the state in divorce proceedings and provided information on criminal activity in the city.²⁷ In 1849, prostitute Kate Hastings even maintained a brothel next to the fifth ward police station.²⁸ The apparent readiness of wealthy prostitutes to work with the police illustrates that they did not greatly fear prosecution or police action. Maintaining personal connections with police also afforded prostitutes some protection against dissatisfied or violent clients: "it allowed her to operate freely in a neighborhood and gave her a contact on the police force in case customers...caused problems in her brothel."²⁹ The personal nature of law enforcement between 1830 and 1860 was a great benefit to wealthy prostitutes, both in allowing them to avoid prosecution and ensuring their physical security.

By contrast, this personalized form of law enforcement further disadvantaged working-class prostitutes, who had a much more difficult time forging beneficial relationships with the police. Many were immigrants who faced cultural and linguistic barriers. Furthermore, the relatively transient, out-of-doors nature of lower-class prostitution, as opposed to prostitution practiced inside established brothels, hindered the ability of working-class prostitutes to establish lasting community ties.³⁰ As Cohen explains, "[police] regarded streetwalking by a poor class of girls a more serious affront to public morals than the brothel-based prostitution of the west side of lower Manhattan."³¹ This lack of personal relationships with policemen left working-class prostitutes vulnerable to aggressive legal action. While the personalized system of law enforcement actually helped wealthy prostitutes avoid prosecution, it exposed poor prostitutes to more legal risk.

CONCLUSION

Prostitution was widely accepted in New York City in the antebellum period. However, this permissive atmosphere did not apply equally to all women in the trade. Prostitutes who served wealthier clients worked out of well-furnished brothels and apartments. These accommodations shielded them from public view, and therefore from prosecution under vagrancy laws. The focus on public view provided a structural advantage to wealthier prostitutes and opened poor prostitutes to disproportionate prosecution. Poor prostitutes faced further structural obstacles in the form of personalized law enforcement. By virtue of their transitory nature they lacked the community ties that enabled wealthier prostitutes to avoid prosecution. Antebellum vagrancy laws were egalitarian at first glance; their wording targeted specific behavior and not specific groups of people. Yet due to the structural barriers that poor prostitutes overwhelmingly faced and the difference in the venues out of which prostitutes of different socio-economic classes plied their trade, the laws aimed at reducing "indecentcy" in public had the effect of cracking down on impoverished prostitutes while ignoring those in the upper classes. Therefore, socio-economic class was a singular determinant of a prostitute's ability to practice her trade without legal repercussions.

NOTES

- ¹ Marilyn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (Los Angeles: University of California Press, 1993): 192-195.
- ² Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York*, (New York: Alfred A. Knopf, Inc., 1998): 68-69
- ³ *Ibid*, 61, 67
- ⁴ Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex 1790-1920*, (New York, NY: Columbia University Press, 1987): 37-96.
- ⁵ Cohen, 65.
- ⁶ Hill, 117.
- ⁷ Cohen, 68.
- ⁸ Hill, 179, 192-196.
- ⁹ Hill, 175-176.
- ¹⁰ *Ibid*, 178.
- ¹¹ *Ibid*, 119.
- ¹² U.S. Const., amend. IV
- ¹³ Hill, 124-126.
- ¹⁴ *Ibid*, 126
- ¹⁵ Larry Howard Whiteaker, *Moral Reform and Prostitution in New York City, 1830-1860* (Princeton, NJ: Princeton University Press, 1977): Chapter 2.
- ¹⁶ Kann, Mark E. "Policing Prostitution in the Early United States: Sexual Equality and Discretionary Inequality," *Internet Journal of Criminology* (2011).
- ¹⁷ *Ibid*, 8.
- ¹⁸ New York Female Moral Reform Society, *First Annual Report of the Female Moral Reform Society of the City of New York*, (New York City: William Newell): 10.
- ¹⁹ Hill, 116.
- ²⁰ *Ibid*, 126
- ²¹ Cohen, 91.
- ²² Hill, 125-127

²³ Gilfoyle, 255-258.

²⁴ Hill, 148.

²⁵ *Ibid*, 146.

²⁶ *Ibid*, 149

²⁷ *Ibid*, 153

²⁸ *Ibid*, 150

²⁹ Hill, 150.

³⁰ *Ibid*, 149.

³¹ Cohen, 66.

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In the nineteenth and twentieth centuries the Russian Empire was grappling with a pressing but common question for governments with significant Jewish populations. As most of these Jewish communities often functioned outside the country's mainstream both geographically and economically, many governments struggled to integrate them into the nation's larger social and political framework, and to derive economic benefit from these portions of the population. The question the Russians faced, then, was what to do with them? Unlike many other countries, Russia aimed its efforts at normalizing its Jewish population, expressing a desire to "transform" them from "parasitic" into "useful Soviets".¹ Attempts were made through inclusive legislation, attempted integration of Jews into greater Soviet society through incentives of resettlement and through compulsory military service, education modernization, and other mediums meant to both normalize and productivize the sizable Jewish population found within the Russian Empire.

Due to lack of success in their previous normalization efforts, the government continued to regard the Soviet Jews as harmful outsiders and a disturbance to the economy because of their unusually noticeable presence in commercial and industrial professions. Such professions were viewed as detrimental to the Soviet government's broader goals of agricultural development, a sector most Jews were completely uninvolved in. Soviet authorities therefore believed that solving the Jewish question meant converting the Jewish population from a "harmful" element in Soviet society to one that would no longer be "detrimental" to the ideal Soviet society and economy.²

Previous efforts to address this question had suffered due to lack of cooperation from the broader Jewish population, and the mass exodus of over two million Russian Jews in the span of approximately thirty-five years at the turn of the century only highlighted this failure.³ The Soviet government therefore sought a new policy, one that would allow Soviet Jews to maintain their community while simultaneously transforming them into productive citizens within the USSR. The way to do this, Soviet policy makers decided, was through the creation of a Jewish agricultural colony—in this way, Jews would work the land, realizing Soviet desires for their

productivity and transformation them into a new kind of citizen, a socialist citizen who contributed to greater Soviet society by working the land.⁴

Attempts to bring about a policy of Jewish agricultural settlement marked the beginning of a never-ending struggle to solve the "Jewish question." These attempts culminated in the creation of the Jewish Autonomous Region commonly referred to as Birobidzhan. The Soviet government sponsored, at least in word, the settlement of Jews, the development of Jewish culture and even the potential for a Jewish national territory or Soviet Jewish republic in this remote region. It would soon become clear, however, that questionable motives, a marked lack of preparation, and the Stalinist government's desire to maintain a complete and uncompromised socialist character within the Soviet Union would doomed the Jewish Autonomous Region to fail. Policies that crippled economic success and the development of Jewish life and culture severely limited the region's attractiveness to would-be settlers. Its periods of promise were always followed closely by overwhelming disappointment and, unable to overcome its insurmountable obstacles, the Birobidzhan experiment can only be judged as another failed solution to the question of what to do with the Soviet Jewish community.

BIROBIDZHAN

In 1928, the Soviet government issued a decree designating a largely uninhabited territory for the settlement of Jews and agricultural colonization. This area was located in the far, Far East, near the Russian border with China. Due to its proximity to the Biro and Bidzhan Rivers, the capital city of this region was named Birobidzhan. The entire region soon became known by the name of its capital, and was referred to simply as Birobidzhan.⁵

Not surprisingly, the scheme was fraught with difficulties from the beginning. The period from 1928 to 1934, the first years of Jewish settlement in Birobidzhan, was certainly a failure. To begin, because of its remote location and agricultural focus, Birobidzhan attracted primarily poor, impoverished Jews, who in many cases did not have the means to fund their own travel costs. The Russian government was left to foot the bill.⁶ In addition, though it was a region intended for agricultural production, most settlers had no agricultural skills, experience, or even familiarity, threatening the idyllic vision of a flourishing agricultural settlement.⁷ Furthermore, the project's launch was characterized by "excessive haste;" Birobidzhan, as one observer put it, "was begun and executed without preparation, planning and study."⁸ In a rush to initiate

their new experiment, the Soviet government either overlooked or did not care to prepare Birobidzhan for successful settlement.

The severe lack of preparation on the part of the government and the nature of the land was one of the region's most significant issues. An investigatory commission sent to survey the region reported that it to be largely uninhabited and dominated by swampy terrain, with no roads or means of transportation. The report also mentioned the region's tough climate; winters were brutally cold, but summer brought floods and pests.⁹ In many cases, the land intended for agricultural development was determined to be unsuitable for cultivation – it would have to be drained before it could even be surveyed. Additionally, the Russian government did not provide the settlers with necessary provisions. The entire region lacked decent housing, food, medical care, or livable working conditions.¹⁰ One observer remarked, "The barracks for the Birobidzhan would put a prison to shame."¹¹ The animals were disease-stricken, the damp land was soon swarmed with mosquitoes and unfit for cultivation, the housing was either poor or non-existent (settlers often slept in tents), and the local authorities did not have the resources to remedy such substandard, impossible conditions.¹² Condemnation of the region and the Soviet government's lack of preparation came from all angles – even the American Jewish Joint Distribution Committee, a group that would normally have been excited by the prospect of a Jewish region for settlement, expressed damning discontent with the situation in Birobidzhan, pointing out that the project had progressed in spite of woefully incomplete information.¹³ These realities, combined with the unpreparedness and agricultural inexperience of the poor Jewish settlers, set the stage for yet another failure in the Russians' attempts to solve the "Jewish question."

Predictably, this rocky start meant a mighty struggle to retain even half of the initial Jewish settlers. In its first year, almost two-thirds of those seeking a new, productive life in a region set aside for Jewish cultivation abandoned the experiment.¹⁴ This embarrassingly low retention rate was one the Soviet government could ill-afford, as the region had not attracted a large amount of settlers in the first place.

At the time of the project's conception, the Russian government had provided an incentive other than money or housing (which as we have seen, they did not even really provide) to lure settlers to Birobidzhan. Along with the decree from 1928 setting aside Birobidzhan for the purpose of Jewish agricultural settlement was a clause stating that if the colony was successful, the government might deem Birobidzhan a Jewish administrative-territorial entity.¹⁵ This could have the groundbreaking effect of creating a "Soviet Jewish Republic," and assign a "normative and legal

status" to the Jews, a status that was undoubtedly desirable and novel for Soviet Jews.¹⁶ According to Henry Srebrnik, this idea fell under Lenin's nationality policy, which granted territory and cultural autonomy – within a socialist framework – to each national group within the Soviet Union.¹⁷ In the first few years of settlement, however, Birobidzhan had nothing close to a Jewish majority.¹⁸ In an attempt to remedy this, the government strove to downplay non-Jewish immigration and even explicitly discouraged it, giving Jewish "agricultural colonization" precedence in the region.¹⁹ Alas, Birobidzhan continued to flounder and fail to attract, and then to keep, any settlers at all. The shortcomings were so great that even Jewish groups like the Anti-Fascist Committee of the Soviet Jewish Public openly declared that Birobidzhan had not appealed to enough Jews to be effective.²⁰ Even if the intentions of the initial Russian decree were true, the reality of Birobidzhan in its early years did not provide much hope for the creation of a Jewish national entity anytime soon.

THE JEWISH AUTONOMOUS REGION

Despite its initial inability to attract Jewish agricultural settlement, in 1934 the Jewish Autonomous Region was established in the region known as Birobidzhan. Its elevation in status may have been exactly the lift that Birobidzhan needed; Jewish settlement "had peaked at over 15,000," a year after it became the Jewish Autonomous Region.²¹ Optimism in some circles skyrocketed and increased confidence in the region was unquestionable. Support grew for Birobidzhan both ideologically and monetarily. Not surprisingly, the greatest support came from socialist circles, both Jewish and secular. For not would Birobidzhan be a society "grounded in socialism" that could "solve the vexing problem of Jews in the Soviet state,"²² it was also in line with the Jewish socialist belief that envisioned a rebirth of the Jews through their connection with the land.²³ This vision for Birobidzhan excited both Soviet socialists and Jewish communists who saw a possible "Soviet Zion, where a proletarian Jewish culture could be developed."²⁴

Soon this ideological support for Birobidzhan turned into monetary support, and in some cases even brought foreign settlers to the new Jewish Autonomous Region, a region in which to some held the potential for a Jewish-socialist utopia. Socialism's pull was then international, and the new Jewish-socialist entity within the Soviet Union was garnering financial support. New settlers from places much more developed than Birobidzhan like Lithuania, Argentina, and the United States, were willing to sacrifice for the sake of their socialist vision. According to Robert Weinberg, these foreign settlers were "attracted by the

mystique of tilling the land and engaging in physical labor,"²⁵ much like the Soviet settlers in Birobidzhan, and perfectly in line with Soviet desires for the region. The international socialist community was avid in its support for the JAR.

All Jews were soon considered 'normal' Soviets, even though the majority did not live in 'their' territory.²⁶ Regardless of where they lived, the creation of the new autonomous territory had conferred upon all Russian Jews an equal national status within the Soviet Union. The Soviet government not only treated them fairly but actually gave them their own territory, something entirely unheard of in almost all of history.²⁷ Jews commonly believed that this status of a recognized nation could only be achieved if they gathered "a substantial portion of the Jewish population into a compact, settled, rural population," which was exactly mission of the JAR.²⁸ In the view of Jews, Jewish socialists, the Russian authorities, and socialists in general, the creation of the JAR was a groundbreaking move that truly advanced the status of Jews as a nationality within the Soviet Union. The Soviet government was heralded as a socialist innovator that gave its residents a fair opportunity in their country, treated them equally, and provided all with equal foundations to realize the socialist dream. This achievement was heartily welcomed as a victory, at least symbolically, for all parties involved.

Despite its warm welcome, the creation of a Jewish Autonomous Region despite Birobidzhan's failure was in fact a calculated move by the Russian government. While it caught the eye of the public and inspired widespread Jewish and socialist support, the number of Jewish settlers, though substantially larger than initial numbers, had not even begun to approach a majority. Furthermore, it was found that the majority of Jewish settlers were maintaining industrial or financial jobs and living in the urban, more industrialized areas of the JAR rather than moving to the countryside, thus failing to fulfill the vision for the new, agricultural Jew.²⁹

Some posit, however, that the intentions behind Birobidzhan – the fostering of Jewish agricultural production – were merely a ruse. There are many who do not believe that a benevolent Soviet government simply came to their aid and decided to give Jews a fair shake in the Soviet Union. Rather these skeptics suggest an underlying, strategic motive in the decision to send Jews to the Far East for agricultural colonization. Those of this opinion, which is based on statements from the Soviet government itself, believe the Jews were shipped out to inhabit an empty area along the Chinese border to serve as a buffer, believing that a densely populated province would prevent Chinese imperial expansion in the region.³⁰ This viewpoint suggests that even though the Soviet government was in fact

interested in the development of the JAR, they placed it in a strategic location to benefit the Soviet Union as a whole. Others took this claim much further and were wholly unconvinced of the government's altruism. They claim that the Birobidzhan experiment was not initiated to solve the "Jewish question" or to give the Jews a national territory but merely to bolster Soviet presence along a vulnerable border. This scathing exposes the Birobidzhan experiment as a facade for the Soviet Union's real interests, those being its own strength and the control of all Russian land. The Jews then were merely Soviet pawns. Even worse, they were duped into believing that the government was truly trying to advance their interests.

Though debatable, this view is practically indisputable on some level. The Russian government strategically sent the Jews far away, granting them a region of their own with the sole interest of keeping Soviet land in Soviet hands. It is also possible that the Soviet Union's interest in the success of Birobidzhan came from a socialist ideological standpoint and not from a desire to see the Jews attain equality and success. Whether they cared about the consequences of such decisions can be debated on the basis of Soviet policy, actions, and support towards the region in all forms. What is most likely is that Soviet attitudes toward Birobidzhan were not static but constantly changing over time, as would become abundantly clear throughout Stalin's rule. Whatever the case may have been with Soviet aims in Birobidzhan, one thing was clear – more important in this endeavor than the plight of the Jews was the "expansion and consolidation of socialist construction," which Soviet Jewish official Semyon Dimanstein claimed to be the "foremost aim" even in the Jewish Autonomous Region.³¹ Socialism reigned supreme in the Soviet Union and its expansion was the priority above all.

A SOVIET JEWISH CULTURE

Although there may be questions regarding Soviet intentions behind the Birobidzhan experiment, it was a place where Jewish culture could be developed. So long as it was within the confines of socialism, and a vibrant, secular Jewish culture within the region became a triumph for Jews throughout the Soviet Union. The unequivocal focus of the JAR's Jewish culture was Yiddish. The goal was to "broaden Jewish culture and create a new Jewish spirit," with an emphasis on Yiddish, and a replacement of Jewish religious practice with a socialist, strictly secular Jewish culture. The Soviets sought to transform the Jewish Autonomous Region into "the new center of Soviet Jewish life," a center with a thriving, non-religious, Jewish culture within a socialist framework.³²

The most important step in the effort to foster cultural development in Birobidzhan came when the Soviet Union conferred official language status to Yiddish, the language of the Jewish masses. This was remarkable for Jews both symbolically, to have their language attain official language status, and practically, in that all institutions and expressions of Jewish culture in the JAR were centered on Yiddish. Street signs as well as postage stamps were in Yiddish. Yiddish libraries, theater companies, and literature clubs sprung into existence, and Yiddish was taught in the schools of the JAR.³³ Even a Yiddish daily newspaper was started. Called the *Birobidzhaner shtetn*, it employed Jewish proletarian writers whose instructions were to "illustrate the benefits of Soviet power."³⁴ This newspaper, although publishing less frequently, still exists today and can even be read online. Streets in Birobidzhan were named after famous, influential Yiddish writers like Sholom Aleichem.³⁵ The authorities in charge of Birobidzhan even decreed in 1935 that government documents must be published in both Yiddish and Russian, putting the two languages on equal footing within the Jewish Autonomous Region.³⁶ While Yiddish was encouraged and even bolstered by the Soviet government, the opposite was true for any religious Jewish practice. It was severely punished and forcefully prohibited in the territory, as socialist policy did not allow for religious practice.³⁷ This meant that the culture of the Jews, a group distinguished by their religion, had to be completely secular and devoid of religion even within the JAR.

Birobidzhan was meant to become the stronghold of socialist, secular Jewish culture in the Soviet Union. Propaganda in support of this was widely distributed and talk of it spread to Jewish communities throughout the Soviet Union. With Yiddish as the centerpiece, a new, multifaceted Jewish culture had been created. Much to the delight of the Soviet authorities, this seemed to herald a new era for Soviet Jews, one in which they could forsake their traditions and integrate themselves as contributing members of socialist society.³⁸ Though recruitment efforts to lure Jewish settlers into Birobidzhan were falling far short of official goals, it seemed as though the settlers who did make it there were at least invested in the socialist yet national vision of the Jewish Autonomous Region.

The authenticity of and enthusiasm behind this culture has been questioned, however. As all of its facets were sponsored by the Soviet government, nothing could not run counter to official policy.³⁹ All Yiddish publications, theater performances, and what was taught in schools were subject to complete control by the government to ensure it fell within its socialist vision. Furthermore, some say that Yiddish was only nominally

equal to the status of Russian.⁴⁰ Though it was declared an official language, the ruling was never taken seriously and Russian remained foremost in the public sphere.⁴¹ To many, the first few years of the JAR inspired hopes that a Jewish culture was taking hold, and that the region could be made into a cultural hub for both Soviet Jews and those throughout the Jewish Diaspora.⁴² Whether the blooming of Soviet Jewish culture was true, or whether it was merely an illusion, any progress real or imagined would soon come to a grinding halt due to the erratic policies of Joseph Stalin.

STALIN'S GREAT PURGE

Birobidzhan saw middling success at best in its early years, but after Stalin's Great Purge in 1936, any growth for the Jewish Autonomous Region was completely stunted due to the Purge's crippling policies. Lasting from 1936-1939, the Purge was carried out under Stalin's direction and was "designed, at least in part, to rid himself of both real and perceived enemies... He began to see in each ethnic group a potential fifth column and rebellious faction."⁴³ The Jewish community was no exception, and "Birobidzhan's leadership was decimated and accused of all manner of ideological heresies."⁴⁴ As a result, visible figures in the national culture were purged and that culture itself was liquidated.⁴⁵ These leaders and the JAR's culture itself had suddenly become "agents of international Zionism, capitalism, and counterrevolutionary activities."⁴⁶ Many were arrested, killed, or shipped off to labor camps on groundless suspicions of being counter to Stalin's Communist regime.⁴⁷ Not only were the leaders of the JAR affected, but so were Jewish institutions; schools teaching Yiddish in Birobidzhan were shut down, organizations established to consolidate Jewish settlement in the region were broken up at once, the Yiddish literary and newspaper outputs dwindled, and Yiddish books throughout the region were stripped from libraries and destroyed. Yiddish, the focal point of the region's Jewish culture, was facing an all-out assault by Stalin's increasingly paranoid and totalitarian government.

By the end of the Great Purge in 1939, Jews made up less than one-sixth of the population of Birobidzhan. Yiddish, once pegged as the lifeblood of the new Jewish culture in the JAR was now in a fight for its life against the totalitarian Soviet authorities. But the language, especially in its censored form, could not sustain the entirety of Jewish culture.⁴⁸ The Soviet government effectively squashed the Jewish national culture it had once claimed to support in favor of total security for the country's purportedly socialist character.

Although it had taken crippling blows from the government, the Jewish Autonomous Region remained in existence. As World War II raged

on, however, Birobidzhan held little to no promise of being able to fulfill its initial mission. During the war, no Jews entered the region; many left instead.⁴⁹ During a time of unimaginable suffering and turmoil for Europe's Jews, Soviet Jewish onlookers still remained unconvinced of any benefit to moving to a Jewish territory. Admittedly, this may have simply been the result of its remote location – a full eight time zones away even from Moscow – leaving it completely unreachable from Eastern European Jewish enclaves. During the war years, as had been the case since its initiation, the Jewish Autonomous Region held little appeal, and could not retain even the few Jews that remained.

REVIVAL POST-WORLD WAR II

In the years immediately following World War II, however, the Jewish Autonomous Region saw a modest revival. Soviet Jews whose lives were disturbed by the War were soon drawn to the region.⁵⁰ By 1948, the number of Jews living in Birobidzhan reached about thirty-thousand – not as much as the Soviet authorities had intended twenty years prior, but still encouraging in light of all the region's challenges. In addition, the majority of new Jewish settlers were enthusiastic about engaging in collective farming, exactly the vision that had originally been set for Birobidzhan.⁵¹

The sudden rebirth of the Birobidzhan project stimulated excitement about the prospect of achieving a Jewish republic in the region. This excitement was not totally unfounded – the original decree that set aside Birobidzhan for Jewish agricultural settlement in 1928 had stated that if there was success in the region, it stood the chance of being transformed into a Jewish republic within the Soviet Union. Many believed that the necessary success would soon be possible, and many were again eager to build a "Jewish State."⁵²

The rhetoric of the Soviet Jews and even Soviet officials began to change as well. One Soviet Jew hoped, "post-war immigration to Birobidzhan has exceeded all expectations. If this immigration continues at the present rate, an autonomous Socialist Soviet Jewish Republic will be set up in the Far East in a few years."⁵³ One Soviet government official took his statements even further, already referring to Birobidzhan as a "Jewish national state."⁵⁴ The resurgence in immigration and seemingly strong support coming from the government both in word and in deed were accompanied by an attempted cultural revival as well. Yiddish was once again encouraged and though it did not take off in schools, Yiddish publications were on the upswing for the first time in years. After twenty years, the region appeared truly to be seeing tangible results and success.

But, if confidence was building and success appeared imminent, great trouble was not far behind. Before long, the region ran into its usual problems. Birobidzhan still could not hold onto the Jewish settlers it had been able to attract. Part of this was due to a problem that had persisted since the project's conception, that of Russian unpreparedness. The infrastructure and conditions in the JAR were still so poor that settlers were unwilling and unable to stay. The Jews arriving, most of whom were not wealthy, could not fund the necessary infrastructure and received only minimal support from the Soviet government. In addition, as in the past, the new Jewish settlers were not qualified to enter the workforce where there was a need, specifically the farming industry.⁵⁵ Finally, the most pressing problem that would once again doom the future of the Jewish Autonomous Region was Stalin's ever-changing, and ever-dangerous, policies. This time, however, Birobidzhan would not recover.

THE NAIL IN THE COFFIN

After the creation of Israel in 1948, Stalin, fueled by boundless anti-Semitism and a fear of a potential competitor for Soviet Jews' political loyalty, set out to destroy Soviet Jewish cultural and intellectual life.⁵⁶ Stalin initiated a string of specifically anti-Semitic acts much worse than during the Great Purge. This time, Jews were affected throughout the Soviet Union. Observers claimed that the "Jews in Birobidzhan were in an even worse position than in other places." Soviet Jews were being targeted with an enthusiasm not before seen by the government, and their situation was worst in the territory that had been designated as a place for them to flourish, a place that so recently had held hopes of becoming a Jewish republic within the Soviet Union. All traces of Jewish culture in the region were eliminated. All Yiddish institutions – Yiddish schools, theaters and the synagogue – were closed. The role of Yiddish was once again diminished in schools until all that remained of the Jewish culture in Birobidzhan was its newspaper, the *Birobidzhaner Shtern*, and the radio, both of which were heavily controlled by the Russian government.⁵⁷ Increasingly paranoid about non-Communist influences and militant in his fight against them, Stalin cut off all communication between Jewish residents of the JAR and world Jewry, effectively isolating them.⁵⁸ Immigration, not that there would have been much of a desire for it, was obviously disallowed.⁵⁹

This stage of anti-Jewish activity marked the end of any serious effort or hope for the Jewish Autonomous Region. Jews were trapped, cut off from the world, persecuted, stripped of their culture, suppressed, arrested, deported or killed on a whim all as a result of Stalin's ever-fluctuating policies and attitudes towards Soviet Jews and Birobidzhan.

This period of unprecedented Jewish persecution is considered by most historians to have "delivered a mortal blow to the Birobidzhan experiment," an episode from which the JAR never fully recovered.⁶⁰

The creation of the state of Israel itself, a true Jewish republic, also limited the viability of the JAR as a home for Jews. The Birobidzhan experiment, once thought to be a legitimate socialist competitor to Zionism, now stood in the shadow of a true, free Jewish state in Israel. Jews seeking refuge, a homeland, a culture of their own, and freedom had no reason to look to the Far East – their holy land, one where they could practice religion openly, contribute to a developing, rich and multifaceted culture, and live as they pleased without fear now existed in the Middle East. The idea of choosing the fraught Birobidzhan over Israel, a land with "a symbolic and mythic history connected to Hebrew and Jewish culture," was almost laughable.⁶¹ Finding it hard to adapt to their new surroundings and missing their Soviet home, some Jews that had managed to get to Israel did indeed move back to Russia, however this was not the norm, nor did it cause any sort of significant rise in the Jewish population of Birobidzhan.

No matter the true intentions of the Soviet government, Birobidzhan must unequivocally be considered a failure as an attempt to establish a Jewish national home characterized by widespread agriculture and a socialist Jewish culture within the Soviet Union. Most agree that the primary contributing factor, although there were many factors over the years, was the erratic set of policies put into practice by Joseph Stalin.⁶² Birobidzhan was consistently the victim of these inconsistent policies, and it seemed that anytime it gained some momentum, Stalin was there to stop it through comprehensive anti-ethnic, anti-Jewish campaigns. The list of the JAR's shortcomings is not small, but its two most promising stretches, those of the years immediately following the 1934 decree of its status as the Jewish Autonomous Region and the post-World War II years, were halted and completely undone due to Stalin's infamous purges. In their extensive search for a solution to the Jewish question, the Birobidzhan experiment was certainly not Russia's answer, not by a long shot.

- ¹ Eric Maroney, *The Other Zions: The Lost Histories of Jewish Nations* (New York: Rowman & Littlefield Publishers, Inc., 2010), 123.
- ² Weinberg, Robert. *Stalin's Forgotten Zion: Birobidzhan and the Making of a Soviet Jewish Homeland – An Illustrated History, 1928-1996* (Berkeley: University of California Press, 1998), 18.
- ³ Maroney, 136
- ⁴ Schwarz, Solomon. "Birobidzhan: An Experiment in Jewish Colonization." Aronson, Gregor, ed. et al. *Russian Jewry: 1917-1967* (Cranbury: Thomas Yoseloff, 1969), 342.
- ⁵ Maroney, 140
- ⁶ Weinberg, 23
- ⁷ *Ibid.* 24
- ⁸ *Ibid.* 27
- ⁹ Schwarz, 350
- ¹⁰ Weinberg, 24
- ¹¹ Schwarz, 357
- ¹² Weinberg, 25
- ¹³ Kagedan, Allan Laine. *Soviet Zion* (New York: St. Martin's Press, 1994), 96.
- ¹⁴ Schwarz, 356
- ¹⁵ Weinberg, 23
- ¹⁶ Kagedan, 119
- ¹⁷ Srebrnik, Henry. "Birobidzhan: A Remnant of History – The Jewish Autonomous Region in the Russian Far East." *Jewish Currents*. 14 November 2012
<http://jewishcurrents.org/wpcontent/uploads/2010/02/Birobidzhan.pdf>.
- ¹⁸ Schwarz, 361
- ¹⁹ *Ibid.* 355
- ²⁰ Kagedan, 119
- [†] Note: From this point onwards, "Birobidzhan" and the "Jewish Autonomous Region," or "JAR," are synonymous.
- ²¹ Srebrnik, 17

- ²² Maroney, 140
- ²³ *Ibid.* 139
- ²⁴ Srebrnik, 16
- ²⁵ Weinberg, 50
- ²⁶ Shneer
- ²⁷ Kagedan, 107
- ²⁸ Schwarz, 344
- ²⁹ Weinberg, 32
- ³⁰ Shneer
- ³¹ Schwarz, 366
- ³² Weinberg, 59
- ³³ Maroney, 142
- ³⁴ Weinberg, 62
- ³⁵ Shneer
- ³⁶ Weinberg, 60
- ³⁷ Maroney, 142
- ³⁸ Weinberg, 63
- ³⁹ Maroney, 142
- ⁴⁰ Schwarz, 373
- ⁴¹ *Ibid.* 374
- ⁴² *Ibid.* 377
- ⁴³ Maroney, 142
- ⁴⁴ Srebrnik, 17
- ⁴⁵ Schwarz, 379
- ⁴⁶ Maroney, 143
- ⁴⁷ Weinberg, 67
- ⁴⁸ Schwarz, 379
- ⁴⁹ Schwarz, 381
- ⁵⁰ Weinberg, 72
- ⁵¹ Schwarz, 386

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- ⁵² *Ibid.*
- ⁵³ Weinberg, 72
- ⁵⁴ *Ibid.*, Maroney 144.
- ⁵⁵ Weinberg, 77
- ⁵⁶ *Ibid.* 82
- ⁵⁷ Schwarz, 388
- ⁵⁸ Weinberg, 84
- ⁵⁹ Schwarz, 391
- ⁶⁰ Weinberg, 84
- ⁶¹ Shneer
- ⁶² Maroney, 145

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THE DISCOVERY AND DEVELOPMENT OF OIL IN PERSIA: ECONOMIC AND POLITICAL EFFECTS ON STATE FORMATION

Michael Ewing

Oil is one of the most important commodities actively traded in the world today. The viscous liquid made of naturally metabolized animals and plants and buried miles under the earth has had profound influence in the international political and economic sphere. Since its discovery 150 years ago, oil, often called liquid gold, has led some of the world's most powerful governments and empires on bloodthirsty quests for oil resources and dominance. These regimes have pillaged the Middle East, home to some of the largest oil reserves in the world, and have such had great influence on state formation. These economic and political conditions are often described as "the Dutch disease" or a rentier state. This essay will focus on the discovery and development of oil in Persia and explore Britain's economic influences on Persian state formation in the late 19th and early 20th century.

OIL IN THE GLOBAL MARKET

The modern oil industry began when Colonel Drake extracted oil from a well in Pennsylvania in 1859.¹ The following decade saw rapid growth within the industry as the oil market swiftly organized areas of transport, storage, packing, refining, and distribution.² New oil fields were discovered on the border of Ohio and Indiana in the 1880s, California in the 1890s, and Texas in 1901, spurring market growth even further.³ The United States was not alone: Russia, Rumania, Austria, Hungary, Canada, Burma, and the Dutch East Indies had all discovered their own oil reserves by the turn of the century.⁴ Russia and the United States led the way in establishing a robust oil industry, and controlled 50% of worldwide production by 1910.⁵

The physical and chemical properties of oil provided a considerable advantage over coal, transforming railroad and naval transportation. Oil pumps and pressure devices replaced the workers that were once required to feed coal to the engine, and the overall time to refuel steamer ship tanks was cut from a minimum 30 hours down to just five. Oil-fired engines provided an additional 20% advantage in speed over its steam and coal counterparts. It was not long before naval fleets began to adopt these innovations, as their speed capabilities proved advantageous in battle. The

Italians were the first to create an oil-fired engine, producing two armored cruisers by 1896.⁶ By 1907, all battleships built in the United States were powered by fuel oil.⁷ The booming oil industry, powered by societal and military demand, would soon trigger an international race for the seizure of fossil fuels.⁸

Britain, unlike the U.S. and Russia, did not have any oil of her own. To compete internationally, she was forced to depend on foreign imports. In 1900, Britain had imported 60% of its oil from the United States and 30% from Russia.⁹ The oil dependence did not sit well with Britain, and she began to tighten her hold on this particular economic resource around the world, most notably in Persia.¹⁰

POLITICAL AND ECONOMIC HISTORY OF PERSIA

The political and economic history of Persia is characterized by weak central government, inefficient tax systems, and imperial encroachment. The Qajar Empire, which gained control of Persia in 1785, ruled throughout 19th century until its demise in the early 20th century. The empire was little more than a hovering entity; it depended on regional and tribal leaders to maintain order and security. Its administrative deficiencies steadily deteriorated as the empire gave way to British and Russian encroachment through concessions, loans, and disadvantageous treaties. Persian military losses in two wars with Russia led to the Treaty of Gulistan in 1813 and the Treaty of Turkmenchai in 1828, both of which granted significant amounts of northern land to Russia. Further concessions involved tobacco production, fishing in the Caspian Sea, building roads and telegraph lines, and constructing a sugar mill and glass factory in Tehran.¹¹ These concessions would later act as chess pieces in a larger international relations game between Britain and Russia, as each vied for influence and power over the weakening Persian state.

By the time Mozaffer al-Din Shah ascended the throne as the fifth Qajar Shah in 1896, hardly any centralized political power remained. The people of Persia suffered under widespread poverty, judicial insecurity, poor administration, and growing foreign interference.¹² Approximately 90% of the work force was involved in agriculture or agriculture-related activities, and the country's gross national product (GNP) was estimated to be around £70 million at the turn of the century.¹³ As a comparison, Britain's GNP was recorded at £1,781 million in 1900.¹⁴ The literacy rate was around 5%, and the majority of Persians lived in rural areas under tribal rule.¹⁵ Julian Bharrier conducted a study of Persian economic history and concluded that Persia was a nearly isolated state, hardly distinguishable as an economic

entity.¹⁶ This weak economic state and Mozaffer al-Din Shah's limited power later paved the way for the D'Arcy Concession of 1901.

DISCOVERY OF OIL IN PERSIA

The idea of oil in Iran had been speculated for several decades preceding its discovery. W.K. Loftus, a member of the Persian-Turkish Frontier Commission of 1848, traveled extensively throughout the region and reported that there was oil "in the neighborhood of the great Parthian stone platform at Masjid i-Suleiman," to the Geological Society in London in 1855. Even the Reuter Concession of 1872 included a provision that granted "the exclusive and definite privilege to work, all over the empire, the mines of coal, iron, copper, lead, petroleum, etc." The concession was dissolved within a year due to Russian outrage over the magnitude of the deal, but Hotz & Co., a Dutch firm, managed to obtain a smaller petroleum concession around Dalaki in 1884.¹⁷ The Dutch endeavor, however, was ultimately unsuccessful.¹⁸ These failed efforts were not a definitive deterrence; within ten years, an American by the name of D.W. Torrence received a concession in 1894 for "the sinking of artesian wells in association with certain mineral and oil privileges for twenty-five years," though he eventually forfeited the concession because he failed to comply with the terms. Around the same time, the Persian government invited Jacques de Morgan of France to collect "an encyclopedic mass of information on its culture, geology, and archaeology."¹⁹ His work, published over several volumes, noted that there was potential for oil development and that such development would provide the government with a considerable source of income.²⁰

The next person to receive a concession was William D'Arcy. The British native had left the island for Australia when he was young, where he made a fortune as a successful mining entrepreneur.²¹ Intrigued by a Persian official, D'Arcy set out to discover oil in Persia. A year later, the 1901 D'Arcy Concession was finalized at a sixty year duration for the exclusive privilege to "search for, obtain, exploit, develop, render suitable for trade, carry away and sell natural gas, petroleum, asphalt, and ozokerite" throughout Persia, with the exception of the five northern Russian provinces of Azerbaijan, Gilan, Mazanderan, Khorasan, and Asterbad. The concession extended over 500,000 square miles, an area larger than the combined areas of France, Britain, and Germany.²² The Persian government, in return for such a concession, would receive £20,000 in cash and stock in the company and 16% of the net income.²³ In lieu of taxes, £1,800 were to be paid to the government every year.²⁴ In addition to the

financial obligations, the government stipulated progressive conditions, such as establishing a company within two years for oil exploitation.²⁵ The success of issuing the concession was largely fringed upon British diplomatic involvement. Russia's power and influence was growing in Persia and in response, Sir Arthur Hardinge, the British Ambassador to Persia, "sought to challenge this influence by supporting British commercial interests such as William D'Arcy's."²⁶ Britain's involvement continued indirectly for the next twenty years.

In accordance with the concession, D'Arcy formed the First Exploitation Company in 1903.²⁷ The company was issued at a value of 500,000 through one-pound shares, 30,000 of which were presented to the Shah in exchange for the 20,000-pound agreement in the concession. The next batch of 20,000 shares was given to "leading personalities," and the rest were issued in London. An exploration team was formed under the leadership of G.B. Reynolds, an engineer from the Indian Public Works Department. Their efforts spanned across 1,000 square miles of land and produced nothing more than a few hundred barrels of oil, an insufficient amount to sustain commercial operations.²⁸ D'Arcy was beginning to run short of his capital and the Burma Oil Company, another British company based in Burma, gathered the capital needed to further search for oil in the region. The two formed another company, the Concessions Syndicate, Ltd. with the sole intent of operating in Persia outside of the thousand square miles already granted to the First Exploitation Company.²⁹

The companies had shifted focus to a new region that belonged to the greater Bakhtiari tribe, Maidan-i-Naftun, literally translated as the 'Plain of Oil.'³⁰ Though the Qajar Empire held theoretical rule over the land, the First Exploitation Company and the Concessions Syndicate had to appease the regional tribal leaders for true exploration in the region. The Bakhtiari tribe, in particular, was the single most important tribal confederacy with its own political ambitions and internal power struggles.³¹ In 1905, D'Arcy staked out to visit a summer camp of the Bakhtiari chiefs and promised them 3% shares of the First Exploitation Company in return for a five-year agreement to search for oil.³² The Bakhtiari tribe's share, while negligible and less than a fourth of the Qajar Empire's share, would play a larger role as a source of conflict within the next decade. The deal had also included the provision that the Bakhtiari tribe would guard the oil discovery efforts, alleviating security concerns in the region where the central government had little military control.

The search lasted for another two years until D'Arcy grew increasingly uneasy about the exploration. The companies had

unsuccessfully spent another £380,000 by the middle of 1907, leaving D'Arcy anxious to withdraw his own private holdings. The Burma Oil Company was receptive and bought D'Arcy's 50% share in the First Exploitation Company for £200,000 in cash and £900,000 in Burma Oil Company shares, marking the end of D'Arcy's direct involvement in the concession.³³ The reasoning behind Burma Oil Company's buyout of D'Arcy remained unclear until after World War I, when Britain's First Lord of the Admiralty, John Fisher, published his *Records*.³⁴ Fisher had "dreamed of the substitution of oil for coal in the British ships since 1882" and appointed an oil committee to determine its feasibility.³⁵ The "oil maniac," as Fisher would soon be called, approached the Burma Oil Company and convinced them to continue exploring. Fisher further pressured the company to buy out D'Arcy as Great Britain learned that he had been considering selling his shares to interested Dutch and American companies.³⁶ In an international context, the negotiation came around the time of the Anglo-Russian Convention in 1907, which peacefully settled tension between the two powers in Persia by dividing the country into three spheres: the northern Russian sphere, the central Persian sphere that remained neutral, and the southern British sphere where oil exploration continued.³⁷ The indirect meddling of Fisher in the Burma Oil Company's acquisition of D'Arcy's shares, and Britain's agreement with Russia, were suspiciously coincidental.

The Burma Oil Company resumed operations until May 1908, when its executives in London decided to cut funding to G. B. Reynolds and his exploration team, concluding an unsuccessful endeavor. Reynolds responded citing an issue that could not be transmitted over unsafe telegraph lines in an effort to buy more time. Three weeks later, Persian oil was struck on May 26, 1908, at a depth of 1,100 feet in Maidan-i-Naftun.³⁸ When news made its way to the British Foreign Office, an official exclaimed, "This discovery of oil should bring prosperity to the region and greatly increase our interest in southwest Persia!"³⁹ Persia had become the first oil-producing area in the Middle East, bearing all the economic and political consequences thereof.⁴⁰

ESTABLISHMENT OF THE ANGLO-PERSIAN OIL COMPANY

Vast expanses of oil were struck in Maidan-i-Naftun, and profound changes were sure to come to Persia, Britain, and the world as a whole. It was found, however, that the oil was nothing more than a "large supply of crude."⁴¹ It would need to be developed before it was distributed. The following spring, the Bakhtiari Oil Company was formed on April 13, 1908,

with the oddly specific objective of providing the Bakhtiari tribe with their 3% ownership and subsidies.⁴² The following day, the Anglo-Persian Oil Company was formed. The Anglo-Persian Company issued 1,000,000 shares of stock at ordinary value – 1 share – and another 1,000,000 shares in 8% preference shares. The newly formed oil company would comprise three main shareholders: the Concessions Syndicate at 400,000 shares, the Burma Oil Company at 570,000 shares, and Lord Strathcona at 30,000 shares. The Anglo-Persian Oil Company would additionally hold rights over the D'Arcy Concession and the First Exploitation Company's shares, with the only exception of those owned by the Shah.⁴³

In the opening speech of the Anglo-Persian Oil Company's first general meeting, Sir J.T. Cargill, then director of the Burma Oil Company, stated that their policy "had not only obtained for the Burma Oil Company a large part of what appeared to be one of the richest oilfields in the world, but had secured for the British Empire a natural resource." It was further understood that Cargill and his collaborators hoped that the Anglo-Persian Oil Company would serve the British Empire in the same way that the East India Company had in establishing British rule over India.⁴⁴

Cargill's opening remarks reflected the sentiments of the British government who had remained mysteriously and indirectly apparent throughout the oil concessions and development. Historically, Britain's policy in Persia was one of strategic interest, and it used Persia as a "buffer between the bear to the north and the jungles of India."⁴⁵ The discovery of oil marked a turning point in British policy toward Persia. As exemplified above, British involvement remained largely indirect through the first decade of the 20th century with a few government figures influencing key concession companies and their executives. As the years went on, however, the increasingly dire necessity of a dependable oil source had shifted British foreign policy and reduced Persia's "strategic consideration to secondary importance."⁴⁶ Cargill's remarks would further set the tone for the British government's involvement in the Anglo-Persian Oil Company as well as Persia as a whole. The purpose of the dual company – Bakhtiari Oil Company and the Anglo-Persian Oil Company – was an effort to reduce the Persian government's share ownership and the Bakhtiari tribe's share ownership in the company.⁴⁷ The dual company structure, soon to be discussed in detail, enabled Britain to use the loophole of the D'Arcy Concession to limit their royalties to the government and the tribal leaders. This manipulation and the shift in British foreign policy would also contribute to the deterioration of British-Persian relations.

The Anglo-Persian Oil Company needed to build infrastructure and establish itself as a legitimate company before it could turn a profit. Efforts to build a pipeline from Maidan-i-Naftun to Abadan started immediately and were completed by July 1911.⁴⁸ That following spring, in May 1912, the first cargo of oil was shipped out of Abadan. The company's refinery was operational within a year. Early development was slow as the company required time-consuming and capital-intensive infrastructure. Further problems compounded as the company struggled to determine how and to whom they were going to market their products. It was no small wonder that the market was the British government, who operated both the largest navy in the world and the expansive Indian railway system.⁴⁹ Marketing soon became less of a problem as the company ran out of money and needed an injection of fresh capital to "produce the large quantities of fuel oil it hoped to sell to the Admiralty."⁵⁰

The timing could not have been better. Winston Churchill was appointed to First Lord of the Admiralty in 1911, and finally felt comfortable bringing his plans to fruition.⁵¹ Led by Churchill, the Admiralty began to search for a "supplier of large quantities [of oil]."⁵² He reasoned that the "it would free the navy from exclusive reliance on a world market dominated by Standard Oil and Shell and would lay the basis for a British entity which the navy could count on in war and peace." Churchill's efforts led the British government to purchase a controlling stake in the oil company. The Anglo-Persian Oil Company doubled their total capital to £4.2 million to allow the British government to pour £2.2 million into the company to receive a 52.5% holding. The Burma Oil Company retained 22.5% holdings and the public retained the remaining 25%. Shortly following the deal, a contract between the Anglo-Persian Oil Company and the British Admiralty established a discounted rate on oil for the next 40 years.⁵³ The future of both the Anglo-Persian Oil Company and the British Admiralty, the strongest navy in the world, had been secured.

PERSIAN OIL REVENUE AND STATE FORMATION

The Anglo-Persian Oil Company, now led by the British government, was set on establishing itself as a key player in the global oil market that had been dominated by American companies for decades. The company began expanding, a venture that would benefit both the British and the Persian governments, as the latter would in theory receive 16% of net revenue. The practicality of the venture proved to another case entirely, as Britain continued to manipulate the accounting ledgers and used the dual company structure to reduce payments to the Persian government.

Oil production was growing tremendously through the first decade reaching 273,000 tons in 1914, 897,000 tons in 1918, and nearly doubling to 1,385,000 tons in 1920.⁵⁴ The resultant revenue, and the significant savings of the British admiralty, was benefiting Britain substantially. Winston Churchill disclosed the annual amounts of money that the British government saved because of its acquisition of the Anglo-Persian Oil Company in his book *World Crisis 1911-1914*. The Persians were able to deduce that the admiralty contract, giving a discount to the British navy, resulted in a £6 million loss in royalties.⁵⁵ Churchill's book further disclosed profits of £40 million for the British government. The Persians, on the other hand, reported an earning of only £2 million. The discrepancies in royalty payments – the previous example showing a 55% yield instead of the stated 16% – were the direct results of Britain's dual company structure. The two companies – Anglo-Persian Oil Company and the Bakhtiari Oil Company – were structured to maximize British profit and minimize Persian oil revenue. A chartered accountant, William McLintock, was sent to investigate the accounts of the company. McLintock's findings noted that 3% of the First Exploitation Company's revenue was sent to the Bakhtiari tribe and deducted from the Persian government's share. The First Exploitation Company would further act as the primary producer and sell its oil at discount to the Bakhtiari Oil Company, whose sole function was to "resell it to the Anglo-Persian Oil Company at normal price." This financial maneuver would limit the Persian government's royalty as it was paid through the First Exploitation Company. The British would further incur all exploration and development costs under the First Exploitation Company's ledger in effort to reduce to the point of loss of the company's profits, ultimately minimizing Persia's 16% royalty payments down to 13% after the tribal cuts and then to near nothing after the loss from development expenditures.⁵⁶

Despite Britain skewing the financial sheets, the Persian government did receive small amounts of oil revenue. This money was further factored into the state budget, and the indirect and direct effects of this oil revenue are worthwhile to explore. The oil payments in the late Qajar period were "mainly used for supplementing the private purses of the rulers."⁵⁷ This is not a surprise, as it was a mere continuance of the lavish lifestyles that the Qajar shahs maintained in earlier decades through borrowing and granting concessions to Britain and Russia. Oil revenues were further categorized under the blanket development expenditure budget. This managerial short sight made it "difficult to accurately measure

the contribution of the oil revenues to the development expenditure."⁵⁸ There were hardly any discernable indirect effects of oil revenue.

The direct effects were limited as well. There is no evidence which suggests that Anglo-Persian Oil Company was involved in any local ventures in Persia. The Anglo-Persian Oil Company did not hire many locals, a circumstance that later became a source of tension. The company showed no interest in Persia except for the concessions explicitly outlined in the agreement.⁵⁹ Further, the use of oil revenue "made little direct contribution to domestic capital formation."⁶⁰ The small amount of oil revenue could have been a blessing in disguise, as the state did not develop into a monoculture economy, or an economy composed of one or two other items, as was the case in many other peripheral economies that were undergoing similar processes of integration into the world market during this time period.⁶¹ The state enjoyed a wide array of agricultural exports including raw cotton, dried fruits, carpets, cereals, fish and products, opium, and cocoon, ranging in percentage of total exports from the low 20% to 5% in descending order. Persia's oil industry amounted to nothing more than a "foreign-oriented entity superimposed on an agrarian structure."

This is not to say that the development of the oil industry in Persia and the Anglo-Persian Oil Company did not have any effect on state formation. Though there were no indirect or direct economic influences, there were significant political influences. If British policy had not focused solely on commercial interests, then Reza Shah would not have been able to draw the masses together and create a sense of national unity and pride after hundreds of years rule by corrupt and degenerate rulers.⁶² Reza Shah was able to compound the economic and social unrest of the previous century that resulted in the Constitutional Revolution, which spanned from 1906-1911.⁶³ The revolution spawned open dialogue and widespread debate in Persia for several years that had a direct effect on the political, social, and economic spheres. A sense of a Persian identity through state apparatus – namely, the Majles, or parliament – was established in this constitutional period.

CONCLUSION

This essay initially argued that clear links existed between the discovery of oil, the establishment of the Anglo-Persian Oil Company, and state formation in Persia. In short, there are no indirect or direct economic influences on the state from the oil industry. The discovery of oil did not come until 1908, a few years into the constitutional revolution and a new wave of Persian nationalistic ideology, and the oil revenues did not start to

trickle in until 1913. The British deceptively used a dual company structure and accounting loopholes to send the money around the world – quite literally – before it would make a royalty payment to the Persian government. Their efforts were admirably cunning, and they managed to spearhead one of the largest oil endeavors and companies to come of the world. However, British arrogance and shortsightedness led to royalty renegotiations and contractual changes throughout the following decades. The relationship between the Persian and the British governments would eventually deteriorate, resulting in the cancellation of the D'Arcy Concession and the ferocious nationalization of the oil industry in the 1950s. Oil revenues as a percentage of government revenue hovered in the teens throughout the 1920s, 1930s, and 1940s, but noticeably jumped to 50% in the 1950s. The percentage would climb to 75.4% in the 1970s as the country tightened their control over the oil industry.⁶⁴ Given the stark differences of the percentage of government revenue in the latter two periods, it would be interesting to further explore the connections between oil revenue and state development. The beginning of the 20th century saw an important political shift toward a national identity that paved the way for Reza Shah and the Persians to harness the economic power of their country's rich oilfields.

NOTES

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- ³ *Ibid*, 81.
- ⁴ Jones, 1.
- ⁵ Madureira, *Oil in the Age of Steam*, 82.
- ⁶ *Ibid*, 88.
- ⁷ B.S. McBeth. *British Oil Policy, 1919-1939*. London, England: F. Cass, 1985, 1.
- ⁸ Madureira, 75.
- ⁹ Jones, 2.
- ¹⁰ Madureira, 90.
- ¹¹ E. Abrahamian. *A History of Modern Iran*. Cambridge, U.K.: Cambridge University Press, 2008, 39
- ¹² N. Fatemi. *Oil Diplomacy*. New York: Whittier Books, 1954, 3.
- ¹³ R.W. Ferrier. *The History of the British Petroleum Company*. Cambridge: Cambridge University Press, 18.
- ¹⁴ B.R. Mitchell. *British Historical Statistics*. Cambridge: Cambridge University Press, 1988, 828.
- ¹⁵ Ferrier, 19.
- ¹⁶ J. Bharrier, *Economic Development in Iran 1900-1970*. London, 1971, 20.
- ¹⁷ Ferrier, 24.
- ¹⁸ *Ibid*, 25.
- ¹⁹ *Ibid*, 26-27.
- ²⁰ "...serait pour le gouvernement la source d'un revenu considerable." *Ibid*, 28.
- ²¹ M.A. Heiss. *Empire and nationhood: the United States, Great Britain, and Iranian oil, 1950-1954*. New York: Columbia University Press, 1961, 5.
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- ²⁴ Fesharaki, 6.
- ²⁵ Fatemi, 7.
- ²⁶ Jones, 130.
- ²⁷ Fatemi, 8.
- ²⁸ L. Elwell-Sutton. *Persian Oil*. London: Lawrence and Wishart, 1955, 15.
- ²⁹ *Ibid*, 16.
- ³⁰ Fatemi, 9.
- ³¹ Ferrier, 73.
- ³² Fatemi, 9.
- ³³ Elwell-Sutton, *Persian Oil*, 17.
- ³⁴ Fatemi, 11.
- ³⁵ Fesharaki, 7.
- ³⁶ Fatemi, 11.
- ³⁷ *Ibid*, XVII.
- ³⁸ Fesharaki, 7.
- ³⁹ Jones, 131.
- ⁴⁰ Ferrier, 79.
- ⁴¹ Jones, 141.
- ⁴² Elwell-Sutton, 19.
- ⁴³ *Ibid*, 20.
- ⁴⁴ Fatemi, 19.
- ⁴⁵ *Ibid*, XVII.
- ⁴⁶ *Ibid*, XVIII.
- ⁴⁷ *Ibid*, 21.
- ⁴⁸ Jones, 141.
- ⁴⁹ *Ibid*, 145.
- ⁵⁰ *Ibid*, 147.
- ⁵¹ Fesharaki, 8.

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- ⁵² Jones, 131.
- ⁵³ Fesharaki, 8.
- For reference: The public had previously owned £1 million worth of shares.
- ⁵⁴ Heiss, 7.
- ⁵⁵ Fatemi, 28.
- ⁵⁶ Elwell-Sutton, 24.
- ⁵⁷ Fesharaki, 23.
- ⁵⁸ *Ibid*, 18.
- ⁵⁹ *Ibid*, 20.
- ⁶⁰ M. Karshenas. *Oil, State, and Industrialization in Iran*. (Cambridge, England: Cambridge University Press, 1990), 64.
- ⁶¹ *Ibid*, 48.
- ⁶² Fesharaki, 23.
- ⁶³ Stephanie Cronin. *Tribal Politics in Iran Rural Conflict and the New State, 1921-1941*. 2007, 17.
- ⁶⁴ Karshenas, 82.

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CONDITIONAL COMPASSION: THE ATTEMPTED MURDER OF ANNA THORNTON, 1835

Kim VanderVoort

"A dreadful night, was last night!" began Anna Maria Brodeau Thornton's diary entry on August 5, 1835. The sixty-year-old Washington widow was asleep in the same room as her elderly mother and enslaved domestic servant, but was abruptly awoken around one o'clock. She never explained exactly what woke her up. Perhaps she heard pounding footsteps on the stairs, or the sounding boom of cries for freedom. Perhaps it was even the glint of the moonlight reflecting in the axe that caught her eye and betrayed a murderous presence. Whatever it was that startled her awake, Anna woke to the sight of her nineteen-year-old enslaved servant, Arthur, "with an axe – with the intention we suppose to murder us." Quick decisions and swift movements sent Arthur's mother Maria, who had also been asleep in the room, to restrain him while Anna raced next door for help. "Oh what a horrid night," she wrote. A horrid year it had been, and a horrid year it would be.¹

Arthur was imprisoned, tried, convicted, and sentenced to death. But this was not the end of Anna and Arthur's story, which took quite a turn beginning with Arthur's trial. Anna, who had months before narrowly escaped a violent death, began claiming that murder was far from Arthur's intentions. She would continue to use her political influence to twice achieve the postponement of Arthur's execution, and eventually secure his absolute pardon by President Andrew Jackson nearly a year later. Then she would promptly sell Arthur away to work on a steamboat. It was a curious chain of events: Anna claimed a murder attempt, then Arthur's innocence; she worked relentlessly to save the life of her would-be murderer, then sold him away for life. The question remains: why did Anna change her mind? Certain historians, like Stephanie Cole, offer the reductive conclusion that Anna was simply a kind slave-owner, a mother figure unable to watch her youngest-gone-astray face execution. But a close reexamination of Anna's diary in the months surrounding the incident suggests a more complicated answer, one that seeks to demystify early-national race relations in the urban South.²

PART I

Anna Thornton was raised in Philadelphia by her widowed English-émigré mother, Ann Brodeau, the director of an academy for young women. By the age of fourteen, when she first met Dr. William Thornton, Anna would have acquired the grace and gentility required of a girl her age in the higher echelons of late eighteenth-century American society. Evidently she was seen fit for marriage by both her mother and Dr. Thornton, who was sixteen years her senior. Days after their marriage in 1790, the fresh-faced Anna accompanied her newlywed husband to the West Indian island of Tortola, where they would live for two years on his family's sugar plantation, then called Pleasant Valley.³

In Tortola Anna tasted plantation life for the first time. The Thornton plantation was home to more than a hundred slaves. Though little is known from Anna's diaries about her time there, it is possible to imagine how she may have understood her experience. First, she was privy to the everyday relations between the master and his enslaved men and women, and the violent nature of those interactions. Even if Dr. Thornton was not a violent man, the brutal complexion of plantation life would not have escaped Anna's understanding.⁴

Second, Anna, still in her impressionable late-teenage years, would have been undoubtedly informed by her husband's own critical attitudes toward the peculiar institution. William spent the better part of his childhood and adolescence on the plantation, but his Quaker upbringing instilled in him a moral discontent. Raised to fundamentally oppose slavery, William wrote extensively on its injustices, often expressing his regret of having been born a slave keeper. Just as his slaves were inevitably born into their unfortunate positions, William himself lamented his fated and unwelcome status as their master. Yet he was nonetheless economically bound to the institution on the island; plantation slave labor was and always had been a primary source of his family's income, and he was keenly aware of the fearsome financial threat of manumitting his labor force.⁵

In the decade following the American Revolution, William became heavily involved in the American Colonization Society, a fringe group of intellectual elites that proposed the gradual return of enslaved blacks to Africa. The movement was ultimately unsuccessful for reasons outside Thornton's grasp, and his antislavery sentiments were never realized in any practical form. He believed his participation in the movement to be a God-given duty, yet could never bring himself to free his own enslaved Africans of their bondage. As Anna wrote in 1820, "he will not give up the almost impracticable scheme of freeing the negroes."⁶ Like so many of his similarly

discontented contemporaries, William spoke earnestly of freeing his slaves upon his death, but died never having drawn up any such agreement. As a result, he left around one hundred-twenty enslaved laborers in his name – and, therefore, in Anna's. When British Law emancipated all enslaved laborers in the West Indies in 1834, Anna was freed of the moral burden but saddled with a financial one.⁷

It was also on Tortola that Anna first felt the fear of slave resistance. The widely publicized insurrections on nearby islands would have been too close to home for Anna to ignore, and she would have been intimately aware of her own vulnerability. If her husband had entered the slave keeper's life by birth, she herself had entered it by marriage. A white woman in a society numerically dominated by slaves, Anna could no more shed this reality any more than her slaves could shed theirs. This fear, though it was not to manifest for Anna until August of 1835, would remain ever-present in the folds of her subconscious during her forty-plus years as a slave owner. It comes as no surprise that nightmares disturbed her sleep in the nights following Arthur's attack; those anxious, sleepless nights were likely but a few of many.⁸

After their two years in Tortola, the Thorntons returned to the United States upon William's appointment as Commissioner of the new capital city, Washington D.C., where he was charged with designing the Capitol Building. Thus began Anna and William's illustrious lives among the Washington political and social elite, an experience which lent them both influence and insight into the growth of the new nation. Washington was a unique city in that it resembled the urban centers of the North while being situated in the agricultural South; its citizens could both own slaves and move in social circles in which slavery was condemned. Though the Thorntons owned a moderately-sized farm outside the city in Bethesda, Maryland, which retained anywhere between ten and fifteen slaves at a time, hired help performed most of the daily functions and neither William nor Anna spent much time there. Rather, they spent much of their time as participants of the social scene of Washington, which included such prominent families as the Jeffersons, the Quincy Adams, the Bayards, the Smiths, and the Madisons. In fact, the Thorntons lived directly next door to the Madisons for several years until James Madison's move to the White House as the fourth president of the United States in 1809.⁹ The two families spent a great deal of time together, and Dolley Madison was even known to refer to Anna as her "sister-child."¹⁰

Anna's daily interactions with Washington's elite women certainly would have informed her personal attitudes toward slavery, especially with

its indirect implications for her social life. As expansion in the new nation engendered new opportunities for wealth accumulation across pre-existing class divisions, claims to elite status shifted from purely material wealth to displays of gentility, and subsequently, morality. Many of the Thorntons' contemporaries, specifically Jefferson and Madison, openly condemned slavery; like Thornton, though, they also owned slaves themselves and could not deny slavery's utility as a labor system crucial to the American economy.¹¹ These ideas likely would have permeated the conversations among not only the husbands but their wives as well, including Anna. She was now likely to associate this moral relativism regarding slavery not only with her husband, but with the entirety of her social circle.

It is important to note that while the Thorntons enjoyed the relatively lavish lifestyle of the capital's political elite, their financial situation was not by any means stable. While they did receive income from both the Tortola plantation and the Bethesda farm, even this was not always enough to maintain the genteel lifestyle to which the couple had grown accustomed, and they experienced high points as well as low points in their personal finances.¹² Anna was well aware of their intermittent financial insecurity, and she may have felt anxiety over what a more permanent decline in wealth would have meant for her social status. Because Washington City was still developing both physically and culturally, most social interactions took the form of private social gatherings. Thus a "steady round of visiting, moreover, not only enlivened social networks but served as a transmission belt for the latest in fashion or culture: new books, music and information came in the door with each new visitor."¹³ Anna and William were especially prominent members of this steady round, to which they owed the convenient location of their home on F Street. The street was optimally located on the "post road linking Georgetown, the President's house, and Capitol Hill, and then Bladensburg and the world beyond. The Thornton house as a result became a convenient stopping place for the city's elite going to or from one of those locations, a welcoming place for an exchange of news or opinions. The comings and goings would be continuous."¹⁴ If the Thorntons were to lose this home, which their precarious finances could very well have occasioned, it would surely have meant less frequent visitors, or, in the worst-case scenario, no visitors at all. They would have been among the last of their circle – should they even remain in it – to receive news and information, and behind in the latest cultural trends. In short, they would have been thrust from their circle's center to its perimeter.

It is not difficult to imagine that with this knowledge, Anna may have been hypersensitive to how her social circle perceived her only other claim to status, that of which she could never be stripped: her genteel and moral disposition. If her husband's personal ideology was not enough to instill in Anna this sense of slavery as morally wrong yet indispensable, then certainly this Early Republican brand of "keeping up with the Joneses" would have been. Anna would have been shrewd to adopt the same practices. Ironically, another probable effect of the Thornton's financial insecurity was to bolster Anna's awareness of her personal dependence on enslaved labor. Just as the nation's increasingly thriving agricultural economy was entirely dependent on its unpaid source of labor, so was Anna's dignified and expensive lifestyle, with which she had become so delightfully acquainted. After all, where would she be without her slaves? Who was she if not the graceful, respectable wife of a wealthy slave owner?

PART II

On March 28, 1828, Anna suddenly faced an entirely new set of struggles. Her husband's death "after a short and relatively painless illness" left her burdened with the debts he had incurred.¹⁵ Furthermore, she had an ailing mother and two households (three if we include their share in the plantation) to manage. The instant she took on the role of grieving widow, she also assumed three others: businesswoman, caretaker, and slave-owner. These roles were extremely heavy in new responsibilities, but were perhaps heaviest in isolation; Anna's new duties were hers and hers alone. She now had sole control over her shaky finances, and they were shaky indeed: she wrote the following November that the "estate is deeply in debt and it may take my lifetime or more to pay them." Anna may have been exaggerating the extent of her debts, but that she was tremendously overwhelmed is evident. Moreover, now that she no longer had her husband's business-political ties to her social circle, she would have been more reliant than ever on her F Street home's significance to her social status, so that losing that house would have been doubly devastating. Her dependence on her enslaved laborers, both on her properties and in her own home, was thereby compounded.¹⁶

Anna's increased need for slave labor was four-fold. First, and most importantly, she could not compromise the income generated by her bondsmen. She needed the income from the farm to pay off her substantial debt, but her enslaved servants also represented capital in their worth as laborers able to be bought and sold. This concept of commodification of enslaved people at the hands of their white masters was by no means

foreign to Anna. When it came to selling the Bethesda farm, and therefore its enslaved workers, she wrote, "it is very contrary to my wishes and feelings to sell any of them, but... what can I do? I cannot afford to give them free." Her new financial encumbrance turned Anna into a shrewd businesswoman, or at least a cautious one. After her husband's death, Anna's diary doubled as an account book, showing meticulous notes of her finances, in both monthly and daily increments. Her lists include one column for dollars, a second for cents, each totaled at the bottom of the page. Even if just the 26 cents she spent on bread and milk, as she did on April 27, 1835, she recorded the smallest and most ordinary expenditures. It is hard to imagine Anna buying so much as a ball of yarn without scribbling it down in her diary.¹⁷

Second, there are weeks, and even months, of Anna's diary in which nearly every single entry opens with "Mama not well." Dutiful daughter as she was, Anna was no nurse, nor was she available at all hours of the day to care for her mother. She would share this taxing job with her household servant Maria, who was Arthur's mother. Third, with all these new responsibilities, Anna needed more help around the house; this is evidenced by the fact that her city home would be home to five domestic servants.¹⁸ Finally, Anna's slaves played an important social role in her new status as a widow. The low social and legal status of enslaved blacks elevated their white owners' social status by comparison. With no husband to ensure the maintenance of her social status, as long as Anna owned slaves she would at least have that claim to a higher place in society.¹⁹

Among recent studies of this particular case, Anna is often quickly labeled as a "good" slave-owner, kind and gentle toward her domestic servants. Stephanie Cole writes that Anna "treated Arthur, like the rest of her slaves, with kindness and a sense of guardianship," but makes no further analyses of Anna's role as a slave-owner. However, it is absolutely imperative to closely examine the relations between Anna and her enslaved laborers. Anna was not readily agreeable to selling her black laborers unless they proved themselves unfit with "dirty habits," as in the case of one girl sold in 1828, or possessed of what Anna saw as a drinking problem, as in the case of Peggy later the same year. "Peggy they say drinks," she wrote on November 3, 1828, "& of course must be very useless."²⁰ Anna, ever economical, promptly sold Peggy and was sure to get the best price possible. Still, Anna was informed of these two cases by her overseer on the farm, and would not have been intimately involved, as she would have been in her own home where she spent most of her time. Five enslaved blacks worked in and around Anna's household in the 1820s and 30s: two men,

two women, and one younger boy, three of which received significant mention in Anna's diary. One of the men was "Good George," who worked mostly outside and was "invaluable" to Anna. One of the women was Maria, to whom Anna entrusted partial care of her dear mother, and all three women slept in the same bedroom. Finally, there was Arthur, Maria's son, who performed a number of domestic duties for Anna.²¹

PART III

While the exact nature of Anna and Arthur's relationship will remain forever shrouded, contextual knowledge of race, economics, and gender prove very valuable to constructing a more complete story. The period of Arthur's adolescence saw a huge influx of free blacks laboring for wages in Washington D.C. in both the domestic and public spheres. From 1800 to 1830, the number of households using slave labor decreased from 30 percent to 25 percent, while in that same period the number of households that hired free blacks increased by a factor of six.²² This new free black population consisted of more females than males, and many of these women gravitated to work in the home, jobs to which free men were less inclined. Consequently "employers pulled male slaves into unspecialized domestic jobs because fewer free men would do them." Coming of age in this period of racial and economic transitions, the teenaged Arthur might have sensed the emasculating nature of his domestic servitude normally reserved for women, and with a woman as his sole master, no less. His subjugation became not just racially aggravated, but gendered as well.²³

Part of the image of Anna as the benevolent slave-owner stems from her education of slaves. Possessed of the Southern paternalistic "duty" to provide for her slaves her version of what a pleasant life for them might entail, and educated herself in a society less racially-minded, she saw to it that her slaves could read and write. However, as was the nature of paternalism, Anna likely did not consider that her slaves might continue their education outside her home, which indeed, Arthur did. Arthur found himself enthralled in the teachings of Reverend John F. Cook, a free black man who ran a school and a church in Washington, D.C. Reverend Cook was among the new wave of free blacks in the city who sought to foster a distinctive black community through close-knit schools and churches. Reverend Cook led discussions about slavery and distributed materials such as the *Genius of Universal Emancipation* and *The Liberator*.²⁴ He likely served as a role model for Arthur, a glimpse into what life could be like for a black man unbound by slave labor. Even though Arthur had been

relatively favored by the good nature of his position as a well-treated domestic servant to a kind mistress, he soon learned that the course of his life rested entirely out of his control, that the injustices of slavery meant his fate was left entirely to the impulses of the white person to whom he belonged.²⁵

If these were the roots of Arthur's discontent, Anna was blind to them. Anna writes on several occasions throughout 1835, "Arthur out of place again." On one occasion, "Arthur came home this evng (from the races) this evening his hand cut + much hurt + burned... Trouble - trouble - trouble." In earlier years, Anna had attributed Arthur's bad behavior to the corruption of "ardent spirits."²⁶ In her mind, Arthur as a black youth was inherently susceptible to the corrupting power of alcohol. Perhaps it was for this reason she continued to forgive him his transgressions, or perhaps her reasoning was more materialistic in nature. Eugene D. Genovese and Elizabeth Fox Genovese argue that "even indifferent masters and mistresses had to attend to the medical needs of their human investments."²⁷ If Anna saw Arthur's misconduct as threatening to her investment, then in this line of reasoning, she would have done anything to keep him healthy and safe.

What Anna's paternalistic nurturing of Arthur prevented her from recognizing, however, was the possibility that Arthur's intemperance may have been his own form of slave resistance. Anna may have seen her paternalism as her benevolent duty to protect her enslaved people, to be kind to the simpletons she so earnestly believed they were, and perhaps she was well-intentioned. Anna cannot be held accountable by modern standards for adopting a widely accepted and practiced attitude toward enslaved blacks in the antebellum South, but neither can the patronizing and dehumanizing effects her attitude may have had on Arthur be ignored, whose eyes had recently been opened to the idea that he himself was no less human than she.²⁸ Reverend Cook had taught him about the enslaved black man's "sacred cause... that oppression would not defeat them."²⁹ Arthur wanted freedom in its truest form, and Anna surely thought she had given him as much "freedom" as any slave could or would have conceived of. As Anna continued to forgive Arthur's drinking and misbehavior, it is possible that Arthur would have grown increasingly frustrated at her condescending kindness, when that was likely a primary root of his fury.³⁰

If his resistance affected Anna whatsoever, even if she never would have considered the possibility of Arthur's "passive resistance," Arthur's drunken inability to work would have caused her a slight loss of income. When Anna herself did not have work for Arthur to do, or she needed a

little extra income, she hired his labor out to neighbors and acquaintances: on February 13, 1835, she wrote "Arthur hired to Halton at 8\$."³¹ When Arthur's misconduct rendered him un-hirable, she would have missed the extra money. Amidst her entries of his drunken fits, she writes "Arthur still unemployed which worries me," so to suggest that she was anxious about not being able to hire Arthur out, which would mean less income for her. Time progressed and Arthur was still out of work: on June 11, 1835, she wrote, "Arthur still unemployed - it is too bad."³² This grievance appears at the start of that particular diary entry, indicating that the longer Arthur was unemployed, the more stress it caused Anna. When her slaves were ill, they did not appear in her entries until the middle or the end as afterthoughts. Even instances of her beloved George's ill health never earned significant placement in Anna's entries; rather, a mere "George sick" appeared at the end of very few. In this way, not only was Anna considerably more concerned with Arthur's lack of income than she was cognizant of his distressed emotional state, but her problem with Arthur frequently became first on her mind.³³

Anna's concern for Arthur's potential for income speaks to the broader context of the slave trade and human commodification within the American enslaved labor system. Centuries of mercantilist economic theory across the Atlantic defined captured and enslaved Africans in economic terms: as lucrative imports. When the slave trade turned exclusively internal with westward expansion at the end of the Atlantic slave trade, it carried with it "the property regime that treated people as possessions."³⁴ It was this "chattel principle," the concept of enslaved people as personal property, which stripped these enslaved people of a sense of true identity in the eyes of the slaveholders and traders. Slave trade documents show how enslaved men and women up for sale were commonly referred to using impersonal pronouns, "it" rather than "him" or "her," when traders described the attributes that would deem them worthy of a certain price.³⁵ Anna would not have attended the city's slave auction houses as they were "not any place for a white lady," but the internal slave trade branched well into the local sector; twice as many people were bought and sold between neighbors and in small local markets as were traded through interstate trade.³⁶ For Anna, one among many slaveholders whose identities "were all lived through the bodies of people who could be bought and sold in the market," Arthur was yet another commodity with a price. This meant that Arthur, cognizant of his life's extreme unpredictability as a result of Reverend Cook's teachings, would have been filled with anxiety and

"waiting to be sold which suffused every moment of the present with the fear of an unknown future."³⁷

After considering the character of Arthur in context, it becomes difficult to see him as an axe murderer who could not rest until he had brutally killed each and every one of his white oppressors. He was only nineteen, no longer a boy but not yet a man, suddenly grappling with not only drastically new ideas of his own claim to total freedom; but also with challenges to his masculinity at its most fragile point. A long life lay ahead of him, and he would have feared passing it perpetually emasculated not only as a slave to a self-proclaimed superior race, but by a woman at that. It was perhaps with some shred of hope for a different future, any future but that one, that Arthur, pushed by a few drinks and impassioned discussion with Reverend Cook to his wits' end, happened upon the axe on the stairs, and burst into Anna's room that August evening.³⁸

PART IV

The nights following August 4th, 1835 found Anna terribly unsettled. "I had a dreadful night – noises in the dark that alarmed me very much," she wrote a few days after the incident.³⁹ Her fears of slave revolt that had remained distant for so many years were again thrust to the forefront of her consciousness. Her life had come so close to a brutal end, but the knowledge of Arthur's incarceration was not enough to ease her anxiety. Perhaps she was shocked that what she saw as Arthur's immoral surrender to the temptation of alcohol had reached the point of attempted murder, her murder, she who had been so forgiving and kind. This kind of fear and shock the attack had evoked must have pushed Anna to the edge with Arthur. After all, she had forgiven him his transgressions so many times, even in spite of her usual inclinations to sell unruly slaves immediately. Such emotions might have rendered Anna unable to see past Arthur's extreme and violent outburst.⁴⁰

This was not the case. With no explicit mention in her diary as to her personal motives, Anna displayed a complete reversal beginning at Arthur's trial in November of 1835. She insisted Arthur was never capable of murder, that Arthur was never truly bloodthirsty. While the jury convicted Arthur and sentenced him to death, Anna appealed successfully to the judge to postpone his execution. This allowed her time to compose a petition to President Jackson, which she trafficked through Vice President Van Buren, with whom she was acquainted socially. With Arthur respited again in late June of 1836 and finally pardoned on July 4th by President

Jackson, Anna had achieved Arthur's freedom, at least from execution. Days after his release, Anna sold Arthur to work on a steamboat.⁴¹

It may be tempting to see Anna's about-face as a cinematic climax, with Anna's character profoundly moved by compassion and enlightenment to return this troubled youth home to his mother. If only reality were so forgiving. The detached, emotionally-dry nature of Anna's diary with regard to Arthur reveals quite a different end. When Anna learned that Arthur's verdict was to be postponed, she expressed confidence that the President would pardon him, but even the unusual length of this entry remained unsentimental, void of any relief or excitement: "It is in the Globe today that Arthur is respited till June – which may be considered a pardon."⁴² The entry lacked even a brief exclamation, which so frequented her diary. When Arthur was finally pardoned, the only feeling she expressed was dread at "the painful task of selling him."⁴³

In fact, the emotions Anna did express in her entries address only her own predicament. "How circumstances change one feelings! (sic)" Anna wrote on Saturday, May 27, 1836. "When Arthur misbehaved I was very much distressed at having to sell him away – now I should be happy to do so."⁴⁴ It is unclear whether she is referring to Arthur's earlier, more minor transgressions or his murder attempt, but she was most clear about her intentions to be rid of the burden he caused her, even happy to have been handed the excuse. Her grammar mistake (having forgotten to make "one" possessive) and the darker, thicker ink on the page betray the strength of her emotions when they involved her own situation. Later, in July, she lamented over how trying the ordeal had become: "Everything still uncertain – I hope when all is settled I may feel easier!" Perhaps there was never a question of keeping Arthur, and she knew all along she would sell him. When she did find him a new master, Anna was unmoved by Maria's sobs over the loss of her son, even put out: "Maria had a violent fit of crying at his being sold away – how I am harassed and disturbed." If Anna was at all moved by Maria's anguish at the likelihood of never seeing her son again, her own exasperation overshadowed and impeded any compassion with Maria's despair. She simply recorded her sobs, and wrote that Arthur's buyer "gave 750\$ – I ask 800\$ – under other circumstances would command 1000\$."⁴⁵ Anna's financial awareness surpassed her meticulous records of spending on ordinary items like bread and milk; her adamant frugality endured even when it came to selling her would-be murderer.

Anna received seven-hundred fifty dollars for Arthur. Considering Anna's perspective before Arthur's trial, she would have known the details

of the case, and known that Arthur stood little chance of acquittal. Anna had also spent the last seven years in control of her struggling finances, so to her, Arthur would have represented as much a worker as a trade item, worth to her labor as well as profits. After all the distress he had caused her, it is hard to imagine she would have been terribly sorry to be rid of the burden. One way or another, Arthur would disappear from her life. The only difference to Anna was seven-hundred fifty dollars. The same reasons that prevented her husband from manumitting his enslaved laborers in Tortola similarly prevented Anna from letting Arthur disappear without monetary recompense. As with her enslaved farm workers in 1828, she could not afford to let her slaves free, but apparently neither could she afford to let them die. That is, at least until she had eked out every last drop of their financial worth, even if it meant selling at a 25 percent discount.

The positions of both Anna and Arthur were exacerbated beyond normalcy; she was a widow struggling alone to maintain a household amidst piles of debt and an ailing mother, and he was all too aware of his plight as an enslaved black man subordinate and inferior to a free white woman. Their story underscores the reality of distance between black men and white women, particularly in this city that belonged to both the plantation South and urban North. Moral arguments opposing slavery remained safely in the realm of ideas, and empathy was always second to economy.

If Anna felt any shred of obligation to Arthur, having watched him grow into adulthood, or at least to his mother Maria, it disappeared in the face of Arthur's material worth. Anna was inevitably a product of her society as well as her personal life, in which inherently racist paternalism seemed to her the best way to manage the almost-human dollar signs that labored in and around her home. In the best cases, compassion could bridge that gap between human and sub-human, but such compassion was conditional, and that condition was almost always money.

NOTES

¹ Anna Maria Brodeau Thornton, diary entry for August 5, 1835. Diary of Mrs. William Thornton, 1793-1863. Microfilm, 2 Reels. Original manuscript diary in Library of Congress, Washington D.C.

² Thornton, Diary, Aug.-Oct., 1835.

³ Clark's records include letters to and from Dr. And Mrs. Thornton interspersed with biographical details and commentary, though it lacks much analysis. Allen C. Clark, Doctor and Mrs. William Thornton (Washington D.C.: Records of the Columbia Historical Society, Vol. 18, 1915), 150; Gordon's biography offers the most comprehensive study and analysis of William Thornton's life from his adolescence through his death. Gordon S. Brown, Incidental Architect: William Thornton and the Cultural Life of Early Washington, D.C., 1794-1828 (Athens, OH: Ohio University Press, 2009), 7.

⁴ Brown, Incidental Architect, 8.

⁵ *Ibid.*, 3, 6, 8.

⁶ Thornton, Diary, July 1820.

⁷ Brown, Incidental Architect,, 67-8, 92-3, 118-9.

⁸ For a detailed account of the neighboring slave revolts that were occurring during the Thorntons time in Tortola, like the rebellion in St. Domingue in 1791, see Richard B. Sheridan, "The Jamaican Slave Insurrection Scare of 1776 and the American Revolution," *The Journal of Negro History* 63, no. 3 (1976), 290-1.

⁹ Clark, Doctor and Mrs. Thornton, 157; Brown, Incidental Architect, 10-1, 21-2.

¹⁰ Hugh Howard. *Mr. and Mrs. Madison's War : America's First Couple and the Second War of Independence* (New York, NY: Bloomsbury Press, 2012), 220, 297.

¹¹ *Ibid.*, 300.

¹² Gordon S. Brown. Incidental Architect, 21.

¹³ *Ibid.*, 16.

¹⁴ *Ibid.*, 21.

¹⁵ Brown, Incidental Architect, 116-7.

¹⁶ Thornton, Diary, 13 Nov. 1828; Brown, Incidental Architect, 118.

¹⁷ Thornton, Diary, 13 Nov. 1828; *Ibid.*, April, 1835. These page-long personal financial records appear each month.

¹⁸ Anna writes about her mother almost everyday, usually regarding her health, especially as it continued to decline in 1835 and 1836. For a good example of this frequency, see Thornton, Diary, March, 1835; Cole, Changes for Mrs. Thornton's Arthur, 374.

¹⁹ Kirsten E. Wood, *Masterful Women: Slaveholding Widows from the American Revolution through the Civil War* (Chapel Hill: University of North Carolina Press, 2004), 40.

²⁰ Thornton, Diary, 3 Nov. 1828.

²¹ Cole's article is especially relevant to the character of Arthur. She discusses black domestic service, bonded in relation to free, within the unique and changing racial climate of D.C. in the early 19th century. She also examines how gender played into changing roles for enslaved and free blacks working or seeking work in the city. Stephanie Cole, "Changes for Mrs. Thornton's Arthur: Patterns of Domestic Service in Washington DC, 1800-1835." *Social Science History* Vol. 15 (1991), 374.

²² *Ibid.*, 371.

²³ Cole, "Changes for Mrs. Thornton's Arthur," 368-73.

²⁴ Jefferson Morley, *Snow-Storm in August: Washington City, Francis Scott Key, and the Forgotten Race Riot of 1835* (New York: Random House, 2012), 89.

²⁵ For a brief description of prominent free blacks that lived in Washington D.C. During this time period, including Reverend Cook, see Constance McLaughlin Green, *Washington: Village and Capital 1800-1878* (Princeton: Princeton University Press, 1962), 145; Cole, "Changes for Mrs. Thornton's Arthur," 377.

²⁶ Thornton, Diary, 15 May 1835. Text appears as written in the diary entry. Cole, "Changes for Mrs. Thornton's Arthur," 374-5.

²⁷ In the subsection from which I draw this quote, Genovese and Fox-Genovese discuss masterful forbearance and motives behind tending to slaves as both out of compassion and economic utility. See Elizabeth Fox-Genovese and Eugene D. Genovese, *Fatal Self-Deception: Slaveholding Paternalism in the Old South* (New York: Cambridge University Press, 2011), 65.

²⁸ Morley, *Snow-Storm in August*, 89, 104

²⁹ *Ibid.*, 105.

³⁰ *Ibid.*; Cole, "Changes for Mrs. Thornton's Arthur," 374.

³¹ Thornton, Diary, 13 Feb. 1835.

³² *Ibid.*, 11 June 1835.

³³ Thornton, Diary, 13 February, 3 June, 20 June, 1835.

³⁴ Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999), 8.

³⁵ *Ibid.*, 118.

³⁶ *Ibid.*, 90.

³⁷ Johnson, *Soul by Soul*, 2, 4, 7, 15-6.

³⁸ Morley, *Snow-Storm in August*, 121.

³⁹ Thornton, Diary, 13 August, 1835.

⁴⁰ Cole, "Changes for Mrs. Thornton's Arthur," 375.

⁴¹ Jefferson Morley, "The Snow Riot," *Washington Post*, February 6, 2005, W14; Thornton, Diary, 16 June, 26 June, 6 July, 1836.

⁴² Thornton, Diary, 16 June 1836.

⁴³ *Ibid.*, 6 July 1836.

⁴⁴ *Ibid.*, 27 May 1836.

⁴⁵ Thornton, Diary, 27 June, 6, 7, 8 July 1836.

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Conor Almquist

Titus Flavius Caesar Domitianus Augustus, known as Domitian, was emperor of Rome from 81 to 96 AD, and was the last emperor of the Flavian dynasty. His memory was condemned after his death, and ancient historians portrayed him as a tyrant of the cruelest sort. In these authors' hands, his reign was characterized by greed, hypocrisy, and cruelty, a judgment apparently based upon his poor interaction with the senatorial order. If, however, we analyze Domitian's reign under contemporary standards of a good ruler, and consider his upbringing and personal life, moral reforms, administrative actions, coinage programs, and military leadership, we might arrive at a different conclusion. Approaching Domitian's reign in this manner, we begin to see him as a strong administrator and intelligent leader, whose inability or unwillingness to interact with the Senate in a proper manner led to his assassination and condemnation.¹

Though few facts are known about the early life of Domitian, it seems he was raised and educated as a normal senatorial-class child would be. His father, Vespasian, and brother, Titus, were both absent in 65, when Domitian was just fifteen years old, and his mother Domitilla died sometime before 66.² Some scholars speculate that Domitian may have compensated for their absence by retreating into himself, developing the solitude and self-sufficiency that he would be greatly criticized for later on.³ The first major event of Domitian's life occurred when Vitellius stormed the Capitol on 19 December 69.⁴ Though sources disagree on the exact events of that day, we can be sure that Vitellius's forces overtook the men defending the Flavians and killed Domitian's uncle, Sabinus, while Domitian himself was able to escape.⁵ Though the Vitellians' attack caught the Flavian forces off guard, the bulk of the Flavian forces were not far from the Capitol; led by general and Vespasian's ally, Mucianus, they arrived the following day, killed Vitellius, and set the city in order. It seems this event had a lasting impact on Domitian, establishing in him an awareness of the great danger of rebellion and the impossibility of complete security for an emperor.⁶

In January of 70, Domitian took the position of urban praetor with consular powers to handle the remaining discord in Rome while his brother and father were away.⁷ Tacitus writes that Domitian handled himself well in

this role, pointing to Domitian's suggestion that Galba's memory be honored; that files on the delatores not be opened;⁸ and that enmities of the past be forgotten so that reconciliation could be reached.⁹ Domitian was even able to calm the remaining troops of Vitellius and integrate them into the Flavian army. He and Mucianus seemed to be skillful in reconstructing the state and assuaging the Senate.¹⁰ This progress, however, was interrupted by revolts in Germany, which Domitian and Mucianus, along with seven legions of Petillius Cerialis, went to quell.

Vespasian returned to Rome at the end of 70 and Domitian returned to his former position of decreased influence. Though many sources portray Domitian as being reduced to a position of bitter subordination for the next decade, the fact that during this time he was honored with the titles Caesar, *Augustifilius* ("child of Augustus"), and *princeps iuventutis* ("the first amongst the young"), in addition to serving as consul six times, indicates that he remained a distinguished figure in Rome during the reigns of his father and brother.¹¹ Indeed, these years serving as consul provided Domitian with experience in administration as well as a close knowledge of the members of Senate and how to interact with them.¹² Once emperor, this administrative experience would prove valuable. His time as consul would not, however, ensure a positive relationship with the Senate. This was likely due to Domitian's understanding of how dangerous and easily manipulated Senators could be, as the events of 69-70 had taught him.

Domitian married Domitia Longina in late 70 and they had a child in 73, who it appears died within the year.¹³ This loss clearly impacted Domitian, for he had the child deified some time before 83.¹⁴ In 75, when Vologaeses sent requests for military aid to Rome, Domitian was denied the right to lead forces there, and was greatly disappointed.¹⁵ Vespasian died in June of 79, after which Titus held power for a short time before dying on 13 September 81, when Domitian finally took power.¹⁶ Sabinus, grandson of Vespasian's brother and prominent Flavian, may have contested Domitian's ascension to power. This issue of Sabinus's contention for the throne makes analysis of his later consulship and execution under Domitian all the more complex.¹⁷

On 13 September 81, the troops hailed Domitian as Imperator for the first time. The next day Domitian was confirmed as Augustus, *pontifex maximus*, *pater patriae*, and given *tribunicia potestas*. Suetonius portrays the start of Domitian's reign as fair, just, liberal, and seemingly virtuous.¹⁸ Domitian held the position of consul seventeen times, or during nearly every year of reign.¹⁹ However, he relinquished his consulships very rapidly, which

indicates that he understood the value of bestowing the position upon his supporters and pleasing the Senate. He soon granted Domitia Longina the title of Augusta, and added *Germanicus* to his name. In addition, he was hailed by poets as *dominus et deus*, a title which Domitian's critics charged indicated the emperor's god-like conception of himself – a hallmark of tyrants. Yet as this does not appear to be an official title which Domitian himself used, we should be wary of the critics' protests.

Domitian seemed at a disadvantage following Titus, whose reign was associated with clemency and generosity. Dio speculates that Titus might not have been able to maintain such a rule had he survived.²⁰ Domitian, for one, supposedly insisted that emperors who did not have to punish many men were not necessarily good emperors, but merely lucky. In 80, a massive fire in Rome damaged and destroyed many buildings. Though some of the rebuilding began under Titus, the majority of the city's restoration, including that of the temple of Jupiter Capitolinus and its surrounding monuments, should be credited to Domitian.²¹ Interestingly, especially in light of his suggestion that his brother was merely a "lucky" emperor, Domitian seems to have deified Titus during the rebuilding program. Furthermore, his dedication of the Arch of Titus was an act of filial piety that the Roman populace would have appreciated. What makes all of this interesting is the ancient sources' suggestion that Domitian harbored great hatred for his brother. While it may be the case that Domitian deified Titus so that he could claim to be the brother of a god, it nevertheless seems unlikely that he would bestow upon his brother other honors and dedications – the Arch foremost among them – if he truly loathed Titus.

At the start of his reign, Domitian confirmed all gifts and privileges granted by emperors before him.²² He also passed laws forbidding the castration of males and suppressed the trade of eunuchs in the slave market. Domitian even considered forbidding the slaying of oxen as sacrifice.²³ These acts of moral conscience should not be interpreted as cogs in the ancient sources' attempt to portray Domitian as initially well-intentioned before supposedly descending into paranoia and cruelty, but rather as real demonstrations of sound and thoughtful leadership at the beginning of his reign.²⁴

Sometime before his campaign in Germany, Domitian encountered problems with his cousin, Sabinus, and wife, Domitia, which presented difficulties early in his reign. Dio writes that Domitian quarreled with his wife and sent her away, apparently due to her passion for the actor Paris.²⁵ This story is widely questioned, though, as Domitia seems to have returned

shortly thereafter and remained loyal to her husband even after his death. Domitian's troubles with Sabinus, meanwhile, began when Sabinus – or at least his supporters – considered claiming the throne at the start of Domitian's reign.²⁶ However, Sabinus was appointed *consul ordinarius* with Domitian in 82.²⁷ Though it is unclear how problems developed, Brian Jones believes that Domitian may have feared plots against him, and removed Sabinus before leaving for the Chatti war.²⁸

The means of ambiguous communication with the Senate and people was established by Augustus and played a major role in the reigns of earlier emperors. These emperors claimed that their *potestas* was no greater than that of the Senators and that they ruled by virtue of *auctoritas*.²⁹ Domitian seemed far less concerned with maintaining such a system of rule, instead holding power through his *tribunicia potestas*, consulship, appointment as *censor perpetuus*, *imperium maius*, and his title as *dominus et deus*.³⁰ Domitian may have begun alienating the people by decreeing that no statues should be erected of him except in gold and silver of fixed weight and renaming the months of September and October as *Germanicus* and *Domitianus*.³¹ His assumption of direct control of the government, in conjunction with his apparent self-aggrandizement, would contribute greatly to Domitian's conflict with the Senate.

Domitian's other means of validating his power were validated through the establishment of the Flavian cult. In addition to the deification of family members, Domitian seemed to establish himself as a living god, son of Minerva and associate of Jupiter. Many emperors deified their relatives, as this practice visibly demonstrated piety and respect for family, while also increasing personal authority and honor. Worshipping the emperor as a god was avoided in Rome but permitted – perhaps even encouraged – in the provinces.³² However, though many sources portray Domitian as believing himself to be a god and son of Minerva, it seems more likely that his allegiance to Minerva was sincere and profound, as seen in his dedication of various temples in her name. And while Domitian evidently took no issue with comparisons with Jupiter and Hercules, we should not take this to mean that he was a madman who believed himself the possessor of godlike power. Rather, we should understand his acceptance and perpetuation of comparisons with deities as a valuable way to create and preserve political authority.

Domitian was often portrayed as opulent, wasting away the treasury on personal indulgences. However, the fact that he spent more for the public than for himself is reflected in his far-reaching building project, in which more than fifty structures across Rome were either built or

restored. Among them was the Odeon – an important venue for plays and competitions – as well as stadiums, the temple of Jupiter (which had burned in the fire of 80), and various public works.³³ Jones concludes that Domitian initially cooperated with the Senate in effort to gain support this rebuilding program. Moreover, his attempt to overcome the opposition by friendly means is evidenced by his appointment to the suffect consulship of many non-Flavians. He even admitted non-Romans into the equestrian and senatorial posts.³⁴ Conversely, Southern argues that Domitian aggravated the Senate by not including them in various decisions he made.³⁵ The implication here is that if Domitian had passed all his initiatives through the Senate, they would have been debated but still passed as he wanted. This may or may not be true. At any rate, Domitian's decision to bypass the Senate early on likely precipitated the senatorial anger and frustration, which would prove a hindrance to Domitian throughout his reign.

It has been suggested that Domitian's advancement of the equestrian class, often in preference to freedmen in administrative staff and in areas considered exclusive to senators, aggravated the senatorial class. The equestrians, while wealthy and perhaps aristocratic, were held in much lower esteem than the senatorial class. Often, equestrians earned their money in industry and commerce and came from un-esteemed lineages. Thus, their assumption of positions normally reserved for senators would have been quite offensive to many, none more so than the senatorial class itself.³⁶ Still, Domitian's formation of a functional staff of equestrians seems to have been continued and utilized by other emperors, Hadrian in particular.

Domitian's heavy involvement in administration is evident early on in his rule. Rather than keeping all the advisors of his predecessors, he appointed many new ones of his own. These actions both established a staff of those best suited for the job and prevented lingering corruption from the staffs of prior rulers. One primary example of this policy in action was Domitian's dismissal of the financial secretary Tiberius Julius Augusti, who had served under Vespasian and Titus, and who held important connections to leaders in the African province. It is speculated that these connections are what spared him from being executed by Domitian for suspicion of embezzlement and corruption. Domitian also dismissed the procurator castrensis, head of accounting for the Imperial household.³⁷ These decisions indicate Domitian's interest in directly managing the finances of the empire. His preference for hands-on management can further be seen in his canceling of debts at the start of his reign, issuing of

donatives, lavish building program, increase of expenditure and silver coinage, and, finally, in his thirty-three percent increase of army pay.³⁸

Shortly after the dismissal of Tiberius Julius, Domitian began to focus on the issue of coinage. He issued new coins of higher quality, halting the production of bronze coins for two years and minting only higher quality silver and gold coins during.³⁹ Furthermore, the coins minted in this period are notable for including depictions of Minerva – a material testimony to Domitian's dedication to the goddess. In 85, financial issues seem to have arisen in the administration, as a debasement of currency caused the metal content of coins to revert back to the Neronian standard of 64.⁴⁰ This standard, however, was still much higher than that of Vespasian and Titus. As Domitian showed initiative in managing finances, and attempted to maintain the high standards of coinage until his death.

Domitian's financial administration was roundly criticized by ancient sources. He strictly enforced the *fiscus Judaicus*, a tax on Jews imposed by Vespasian, and even extended it to implicate converts to Judaism.⁴¹ His tax collection was criticized along with his practice of confiscations.⁴² And yet, though his tax collection was said to be exorbitant, most sources indicate that Domitian responded properly to all injustices and inefficiencies he found within the collection system. Moreover, he prided himself in his legislation and administrative duties, a point endorsed by Suetonius's assertion that Domitian "administered justice scrupulously and conscientiously."⁴³ Such evidence of Domitian's meticulous attention to detail and emphasis on rigid adherence to the law can be seen in his *Lex Imitana*, which stresses the minute details of the rights and duties of municipal officials and the populace.⁴⁴

While Domitian's taxation practices can be explained in the context of overall administration, there is more difficulty understanding his practice of confiscations. Suetonius places the confiscations as a direct response to financial troubles caused by his military expenses.⁴⁵ This interpretation fits with the inference that the debasement of coinage in 85 was caused by some financial crisis. The major problem with this explanation of confiscations of land is that it is later said that the land had been allowed to fall into disarray and confiscated land was resold during Trajan's reign.⁴⁶ If confiscations were served financial purposes it would have been necessary to either keep them producing or sell them immediately. Syme, for one, presents a case for the confiscations being purely politically motivated – Domitian's response to plotting and dissent against him.⁴⁷ Whatever Domitian's motivation, it seems that these confiscations represent a

breakdown in his relationship with the senatorial class, a relationship that would grow continually worse.

Considering the military activity of Domitian's reign is difficult, as many battles are not dated. Domitian was criticized for his abandonment of Scotland, and Suetonius writes that his campaign against the Chatti was uncalled for.⁴⁸ Domitian inherited the war in Britain and simply assented to his generals in carrying it on. Therefore, he may have chosen to give up Scotland for the simple reason that Rome had nothing to gain from maintaining a presence there, while troops would be vital in other areas.⁴⁹ The war with the Chatti, estimated to start anywhere between 81 and 83, seems to have been more a response to a threat than a result of Domitian's quest for personal glory. Tacitus writes that while "other Germans go to battle, the Chatti make war,"⁵⁰ and there is some evidence in Domitian's troop movements that he was aware of the threat of attack, prepared his army, and struck the Chatti before any Roman land was lost.⁵¹

The war with Dacia was a demonstration of Domitian's pragmatic military operations: a defensive war that ended in treaty. Suetonius indicates that the war was not another unprovoked war, but rather a response to open aggression.⁵² The Dacians entered into Moesia, killed the governor and, in 86, defeated prefect of the praetorian guard Cornelius Fuscus and his legion.⁵³ This embarrassment was compounded by the fact that Domitian ended the conflict with a treaty in 89 rather than win a decisive battle. Dio mocks this victory and says that Domitian far oversold what he accomplished.⁵⁴ This particular method of conflict resolution, however, fits well with Domitian's actions in other wars, showing that he was uninterested in expanding the Roman borders and ultimately wanted to focus on maintaining the extant empire.

The supposed turning point of Domitian's reign, in which his cruelty became fully manifest, fell after the events of 89. L. Antonius Saturninus, commander of four legions in Germany, declared a revolt and set out to claim the throne.⁵⁵ Before Domitian was able to arrive with his legions to stop the revolt, Lappius Maximus, the governor of Lower Germany, was able to defeat Saturninus. This revolt may have come along with aggravations caused by the rising of a "false Nero" in the East.⁵⁶ Still, these events surely caused insecurity for Domitian, who, already on tenuous footing in his relationship with Senate, was given cause to question the support the army held for him. Shortly afterwards, Domitian forbade the soldiers from keeping savings of more than 1,000 sesterces in the military chests and banded the existence of double legionary fortresses. These

decisions were ostensibly intended to prevent such a revolt from happening again.⁵⁷

The years after the revolt of Saturnius have been marked by ancient sources as a time in which Domitian became a true tyrant. It was during this time that the persecution of Jews and Christians, executions of Senators, expulsion of philosophers and overall acts of cruelty supposedly occurred. These events, however, can be traced to much less severe practices that originated early in Domitian's reign. Domitian's execution and expulsion of philosophers occurred not as a result of his excessive cruelty but rather as an extension of treason trials. These penalties were sentenced and imposed by the Senate; Domitian even lobbied for a less brutal means of execution.⁵⁸ As for his execution of senators, we must consider that in his fifteen-year reign only thirteen senators are supposed to have been killed, a figure in keeping with imperial tradition. Moreover, his supposed abuse of Christians and Jews seems more reasonable – if not excusable – when considered in tandem with Judaism's resistance to the ruler cult. The Christian and Jewish religions therefore directly clashed with an emperor who was legitimately concerned with the traditional Roman religion and with formal compliance to rules.⁵⁹

Domitian came to power after the sudden death of Titus, an outbreak of plague, a great fire, and an eruption of Vesuvius. In such circumstances Domitian, as *pontifex maximus*, had the opportunity to allay public anxiety by reviving ancient religious structure and tradition. The discovery of a reason for these crises, namely religious impiety, would be reassuring and offer a way to bring about the return of the gods' favor. One instance of Domitian's return to tradition was his hosting of the *ludi Saeculares*. This festival, which was supposed to be celebrated every century, marked both the emergence of a new generation and the cyclical return of a renewed sense of communal morality.⁶⁰ Augustus used the secular games to great effect, marking an era of peace, prosperity, and upright morals. His deliberate self-establishment as Rome's moral guardian was taken quite seriously. Suetonius mentions Domitian's intent to correct morals through deliberate policy decisions. His commitment to fostering an era of moral renewal can be seen in his outlawing of male castration and encouragement of prosecutions under the *lex Scantina*.⁶¹

In 85, Domitian revived and reinvented the censorship office to oversee the moral conduct of all.⁶² Unlike the censorship of Claudius, which was quite mild, Domitian followed the example of Cato the Elder, who was rather strict and effective. Domitian removed a senator for taking up pantomime and disqualified a knight who had reconciled with his

supposedly adulterous wife.⁶³ The actual use of this power was less important than the fear which it instilled among the wider populace – the mere threat of punishment being a powerful tool for moral control. Without a second censor to check and balance Domitian's decisions (as in the Republican system), the censorship became a source of police power that Domitian was unafraid to use. These actions can be seen as a genuine attempt to improve Rome, though the senate and Roman elite of the time claimed it was a sign of a poor leader who was abusing his power.

Some ancient sources reflect favorably upon Domitian's moral reforms. Martial claims that his greatest gift to Rome was the restoration of its chastity.⁶⁴ Though we can see Martial's writings as pure propaganda here, we should note that propaganda emphasizing Domitian's moral reforms at the least shows how important the program was to him. It seems, however, that Domitian's emphasis on restoring traditional morals was not enough to counteract the senatorial elite's anxiety about their diminishing freedoms and influence. This wariness stemmed from the fact that rather than emphasizing a return to tradition in the way Augustus did – namely, through restoring old festivals and rituals – Domitian's method involved an exertion of power that further diminished that of the senate. It therefore follows that, in the way of many other ancient writers, Pliny criticizes Domitian not by attacking his goals but rather his personal character.⁶⁵ By claiming that Domitian led a morally bankrupt personal life, Pliny made Domitian's program of reform appear highly hypocritical. In truth, though, this criticism does not change the fact that Domitian was quite sincere in his attempt to create a greater sense of piety and morality in Rome.

When Domitian rebuilt the temple of Jupiter Optimus Maximus, he instituted elaborate games in honor of the Capitoline triad, with lavish prizes for victors. It is presumed that this was all paid out of the *fiscus Judaicus*, a fund which Domitian is said to have administered with extreme severity. Apparently, his agents sought to extract the tax from all Jews, whether they were open practitioners or not. This form of persecution is, indeed, more severe than was the norm under Roman rule.⁶⁶ Such actions reflect the sacrifice of respect in exchange for efficiency so characteristic of Domitian's reign.

The criticisms of Domitian's administration of the *fiscus Judaicus* were written after his assassination, and Nerva seems to have encouraged negative portrayals of Domitian to benefit from the provided contrast. It is clear from Domitian's own actions and from the characterizations of him in contemporary sources that he displayed an active dedication to the cults of Roman state religion, especially Jupiter. However, despite his displays of

piety and efforts to encourage good behavior, his public commitment to moral and religious renewal was ultimately overshadowed by hostile rumors and charges of clandestine immorality. Rather than receiving praise for restoring piety to Rome, Domitian's policies only aided the growth of an atmosphere of resentment and mistrust.

One of the principal causes of resentment against the Flavians was their monopolization of the premier "republican" honors. However, Domitian maintained a high level of suffect consuls, with at least 110 in the fifteen years of his reign.⁶⁷ Domitian displayed a great dislike for flatterers and discouraged delators; thus he may have made enemies out of a fair number of senators, as flattery was deeply ingrained in the relationship between Senate and princeps. Domitian also had to cope with mounting opposition in the senate. Ultimately, his violation of the social exchange between the emperor and Senatorial Romans precipitated his removal from power.⁶⁸

On 18 September 96, Domitian was killed by the inner circle of his domestic servants. It was said that Domitian had drawn up a list of staff he was to execute and that this was their reason for killing him, but in reality the conspiracy likely owed to more overarching issues. Afterwards, Domitian's memory was damned as Nerva took over the reins of Roman power. While Domitian's death was said to be a good thing and he was proclaimed a tyrant, Domitia who survived him still never stopped calling herself Domitian's wife, even leaving the name on her bricks in defiance of Senate.⁶⁹

Domitian was condemned for many reasons, but there are just as many for which he could be praised. His understanding of the dynamics of power and subsequent dedication to the troops displayed his intelligence. His honest commitment to Minerva and religious piety makes his attempts at moral reform seem an honest attempt at doing good. His administration showed meticulous care and great dedication, involvement to such a level that his concern for the empire's prosperity cannot be dismissed as insincere. Finally, his military actions showed not failure and quests for personal glory but restraint and wariness of overextending Roman borders. While Domitian may still have executed Senators, been intolerant of other religions, and been a less than exemplary person, his actions as ruler all indicate that he was truly concerned for the wellbeing of Rome and acted not to benefit himself, but to make the empire survive and prosper.

NOTES

¹ The "proper" manner of interacting with the Senate was that of Augustus, whose "highest among equals" approach allowed the emperor to rule effectively as monarch while nevertheless maintaining the Senate's dignity and social power.

² P. Southern, *Domitian: Tragic Tyrant* (Bloomington: Indiana University Press, 1997), 6-7.

³ Southern, 9.

⁴ Suet.*Dom.*1, 1-3

⁵ Suet.*Vitellius.*15-18

⁶ Southern, 18.

⁷ B. Jones, *The Emperor Domitian* (New York: Routledge, 1992), 15.

⁸ Delatores notified officials about people who committed public offenses. During the Imperial period, such accusations were common and became a tool for corruption and abuse. Domitian's decision to not open the files helped to avoid strife and vengeance amongst the Senators.

⁹ Tacitus, *The Histories*, 4. 40, 1.

¹⁰ Southern, 20.

¹¹ *Ibid*, 25.

¹² *Ibid*, 27.

¹³ This date is disputed. Some say that a daughter was born in 74, while others say that the birth was in fact in 80.

¹⁴ Southern, 28

¹⁵ Suet.*Dom.*2,1

¹⁶ Jones, 20-21.

¹⁷ Southern, 32.

¹⁸ Suet.*Dom.*8,1-5

¹⁹ Southern, 35-36.

²⁰ Dio,*Hist*, 67, 2.2-4

²¹ Southern, 37.

²² *Ibid*, 38.

²³ Suet.*Dom.* 9,1

²⁴ In "Domitian's Intended Edict on Sacrifice of Oxen," Scott writes that Domitian intended to forbid the sacrifice of oxen because at that moment food was growing scarce.

²⁵ Dio,*Hist.* 67, 3

²⁶ Southern, 43.

²⁷ Appointment as *consul ordinarius* granted the honor of having your name associated with the year as well as the honor of being recognized as consul. Being given this position rather than that of *consul suffectus*, the consul who served the rest of the year but was not given the higher honors, shows that Domitian still wanted to honor Sabinus.

²⁸ Jones, 47.

²⁹ This claim was important because it asserted that the Emperor did not hold greater power (*potestas*) than anyone but ruled by the prestige, authority, and respect that others granted him (*auctoritas*).

³⁰ Southern, 45. *Tribunicia potestas*, or the "power of tribunes," granted: sacrosanctity; the right to convene the Plebian Council and summon the Senate; the right to propose legislation and veto actions of magistrates. *Censor perpetuus*, "perpetual censor," was the highest dignity of state and granted many powers, most importantly the power to oversee the morals and conduct of citizens and the power to select Senators. *Imperium maius*, "greater imperium," granted formal, absolute, and highest power and military command.

³¹ Suet.*Dom.* 13,2-3

³² Southern, 46.

³³ Southern, 47.

³⁴ Jones, 80.

³⁵ Southern, 49-50.

³⁶ *Ibid.*, 50-51.

³⁷ *Ibid.*, 53.

³⁸ Jones, 127.

³⁹ Southern, 60.

⁴⁰ *Ibid.*, 60-61.

⁴¹ *Ibid.*, 61. Christians were also often forced to pay this tax as they were frequently not differentiated from Jews. Dio tells of men being taxed and persecuted for living in the manner of Jews.

⁴² Suet.*Dom.* 8, 1-4.

⁴³ *Ibid.*, 1-2.

⁴⁴ Southern, 58.

⁴⁵ Suet.*Dom.* 12,1-2.

⁴⁶ Southern, 64.

⁴⁷ Ronald Syme, "The Imperial Finances Under Domitian, Nerva and Trajan," *The Journal of Roman Studies* 20 (1930): 66.

⁴⁸ Suet.*Dom.* 6,1

⁴⁹ Southern, 69-70

⁵⁰ Tac.*Germania* 30 "alios ad proelium ire videas, Chattos ad bellum."

⁵¹ Southern, 80-84.

⁵² Suet.*Dom.* 6,1-2.

⁵³ Suet.*Dom.* 6, 2.

⁵⁴ Dio,*Hist.* 67, 7

⁵⁵ Suet.*Dom.* 6,1-2

⁵⁶ Southern, 105.

⁵⁷ Suet.*Dom.* 7,1-3

⁵⁸ K.H. Waters, "The Character of Domitian," *Phoenix* 18.1 (Spring 1964): 73.

⁵⁹ *Ibid.*, 74.

⁶⁰ A.B. Gallia, *Remembering the Roman Republic: Culture, Politics, and History Under the Principate* (New York: Cambridge University Press, 2012), 97.

⁶¹ The *Lex Scantinia* is poorly documented but was used by Domitian to penalize sexual misconduct.

⁶² Gallia, 97-98.

⁶³ Dio,*Hist.* 67, 13

⁶⁴ Gallia, 100.

⁶⁵ *Ibid.*, 101.

⁶⁶ *Ibid*, 88.

⁶⁷ Waters, 66.

⁶⁸ A.L. Spisak, "Martial on Domitian: A Socio-Anthropological Perspective," *Classical Bulletin* 75.1 (1999):

⁶⁹ Southern, 118.

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ROUGE, WHITE, AND BLUE:
THE REACTION TO ROUGE IN EIGHTEENTH CENTURY BRITAIN

Debbie Dreyfuss

In the face of constant conflict with its neighbor France in the eighteenth century, Britain was forced to self-consciously define and form its own identity. Accordingly, Linda Colley, whose work focuses on empire and nationalism, sees this period as a time when the idea of Britishness evolved as a response to a distinct "Other."¹ The French, who constitute this Other, were seen as "superstitious, militaristic, decadent and unfree."² According to Colley, by labeling the French in such a manner the British constructed a counter-identity, defining themselves in opposition to these negative traits. Colley's argument also holds true for cultural exchanges such as fashion, of which the French have long been acknowledged as leaders and generators. The British reaction to the trends blossoming across the Channel was characteristic in that it was both admiring and belittling. Much has been written on the position of the British aristocracy, who advocated anti-French policies and yet spoke French, sent its children on the customary Grand Tour, and was much enamored by French cuisine. This essay, however, will avoid the class debate which other historians such as Lynn Festa and Morag Martin have discussed in detail. Rather, it will trace the British reaction to rouge, an object heavily associated with France even though not of French origin.

For eighteenth-century Britons, the face was thought to reflect one's character. The application of rouge – today commonly known as blush – could, by extension, suggest much about individual and national identity. The heavy association of rouge with France thereby allowed Britons to malign their rouged compatriots with the same negative characteristics with which they stereotyped the French. Journals of the time reveal that the use of rouge in Britain was extremely contentious. Both men and women wrote to newspapers claiming the use of rouge to be "absolutely necessary"³ on the one hand and yet "pushing the boundary of right and wrong"⁴ and as "dreadful and incurable" as a disease on the other.⁵ Consequently, the cosmetic became synonymous with a lack of morals, which often led to classifying rouge-wearing women as savages. Furthermore, the application of rouge was accompanied by a growing

specter of female autonomy, a concern to British males as it questioned both the social order as well as masculine autonomy itself.

'OF SOME BENEFIT TO THE PUBLIC.'

NATIONAL SENTIMENT IN EIGHTEENTH CENTURY BRITAIN

As rouge was an object associated with France, examining contemporary public queries and arguments reveals what identity the British were trying to create for themselves, particularly in reaction to French influence. Rouge seems an appropriate object on which to base this study, as "eighteenth century writers...seized upon the face to articulate the differences between the French and the English."⁶ Rejecting rouge allowed the British to reject all that they saw as erroneous in French society, but more importantly, that which they wished to eradicate in their own. A woman's decision to wear rouge additionally suggested a certain level of autonomy, which accordingly threatened male authority.

The eighteenth-century toilet provided a whole medley of cosmetics for selection, yet it was rouge above all others that came to signify France and French influence. In the winter of 1765, man of letters and Whig politician Sir Horace Walpole received a letter while in France from a friend who was planning to decorate a room in her home in the French style. In his reply, Walpole insisted that her plans were impossible to carry out and that he could find "no way of making your room look French but by sending it a box of rouge."⁷ Such was the extent of the association of rouge with France – to even have a box of it in a room made that room "French."

Indeed, understanding rouge as "French" meant its rejection was not just a rejection of the cosmetic itself, but rather a way to "forge and emphasize national difference."⁸ Many people therefore endeavored to defend the use of rouge by specifically trying to disassociate it from its supposed French origins. In the December 1776 edition of *Lady's Magazine*, one woman wrote that the "custom has been frequently censured as a folly imported from our neighbours the French," and asserted that it was "originally of English growth." The author further noted that "as painting...was the universal practise among our ancestors, I am strongly inclined to think it laudable in the amiable sex."⁹ Likewise, fashion sections and poems such as one entitled "BEAUTY and FASHION" became a common part of several periodicals.¹⁰ One advertisement declared that its rouge "may be had of most Medicine Venders and Perfumers in every town."¹¹ Popular opinion seemed to corroborate this fact, as even in the first quarter of the eighteenth century, "there is not a gentlewoman of a

good family in any county of South Britain who...is not furnished with some receipt or other in favour of the complexion."¹² It was precisely because the "quantity of rouge imported into this kingdom" was so large that so many people took up the pen against it.¹³

While exact newspaper circulation statistics are mostly unavailable, Robin Eagles asserts that "most ...reached a fairly select social and geographical audience, [while others] achieved a comparatively wide circulation."¹⁴ Average readership could range between two and four thousand with some popular prints selling over one-hundred thousand copies. While the submission of a person's opinion to a journal does not indicate collective national sentiment, it does clearly testify that at least a portion of society held this view. For this reason, only attitudes which are repeated across several sources have been mentioned. Additionally, source selection from all over the country, such as *Harrop's Manchester Mercury*, *The Kentish Chronicle* and *The Flapper*, an Irish publication, make clear that rouge was not just a concern for Londoners or the English, but for the British people as a whole.

Moreover, the sources register opinion in a number of ways: some sincere, some ironic, some in limerick and others in short stories. The sheer volume of writing dedicated to rouge and other cosmetics is astounding and suggests a nationwide concern and even obsession with what it meant to wear rouge. In a 1779 letter, a concerned father wrote to the editor of the *Mirror* after his sons returned from France, "frivolous" and "incapable of listening to reason or advice."¹⁵ The father did not request counsel, but simply stated his hope that his letter "may be of some benefit to the public by serving as a beacon to others in similar circumstances." The father's choice to write, and the editor's decision to print the letter as a cautionary tale, suggests concern for the country as a whole; it was not only individuals who were vulnerable to French influence, but the nation as well.

'ABROAD' AS 'OPEN TO CRITICISM':

FEAR OF THE FOREIGN

Concern for the nation characteristically appeared at times when Franco-British conflict was looming. In the run up to the Seven Years War, a Mr. Thomas Hearne wrote in 1756 to *The World* to express his concern that the editor's lectures were not doing enough to dissuade the people of Britain from assimilating French influences like rouge. He asked:

Which of your papers has effectuated any real amendment? Have fewer fools gone to, or returned from France...? Or have fewer French follies been purchased or

propagated by those who never were in France? Do not women, dressed French, still issue from houses dressed Chinese, to theatres dressed Italian...Do the young men wear less claret, or the beauties less *rouge* in obedience to your lectures?¹⁶

Although the mention of claret and rouge indicates that France was Hearne's chief concern, it is clear that he was wary of all foreign influence. His choice to equate rouge with wine, moreover, suggests that the writer associated makeup with all the frivolity and excess symbolized by wine drinking.

Yet Hearne's anxiety went beyond French influence alone. His distaste of ladies dressing as Chinese, Italian, or anything other than "British" resonates with Robin Eagles' point that even "the most unquestioning Englishman" understood anything associated with the term "abroad" as grounds for skepticism.¹⁷ Although Eagles contradicts Colley's assertion that "by the middle of the [eighteenth] century there was a clear sense of Britishness," both historians agree that the British reacted strongly to the foreign "other," differing only in their definition of who that "other" was.

NATIONALIZING A VISAGE: IDENTITY AND THE FACE

In her article on "The Changing Faces of England and France," Lynn Festa establishes a link between the face and identity. She notes that in this period "cosmetics help[ed] render group identity visible on the face," because "makeup helps nationalize a visage by smoothing over the face."¹⁸ Indeed, many writers disliked cosmetics' tendency to make one face look identical to another. Leopold Mozart's comparison of the painted visages of Frenchwomen to dolls is an indication of the lifeless and identical faces associated with rouged Frenchwomen.¹⁹ Similarly, the author Tobias Smollett elaborated that Frenchwomen had "their faces concealed under a false complexion," which disabled viewers "from perceiving any distinction of features between woman and woman" and reduced "all faces to a level."²⁰ While hyperbolic, this quotation reveals the ways in which the British might have believed French ladies lacked individuality, therefore implying that the British saw themselves as a nation of individuals and the French as the reverse. Smollett's subsequent description of the face of French women as a "masque" evokes a lack of movement and communication, and therefore an inability to gauge the wearer's reaction and, by extension, her personality.

British males were particularly concerned with the falseness and insincerity that a masked visage suggested; one can imagine the nightmarish quality of a country filled with women whose faces were identical and indistinguishable from one another. For the Englishman who saw the French as the enemy, the idea of countering an unknown adversary would have been unsettling. Colley writes that national identity was "defined by the social or territorial boundaries drawn to distinguish the collective self and its implicit negation, the other," making it easy to see why the British feared such featureless faces: how, after all, can one begin to define oneself if one cannot define this other?²¹

REPRESENTED BEAUTY AND EMBODIED VIRTUE: VALUE JUDGMENTS AND MORALS

By the end of the eighteenth century, negative associations with rouge were so pervasive that people used it as a metaphor for insult, even outside the context of cosmetics. In 1791, for example, John Burney wrote to the *Kentish Chronicle* to complain that false information had been given against him and the mortgage of his estate. Burney called the accused "conjurers" and asked that they make themselves known.²² His comparison of the underhanded actions of these men to "visages...tinctured with rouge" reveals that the use of rouge had become synonymous with the secretive; indeed, Burney described those who deceived him as lacking "the strictest integrity." The use of rouge as a political metaphor not only indicates that rouge had fully entered into public consciousness, but that it had become a nationally recognized symbol of masking, as well as a suggestion of low moral standards and suspect integrity.

Festa notes that "it is the *relationship* assumed to the face rather than the face itself that designates national difference."²³ As appearance was tightly linked to character, the relationship between the external and the internal explains the depths of the Englishman's fears behind the application of rouge. Historian Morag Martin writes that "women represented beauty and embodied virtue, a quality that was to be prescribed by their faces."²⁴ Tobias Smollett, for example, judged the character of the French ladies he met by their faces alone. He admitted that he "had access" to "very few" French ladies, but then confidently asserts that, judging from their use of rouge, one "should expect neither sense, sentiment, nor discretion" from them.²⁵ The featureless face was thus made to connote a featureless personality.

Immorality was another oft-cited criticism leveled at rouge wearers, who were expected to become "so much engrossed about their *heads*, as to leave them no leisure to take care of the other extremity."²⁶ In other words, once rouge was applied relaxed morals would soon follow. In *Fashions in Make Up*, Richard Corson writes that "Ladies of the French court...rouged to the limit; only prostitutes...strived for a natural look. In London...it was the prostitutes who rouged blatantly."²⁷ Even though written late in the century when rouge was in common use by all classes, early-century associations of red with prostitutes still lingered.

'APPEARING WHAT ONE IS NOT:'

ART VERSUS NATURE

Diatribes against rouge often placed the use of the cosmetic into dialogue with a much larger context, commonly that of Art and Nature or the sincere versus the feigned. The British were keen to align themselves with nature, choosing to see the painted face as unnatural. One writer claimed, for instance, that "nature does not love to encourage impostures...she abominates...glass eyes; but she has no objection to spectacles: she hates *rouge*, but has no quarrel with early hours...in short she hates all affectation; false hips, false teeth, false tongues, and false hearts are all her aversion."²⁸ The author's intensity and seamless jump from concrete physical body parts (hips, teeth) to the symbolic (tongue, heart) reveal that this generation saw the corporeal as indicative of demeanor. One individual, writing to the *Mirror* under the pseudonym of "Simulator," was both playful and ironic on the subject, suggesting that the "art of *politeness*" asks one "to counterfeit as much of this complacency in their deportment as possible."²⁹ In this same tone, he recommended that "Nature is to be falsified" and "that *appearing what one is not* is...the criterion of politeness." As politeness was a positive characteristic, Simulator's satire makes clear that in this society, politeness also demanded a certain level of subterfuge. His letter reveals the fascination with ideas of honesty and openness, and the ways these qualities related to character. The alignment of cosmetics with a falseness of character then fed into much larger concerns about the identity of a person, class, or nation.

In *The Rise of English Nationalism*, Gerald Newman locates the "obsession with problems of identity" in direct relation to this "the revolt against imitation."³⁰ It is against this imitation that the British conceived themselves as a "Natural" people, as opposed to a people defined by "Art." Eagles states that the "the appeal to the 'true' or 'honest' Briton was a common device in attempting to rally the stout hearts of freedom loving

defenders of liberty."³¹ In the Us versus Them debate, the British chose to see themselves as honest and the French as artificers of the unnatural. This confirms Newman's emphasis on the role of "sincerity" in the birth of British nationalism. He includes in this definition of sincerity "artlessness, or innocence," honesty, originality, frankness and moral independence, exactly the qualities which the critic of cosmetics claimed rouge users lacked. If "to be truly English was to live up to a stereotype generated in anti-Frenchness," for the eighteenth-century Englishman a rejection of rouge meant an embrace of all the qualities that Newman specifies.³²

'COEVAL WITH SAVAGE LIFE:'

CONQUEST, SAVAGERY AND THE MALE GAZE

While both sexes wore rouge and both condemned it, men in particular seemed to be wary of women who plastered too much rouge on their faces. Their concern arose from the fact that women could be so artful in the application of rouge that it was not always easy to tell if they were wearing make up or not. While French ladies may been "loaded with powder that makes [their face] look like a white wall, and on their cheeks to their Chins...shining red japan that glistens in a most flameing manner, that they seem to have no resemblance to Humane faces," at least there was no pretence about the fact that they were wearing rouge. The "monstrously unnatural look" was better than a "country blush exhibited at a county fair," especially if that blush was "not always the gift of nature."³³

This distaste for "artifice" stemmed from British men's suspicions that they were being deceived by their own women. In 1711 a gentleman wrote to *The Spectator* with "a great mind to be rid of my wife" because he found her "not to be the same Woman who he intended to marry but another." He decried the "Women who do not let their Husbands see their Faces till they are married...I mean plainly the part of the Sex who paint." The gentleman's tale, related with such shock, demonstrates how much currency the British – and particularly British men – placed on the visage. As *The Spectator* was a publication well-known for its wit, the man's decision to part with his wife "by the first Opportunity" might suggest that such tales had achieved fable-like status.³⁴

In this vein, a submission to the *Flapper* claimed that "I have known a young man, who had been on the point of making a proposal of marriage, as effectually *deterred from*, proceeding, by a discovery of the artificial nature of his mistress's complexion, as a Cherokee might be from encountering his painted antagonist."³⁵ The author's perspective – he speaks not from personal experience but from hearsay – suggests that this

was perhaps a stock story employed to strengthen his argument. Even though the Cherokee serves as a metaphor for the English gentleman, the Lady is still the dangerous "antagonist."

Indeed, it was common in this century for accounts of empire and civilizing missions to describe natives in terms of ladies at their toilet. In a chapter on the "History of the Rise and Fall of the British Empire in America," the author wrote that "no lady of the greatest fashion ever consulted her mirror with more anxiety than the Indians do while painting their bodies," and that "no coquette is more fastidious in her choice of ornament, none more vain when the important adjustment is finished [than the Indian]. Their delight and self-satisfaction are then so great, that the mirror is hardly ever laid down."³⁶ Once again, the ideas of vanity and self-obsession are identified with rouge, as well as the desire to equate and associate rouged women with savages. One man wrote to the *Flapper* noting that "the practise of painting the human figure is...coeval with savage life."³⁷ He acknowledged that people might think the comparison extreme, but that both savages and ladies change their faces to an unrecognizable degree.

This imperial metaphor further suggests that men perceived a threat from female independence. To compare a painted lady to a savage indicated that she was uncivilized and needed to be tamed. This then put the British man in the position of the civilizer, reinforcing his position as dominant. In *Empire of Virtue*, historian Kathleen Wilson supplements Colley's idea that British nationalism was defined in relation to the "other" by extending this definition of the "other" to include all nations. She states that "at the heart of the imperial project...was the nationalistic effort to define and vindicate the nation in opposition to other nations, whether it was Britain against...France or Britons against the native."³⁸ A strong masculine identity, bolstered by imperial success, was central to the definition of what it meant to be British. Wilson elaborates that empire and colonial conquest were "described and glorified as a manly occupation, the proving-ground for national...potency, strength, and effectiveness." Expressing the rouge debate in imperialistic terms can therefore be understood as a reaction to the fear of women's increased influence over British men, as "discourses of imperialism were carried out simultaneously in the language of rights and duties and in the language of sexual difference, thus eliding and suppressing the 'feminine' in their constructions of patriotism and national character." Hence the debate on rouge is inextricable from British notions of empire, masculinity and identity.

THROWING THE WHOLE INTO DISORDER: ROUGE AND SOCIAL ORDER

The exaggerated comparison of painted ladies to savages further suggests that the debate was linked to social concerns. Individuals may have been keen to denigrate these painted ladies as men were stereotypically cast as falling prey to female entrapment and false charms. By publically labeling such ladies as deceptive, men relinquished some part of the blame. Insecurity about male judgment also raised indirect questions about female motives. A 1701 work published with the lengthy title *Several letters between two ladies: wherein the lawfulness and unlawfulness of artificial beauty in point of conscience, are nicely debated*, is concerned with exactly this issue. Written by Reverend Jeremy Taylor, the text is surprisingly liberal for the turn of the eighteenth century, particularly as Taylor – a cleric of the Church of England – considered painting the face with rouge to be "not only lawful, but much to be commended; nay absolutely necessary."³⁹ Yet Taylor only sanctioned painting due to the fact that "woman was made and designed by heaven for the Pleasure of Man...certainly 'tis her business and part of her duty to endeavour to contribute to that End for which she was created." Women could thus wear paint, but only if the object was obedience and pleasure for her husband.

It is when women began to wear cosmetics for seemingly self-serving or self-aggrandizing purposes that problems arose. One man wrote that ladies "who choose to dress their faces in *rouge* or *carmine*...certainly do it to please themselves, as they know how much it is detested by men."⁴⁰ One Mr. Fitz-Adam wrote that "I have even connived at the importation of rouge, upon serious conviction that a fine woman has an *incontestable right* to be mistress of her own complexion."⁴¹ Fitz-Adam's opinion may be remarkable in its liberality, but the language of rights he used indicates that the decisions a woman made at her own toilet had larger social ramifications.

Stirrings of female independence in the second half of the eighteenth century brought forth fears that women would neglect their domestic duties as a result of an obsession with cosmetics. Both men and women shared the concern that "many of the fair sex, whose profession is centred in a box of rouge...talk of this year's fashionable robe" rather than their maternal responsibilities.⁴² Another submission to the *Flapper* noted that when a woman put on makeup, she "counteracts the original destination of the sex and unfits them for the part they were designed to perform. It disqualifies them...for being the patient formers of the infant mind" and thus "throw[s] the whole into disorder."⁴³ Much of the public

believed that, if asked about "the duties of a wife, and the affection of a parent," rouged women would instead "stare you in the face, and wonder at your absurdity in intruding such topics into fashionable society." It was thought that women, obsessed with makeup and appearance, would come to dictate the traditionally male-dominated society, thus creating a rift with those who did hold "proper priorities."⁴⁴

'UNDERMINING MASCULINE AUTONOMY: ROUGE AND ITS POLITICAL RAMIFICATIONS

The political ramifications of wearing rouge created a debate which extended past its immediate social consequences: by taking women away from their designated roles and by introducing deception into marriage, the cosmetic was causing the perceived pillars of society to quake. A woman's professed ability to deceive man raised questions about man's ability to run the state, for "if men could not judge their sexual surrounding then their ability to rule the state and economy was also in question."⁴⁵ The rouge debate therefore touched upon the very sensitive issue of state survival.

Colley has argued that as a response to the devastating effects of the War of American Independence (the only war that Britain definitively lost in this period and thus a period of great instability), domestic dissension abounded; the lower classes questioned the authority of the elite class, which seemed to have more affinity for the French than the English. Colley examines the reorganization of the ruling class as an act of survival in response to class pressure. As a result of this pressure, the aristocracy took it upon themselves to "re-examine their own identities."⁴⁶ It seems that the uncomfortable questions regarding rouge and male authority contributed to this identity crisis. With this in mind, the aristocracy understandably reacted to these questions with a "conscious and aggressive effort...to assert its status as the arbiter and guardian of the national culture." Foxhunting, participating in the military, attending university and other such masculine activities, became de rigueur for the upper classes. These pursuits clearly pertained almost exclusively to men. Colley agrees that these activities were considered an "aid to manliness and pluck," as said a peer of Parliament who approved of foxhunting because it prevented "our young men from growing quite effeminate."⁴⁷ In this context, it is evident that the rouge debate precipitated a reaffirmation by British men of their own masculinity.

While women thus added fuel to an already sensitive subject – namely, the ability of men to rule – there was nevertheless no active and overt response to this supposed "attack" on male society. The reasons for this seem to be twofold. Firstly, while the use of rouge certainly highlighted

areas of concern in society, the use of the cosmetics was not as serious a threat as external invasion or an overhaul of Britain's political structure. Secondly, the response to rouged women may have been restricted to angry letters to the editor and one unsuccessfully propagated law in the 1770s forbidding the use of makeup, as formally articulating the problems would have meant publicizing these issues, thereby strengthening and legitimizing them. In other words, to decry women as deceivers of men would have put those very women in a position of potency – powerful enough, perhaps, to undermine their male counterparts. It is not difficult to imagine why British men would not want a nationwide fuss over such an issue.

A woman's decision to wear rouge despite its apparent French origin also "undermine[d] masculine autonomy" as men felt challenged by the notion of female independence.⁴⁸ Parisian, particularly courtly, women were considered beguiling and seductive, powerful enough to affect national policy. Festa gives the example of Mme de Pompadour, Louis XV's mistress, whose looks allowed her to gain influence with the king despite her non-aristocratic background. Festa writes that "seduction had political consequences in France" and as such, "cosmetics became one more weapon in the sexual and political warfare waged at the French court."⁴⁹ If British women applied makeup as their French counterparts did, it was thought that they, too, might be able to gain influence far beyond the domestic sphere.

In *The Artifice of Power*, Sally Pointer looks at the description given in *Abdeker, or the Art of Preserving Beauty*, translated from an Arabic Manuscript of a woman at her toilet: "I have assisted at some Conversations at the Toilet, that were as serious as most of our Academical Conferences. There you might hear the Philosopher, the divine, the Fop, each speak the Language of his profession." Pointer suggests that the "audiences around the dressing table had become a forum in which a woman was encouraged to discuss wider issues. Far from being preoccupied with their physical looks, women were using this time to their advantage by inviting interesting and learned guests to engage in conversation."⁵⁰ As enthralled suitors would often watch a woman get ready at her toilet (in itself a premeditated experience, as most women already had their faces made up), the toilet thus had the potential to be a powerful space where women could share opinions.

'A DIFFERENT EDUCATION: MIRRORS AND THE SELF-FASHIONED CONSTRUCT OF IDENTITY

Masculine independence was therefore not only threatened by a woman's ability to ensnare at the toilet, but also by female notions of self

that were becoming increasingly well-defined. As the mirror is fundamental in self-definition, the presence of looking glasses as ever more common objects in society triggered such ideas of female independence.⁵¹ More than seventy percent of French households inventoried from the end of the seventeenth century were furnished with mirrors, and British households possessed only a marginally smaller figure.⁵² If mirrors serve as "an auxiliary of the toilet," then the object's intimate link to the rouge debate suggests that, for the first time, women who sat before mirrors for prolonged periods could formulate opinions on themselves as they had never done before.⁵³ Among caricatures of this era intended to ridicule the female obsession with cosmetics and the toilet, nearly all depict women staring intently at a looking glass.⁵⁴

In *The People of Paris*, Daniel Roche writes that mirrors "provided a different education by which one could acquire a supple physical identity through the duplication of appearances."⁵⁵ Roche's use of "supple" and "duplication" hints to the flexibility and replication of identity that the presence of mirrors allowed for, and which meant that women could now form their own judgments of themselves. Historian Patricia Phillippy notes that "painted women were threatening because she claimed 'a creative and self-creative authority ordinarily reserved for men.'"⁵⁶ As women previously relied on the judgment of others, particularly men, for self-assessment, the change arguably equated to a fundamental shift in the balance of social power. Of course, in the political arena male judgment continued to take precedence, but for the first time women contributed to their own sense of self. Even journal submissions and treatises written by women that defended the use of rouge, foreshadow the beginnings of a responsive feminine voice in society.

The use of rouge as a cosmetic did not disappear after the eighteenth century, although its negative associations certainly did, demonstrating that the concerns it elicited were time-specific. At a moment when the motherland was threatened, upholding the supposedly "English" ideals of modesty, honesty, and truth encouraged the British to denigrate all things French. While these characteristics were not innately British, they were seized upon in the eighteenth century to create a specific idea of nationhood. As Newman notes, it is only in "conditions of cultural disorientation and identity crisis" that the search for a national character can occur.⁵⁷ The debate on rouge was so pervasive that it threatened to destabilize both social norms and male political authority. And while it was extremely unlikely that wearing rouge would have wholly led a woman to

forget her children or gain any real political sway, the currency which others gave to these fears lent them credence.

¹ Central to Colley's thesis is the idea that the Briton was constructed in this period. Whereas many of her ideas will be central to this paper, the distinction between British and English is not. As a result, the terms will be used interchangeably throughout.

² L. Colley. *Britons: Forging the Nation 1707-1837*. (New Haven: Yale UP, 2009): 6.

³ Rev. J. Taylor in R. Corson. *Fashions in Makeup: From Ancient to Modern Times*. (London 1972) 187.

⁴ *The Flapper*. Vol 2. Jan 14 1797.

⁵ *Spirit of the Public Journals for 1800*. 329.

⁶ L. Festa. "Cosmetic Differences: The Changing Faces of England and France," in *Studies in Eighteenth Century Culture*, Vol 34 (2005): 28. Ed. Catherine Ingrassia and Jeffrey S. Ravel.

⁷ Horace Walpole in Corson. 228.

⁸ M. Cohen. *Fashioning Masculinity: National Identity and Language in the Eighteenth Century*. (London 1996) 77.

⁹ *Lady's Magazine*. December 1776. In Corson. 247.

¹⁰ *The Universal Museum. Or, Gentleman's and Ladies Polite Magazine of History, Politicks and Literature for 1763*. Vol 3. 1764. Issue 7.

¹¹ *British Volunteer, and Manchester Weekly Express*. Issue 63.

¹² *The Spectator*. In Corson. 188-9.

¹³ *The Flapper*. Vol 2. Jan 14 1797.

¹⁴ R. Eagles. *Francophilia in English Society 1748-1815*, (New York 2000) 36.

¹⁵ *Mirror*. Vol 01. Issue 4. January 23 1779.

¹⁶ *The World*. Jan 22 1756.

¹⁷ Eagles. *Francophilia in English Society*, 19- 22.

¹⁸ Festa, 28.

¹⁹ L. Mozart. In Corson. 219.

²⁰ T. Smollett. *Travels Through France and Italy*. (Evanston, Ill 7166) 99-100.

²¹ Colley. *Britons*, 6.

²² *Kentish Chronicle*. Issue 1791. March 24 1797.

²³ Festa. "Cosmetic Differences," 29.

²⁴ M. Morag. *Selling Beauty: Cosmetics, Commerce, and French Society, 1750-1830*. (New York. 2009) 74-5.

²⁵ Smollett. *Travels*, 101.

²⁶ *Mirror*. Volume 2. Issue 84. 132.

²⁷ Corson. *Fashions in Makeup*. 187.

²⁸ *The Universal Museum*. Volume 1. January 1762 - December 1762. 316.

²⁹ *Mirror*. Vol 01. Issue 38. June 5 1779.

³⁰ G. Newman. *The Rise of English Nationalism: a cultural history, 1740-1830*. (New York 1997) 125.

³¹ Eagles. *Francophilia in English Society*, 25.

³² Newman. *The Rise of English Nationalism*. Definition of Sincerity 127. Stereotype 124.

³³ M.W. Montagu. *The Complete Letters of Mary Wortley Montagu 1752-1762*. Vol 1. (Oxford 1965) 439-440.

³⁴ *The Spectator*. In Corson. 196.

³⁵ *The Flapper*. Vol 2. Jan 14 1797.

³⁶ *Britannic Magazine; or, Entertaining Repository of Heroic Adventures and Memorable Exploits*, Volume 03 - Issue 3. 1795.

³⁷ *The Flapper*. Vol 2. Jan 14 1797.

³⁸ K. Wilson. "Empire of Virtue: The Imperial Project and Hanoverian Culture c.1720-1785," in *An Imperial State at War: Britain From 1689-1815*. Ed Lawrence Stone. (New York 1993) 155 -6.

³⁹ Rev. J. Taylor in Corson. *Fashions in Makeup*, 186.

⁴⁰ *Mirror*. Vol 2. Issue 84. 1779-1780.

⁴¹ *The World*. Vol 3. June 5 1775. Emphasis added.

⁴² *The Female Mentor: Or Select Conversations*. Vol 3. Issue 3. 1793.

⁴³ *The Flapper*. Volume 2. Jan 14 1797.

⁴⁴ *The Female Mentor: Or Select Conversations*. Vol 3. Issue 3. 1793.

⁴⁵ Martin. *Selling Beauty*, 82.

⁴⁶ Colley. *Britons*. Domestic Dissension 174-5. Identities 150. National Culture 174-5.

⁴⁷ Colley. *Britons*, 174.

⁴⁸ Festa. "Cosmetic Differences," 36.

⁴⁹ Festa. "Cosmetic Differences," 36.

⁵⁰ S. Pointer. *The Artifice of Beauty: a History and Practical Guide to Perfumes and Cosmetics*. (Stroud 2005) 115- 117.

⁵¹ Mirrors have long been considered key in the formulation of the self and indeed nationhood. Tom Nairn, in the introduction to *Enchanted Glass*, which looks at British nationhood in relation to the monarchy, writes that "like everyone else the British look into a mirror to try and get a sense of themselves...the 'reflection' is really their structure of national identity." (Nairn. *Enchanted Glass*. 9) As newspapers reflect, and also construct, national identity, it is unsurprising that this period sees the creation of the *Mirror* publication in 1779.

⁵² A. Pardailhe-Galabrum. *The Birth of Intimacy: Privacy and Domestic Life in Early Modern Paris*. (Philadelphia 1991) 164.

⁵³ D. Roche. *The People of Paris: An Essay in Popular Culture in the 18th Century*. (Berkeley: Leamington Spa New York 1987) 154.

⁵⁴ Corson's *Fashions in Makeup* provides many such examples. See p.193, 251, 253, 255, 261, 264, 266, 276, 283, 285, 290 for such illustrations.

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⁵⁷ Newman. *The Rise of English Nationalism*. 124.

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RIGHTEOUS GENTILES: THE DRUZE IN ISRAEL

Emad Rajeh

Today in Israel, the Druze enjoy an elevated status compared to other minority groups. Besides the small Circassian population which numbers around 4,000, the Druze are the only minority religious group within Israel required to serve in the military upon reaching the age of majority. Military service and members of the Druze community being complicit in Zionist aims both pre-1948 and post-1948, have been major factors in this status. Druze history as it relates to the creation of the Israeli state, highlighting both Druze collaboration and resistance, and a detailing of the divided community that now exists in Israel, will be the focus of this essay.

The Druze strongholds in Greater Syria have been the Shouf Mountains of Lebanon, Jabal al-Druze in Syria, and the Mt. Carmel and Galilee regions of Israel.¹ Similar to other minorities, the Druze generally preferred living in mountainous, easily defended areas. Within historic Palestine, the current day population of the Druze is estimated to be around 125,000,² the smallest national community when compared to the roughly 420,000 living in Syria, and the 390,000 living in Lebanon, with another 80,000 scattered across the rest of the world.³

Traditionally, Druze religious teachings and beliefs are largely kept secret from those who are not initiated into the religious *Ulama*. This class consists of *sheiks*, who are taught the esoteric secrets of the Druze religion. In addition, due to often violent clashes with other sects and religions, Druze communities are particularly isolated and usually found in mountainous areas. The Israeli-Druze community differs from their Lebanese and Syrian counterparts chiefly in the modern day. During the Ottoman period, the Druze considered themselves a singular community within the larger Sunni Muslim population. As national borders did not exist, Druze icons such as Emir Fakhr al-Din and Sultan al-Atrash were touted as heroes and leaders of the greater community. Religious identity then was the core unifying force of the Druze. Modern day divisions observed today occurred as nationalism separated the communities and instituted "national heroes." But the Druze holy sites scattered throughout Syria, Lebanon, and historic Palestine, continue to offer a strong sense of religious community among the three national groups.

Early Druze involvement with Zionists is marked by the realization of a larger Druze community present within Greater Syria and an attempt to sway their allegiance. Zionist leaders saw the Druze as potential allies in a larger strategy to weaken Palestinian Arab opposition. They had hoped to form ties with non-Sunni Muslim groups, such as the Druze, and worked with groups they believed may have felt some antagonism toward the majority, such as the Christians of Lebanon. Taking advantage of the confusion and apprehension within the Druze community that prevailed as national identity became to shape itself, Zionists were able to sway powerful elements of the Palestinian Druze community.

ZIONIST INTEREST IN THE DRUZE

The Druze maintained a hard line of neutrality throughout repeated conflict between Jews and Arabs, at least until 1936. The Druze community was characterized more by intra-clan rivalry than attempts to involve themselves in the scuffles around them. It would be wrong to assume that no pressure was exerted on them from outside. For example, in 1928 an 80 member gang arrived from Lebanon led by Ismael Abd al-Haq with the express mission of defending the Druze of the Galilee from Arab pressure. Abd al Haq expressed no intention to attack Jewish settlements.⁴

Zionists saw a potential benefit in close ties with the Druze community, especially after fighting broke out between Jews and Palestinians in 1929 at the Wailing Wall and Haram al-Sharif in Jerusalem. The Druze, convinced these clashes were of a religious nature, wrote a letter to the British High Commissioner declaring that their position in regards to the conflict was one of neutrality. This desire to stay out sparked early interest in the Druze. Zionist leaders encouraged Druze particularism to ensure they remained neutral. Further, as a way to build strong ties with the community, Zionists promised Druze leaders that they would use their influence with the British Mandate Authorities on behalf of the Druze.⁵ In 1930, Zionist official Yitzhak Ben-Zvi, and later Israeli president, said after visiting the Druze village of Rama:

It is important to acquire the friendship of this community...It is necessary to pay visits to the Druze Leaders of Israel and to express our readiness to offer them legal help in matters concerning pressure that may be exerted on them by the governments or the Muslims and Christians...After these preparatory moves we should establish relations with their leaders in Hawran, Syria and the Republic of Lebanon.⁶

When the revolts of 1936 broke out against Zionism and British rule, Zionists worried about the shifting allegiance of the Druze, particularly when the Druze fighters from Syria and Lebanon were found fighting on the side of the Palestinians. Because of their failed investments in the Khayr family, the Zionists began to form ties with minor Druze families and used them as emissaries to communicate with Druze leaders in Lebanon and Syria. At least three families collaborated and due in part to their efforts, Druze participation in the revolts from 1936-1939 was kept to a minimum.⁷

One of these families, Abu Rukun, put itself at odds with Palestinian fighters through its actions. In 1938 Hassan Abu Rukun was murdered alongside other men who had sought to dissuade Arabs from joining the revolt. Zionists seized upon the opportunity to illustrate the "brutality of the Palestinians." Due to Druze collaborators and communal neutrality, Sunni Palestinians began to grow impatient with the Druze. In that same year, Abu Durra a Palestinian from Jenin, inflicted collective punishment on the village of 'Isfiya. He imposed taxes on the residents, forced them to contribute fifteen men to the resistance, and made them pay for their own weapons. The attacks reached a pitch when Abu Durra and his men killed three Druze men in their fields after stripping them of their weapons, publicly humiliating them, desecrating Druze holy books, and reportedly accosting women and children. After this, Druze public opinion rapidly shifted to the side of the Zionists. By 1939, Arab cigarette factories were boycotting tobacco produced at the hands of Druze farmers. Upon hearing of the Druze men killed in 'Isfiya, Abba Hushi, at the time secretary of the Haifa Workers Council, proclaimed, "The massacres have lit the flames of revenge in the hearts of the Druzes and if only someone could exploit this, the outcome would be significant."⁸ A month later, Druze religious leader Sheik Hassan Khynayfis was killed. His son, Salih, sought revenge by contacting the Zionists through Labib Abu Rukun. Khynayfis and Abu Rukun were intended by Hushi to be the main points of contact between himself and one of the strongest Druze political leaders in Syria, Sultan al-Atrash.

Today, Jewish-Druze relations within Israel are commonly characterized as a political tool by what Zeidan Atashe, an Israeli-Druze historian, characterizes as a "shared destiny,"⁹ implying the mutual interest and cooperation between both communities. Yet a full year after the murder of Sheik Abu Rukun, Hushi and Eliyahu Cohen were drawing up plans to transfer the Druze from their native villages and send them to the Jabal in Syria. This plan required strong relations with al-Atrash in the hopes he would accept the Druze transfer and hopefully further reduce

Druze involvement in the revolts. Hushi was able to get into contact with a man who had fought alongside al-Atrash, Yusuf al 'Aysami. 'Aysami was then reportedly able to contact al-Atrash and reported that al-Atrash spoke of the "friendship" and "neutrality" of the Druze. He noted that if the Druze in Palestine were truly oppressed, their *voluntary* transfer to Syria would be accepted. Soon after, however, reconciliation efforts took place in hopes of mending the broken ties between Sunnis and the Druze. On January 14, 1940, reconciliation efforts were finally made between the Sunni and Druze populations. Thousands of Druze and Sunnis participated in the *sulha* (reconciliation ceremony) before the British governor of Haifa and the commander of the British forces. This reconciliation ended the sectarian conflicts that raged for two years and shelved the transfer plan temporarily.¹⁰

The next years saw Hushi desperately attempting to revive the transfer plan through Abu Rukun, Salih Khnayfis, and 'Aysami. All three men played up their importance among the Druze population to Hushi, who failed to realize that Abu Rukun and Khnayfis were minor leaders. They had no way of competing with Amin Tarif, the religious and political leader of the Druze who had maintained a policy of neutrality throughout the Zionist-Palestinian conflict. Contact with al-Atrash was also difficult for the British who sought his support throughout World War II without success. Hushi went to the Jewish Agency demanding more money to ensure his transfer plan would be effective this time. 'Aysami and Hushi stayed in contact and 'Aysami remained on the Zionist payroll until 1945, when Elias Sasson, head of the Arab Section of the Jewish Agency's Political Department, questioned the usefulness of 'Aysami. Finally, Sasson decided to bury the plan, citing its ineffectiveness.¹¹

However, Abu Rukun and Khnayfis maintained strong ties with Zionists and continued to be among the main collaborators. Palestinian leaders suspected them of being involved in land deals with the Jews and asked them to attend a meeting of the Muslim High Council. Abu Rukun and Khnayfis later claimed that they had been threatened by the Council. Subsequently, a delegation was sent to Sultan al-Atrash, who then sent a mission to Haifa to protect his co-religionists. Atrash's mission had asked the Sunnis to discontinue the bullying of the Druze in Palestine. Soon after, collective punishment and antagonism between Sunnis and the Druze began again in 1947.¹² During this time, the SHAI, or the Jewish Intelligence Services, closely monitored these events in the hopes of driving a wedge between the rival villages and eventually expanding it to the entire community.¹³

When fighting erupted between Arabs and Jews in Palestine after the 1947 partition resolution was adopted, a Druze battalion was formed by the Political Committee of the Arab League as part of the Arab Liberation Army. This battalion was given the blessing of Sultan al-Atrash as he firmly announced that the Druze were in "solidarity" with the Palestinians. This battalion was made up largely of Lebanese and Syrian Druze, with a minority of Palestinian Druze. However, this battalion was quickly and effectively defeated by April 16, 1948. The defeat of the Druze battalion resulted in the distancing of Palestinian Druze from the Arab side, and subsequent investment into what was perceived as an impending Jewish victory.¹⁴ From July to November 1948 Israeli authorities created a "Minorities Unit," also known as "Unit 300," constituted mostly by Palestinian Druze. Labib Abu Rukun was responsible for touring Druze villages to promote the newly created unit, promising large salaries and free access to fertile fields. Village elders chose not to interfere in Abu Rukun's mission, assuming that it would help safeguard their community in light of an approaching Jewish victory. Examining a list of seventy volunteers for the minorities unit, historian Kais Firro argues that most of the names on the list "came from poor economic backgrounds."¹⁵

The Israelis then added Bedouin and Circassian soldiers to this unit for a grand total of 850 soldiers: 400 Druze, 200 Bedouin, and 100 Circassians, with 150 Jewish professionals and soldiers. A section of the Druze group was made up of 80 Syrian Druze deserters. Tuvia Lishansky, the first commander of the unit, admitted that an effort to add as many Syrian Druze to the unit as possible was made in the hopes that other Arab countries would lose trust in their Druze populations. Ya'acov Shim'oni, an official of the Middle East Department of the Jewish Agency, wrote that the point of the Minorities Unit was to use the Druze as "the sharp blade of a knife to stab in the back of Arab unity."¹⁶

As the Jewish state began to crystallize, this unit had a huge impact on the Druze community of Palestine. The unit undermined the notions of neutrality which many Druze had adopted. Many within the community became conscious of the fact that the creation of the Jewish State was inevitable. Those who had sympathies with the Palestinians were essentially forced to stifle themselves, drawing the entire community into conflict over whether they wanted to be involved or not. Jewish Agency Arabist and future Arab Affairs advisor, Yehoshua Palmon wrote, "This act has destroyed all ways of going back for them now."¹⁷

THE QUESTION OF CONSCRIPTION

The first years after the Israeli victory were characterized by Israeli disarmament of Druze villages, Druze leaders jockeyed for the support of Israeli leaders. Some Druze continued to serve within the IDF voluntarily until on May 1, 1956, when army service became obligatory. Military service was compulsory for males exclusively, and played into Zionist impressions of male dominance in Arab society. They exempted Druze women from service because they believed that the community would violently react to any attempts to conscript females,¹⁸ but the Druze did not take kindly to conscription in general. Many, including Sheik Amin Tarif, were explicitly against it. In fact, of the 117 men of age in the Mt. Carmel region, only 32 reported for duty. A minority of Druze leaders such as Labib Abu Rukun and Salih Khynayfis supported conscription as a way to gain favor with the Israeli authorities and elevate the status of their families within the newly created state.¹⁹ Many, however, opposed joining the IDF for fear that it would tarnish or hamper their relations with neighboring Arabs, particularly other Druze. Sultan al-Atrash was recorded in an interview as saying to the Israeli Druze:

Saleh Khynayfis, Labib Abu-Rukun, and others have ruined your good names. Come back to your senses, be aware of your fate, and know that Israel is playing with you and making problems for you. Stand with your Arab brothers in the rescue struggle, because the day of victory is not far off.... Victory to the Arabs and death to the Zionist regime and to those who collaborate with it.²⁰

Further, a letter forwarded by more than a dozen Israeli Druze sheiks from Shefa'amr highlighted the popular sentiment and anger from many within the Druze community. The letter demanded that the Druze not be obligated to serve within the Israel Defense Forces, that the Druze refused to fight against other Arabs, and a call to be treated like any other Arab within Israel. The letter also declared that the Druze were not integral to the IDF, and therefore should be made to participate in civil service instead of military service. Most poignantly, the sheiks claimed, "The same body that demanded the conscription of the Druze for mandatory labor in the army does not properly represent the Druze."²¹ The letter signified members of the Druze religious order breaking from the traditional establishment and actively involving itself within the political discourse.

An increasingly disgruntled Druze population, marked by draft dodgers, petition signers, and civil protesters was close to forcing the Defense Ministry to reconsider conscription.²² Amin Tarif, the de facto

religious leader of the Israeli Druze, was widely known as one of the most vocal opponents of the draft. He feared the effect it would have on relations with other Arabs, especially Druze in Lebanon and Syria. However, his brother, Salman Tarif, recognized that Amin's stance was costing the clan the favor of the Israeli authorities and allowing the influence of Abu Rukun and Khynayfis to rise. Feeling threatened, Tarif began to voice support for conscription, asking only that the leader of the Minorities Unit be replaced. This posed a direct threat to the influence of Abu Rukun and Khynayfis. Abba Hushi, a pioneer in Jewish-Druze relations and then the mayor of Haifa, sided with Tarif. Hushi considered Tarif pivotal to turning the tide within the Druze community. A clear sign conscription was initiated and approved by the religious elite can be found in the fact that young men engaging in religious studies were allowed to avoid the draft. Even though many Druze opposed the draft, once Tarif became a supporter, no senior Druze religious leaders dissented, and Tarif's supremacy was established along with conscription.²³

Conscription had far reaching consequences for the Druze. In 1957, they were recognized as a distinct religious confession.²⁴ In 1961, the Druze religious leaders were granted the status of a statutory body. By 1962, a separate Druze judicial system and the legitimacy of Druze religious courts were firmly established by Israel.²⁵ All of this was a clear attempt by Zionists to separate the Druze from other Arabs. Other efforts to deepen divisions include the specification of some Druze villages as "developmental towns." This allowed for greater budget allocations, growing Druze appointment to government positions, and inclusion into Jewish political parties. Druze were also given the option of career military service, a source of financial security for roughly 30% of Israeli-Druze today. Avraham Avituv, the chief of the General Security Services Arab Branch, declared that they were actively "carrying on with efforts to intensify Druze distinctiveness and separatism from the Arabs, especially among the younger generation."²⁶ Many Arab Palestinians began to harbor a deep resentment of the Druze as the Minorities Unit was used to search empty Palestinian villages, to ensure that their old inhabitants did not move back in, and to expel refugees that had managed to return.²⁷ However, conscription of the Druze was essentially a superficial act of integration. Even as members of the IDF, Druze servicemen were initially barred from serving in elite units and not allowed to enlist in the intelligence services.

INTEGRATION AND IDENTITY

The aftermath of the war of 1967 greatly changed the Druze position within Israel. The pro-Zionist Druze had felt left out of the action throughout the war, leading to the creation of a second Druze unit, Unit 244. This unit was sent to the new "conflict zone" in the south of Lebanon in 1968 as a way to signal a new beginning between Jews and the Druze.²⁸ The textile industry was in need of cheap labor, and Druze women readily answered the call as textile factories and production quickly spread to Druze villages. Further, Israel was looking at a large population of Druze men in search of work after their land had been seized by the state. These men could be found as far south as the Negev looking for employment. Thus, the Israeli Defense Forces, the National Border Guards, and the Prison Services absorbed these Druze veterans into their institutions. Those who joined these institutions were then sent mostly to the occupied territories, increasing hostility between Palestinians and the Israeli-Druze.²⁹

An incident in 1967 highlights growing hostility and mistrust between the two groups. In October of that year, two Palestinians in Ramallah were shot dead by a unit of Israeli frontier guards in which Druze soldiers served. The Israeli press reported the shooters to be Druze. However, when the names of the shooters were published the next day, it became clear that the men were actually Jewish. The press published an apology the next day. Nonetheless, in March 1968, two Druze guards were killed by Palestinians in revenge. The same press played up the "mutual hostilities" between both groups.

At the same time, within Israel, a political civil war raged between those Druze who sought to retain their Arab identity and others who sought closer ties to the Jewish population. Druze who supported integration were supported mostly by younger members of the Labor Party. However, leaders in the upper echelons of the party feared that taking up Druze demands for full party membership would lead to defections from other Arab members of the party.³⁰

When the results of the 1969 election were revealed, close to ten percent of the Israeli Druze population had voted for the RAKAH, the Israeli Communist party. Arab Nationalists and intellectuals such as Samih al Qasim, Naif Salim, and Muhammad Nafa', praised the election results as a "regaining of consciousness" among the Druze. They called upon their supporters to intensify their struggle against the government policy of separating the Druze from other Arabs. These leaders also highlighted the extensive loss of Druze land to the Israeli state and used this to realign themselves with other Palestinians.

The situation was put into perspective as Israeli politicians and Druze integrationists warned of growing dissatisfaction and greater gains for the Communist and Arab Nationalist parties if full integration and full party membership did not occur.³¹ The Jewish population reacted negatively to this sign of Druze dissatisfaction and an article titled "Et Tu Brute?" was published in Yed'iot Ahronot.³² A large camp of Druze intellectuals, keeping the mention of Druze land expropriation to a minimum and believing that the Druze should be a loyal minority, began a campaign to actively promote their image in the eyes of other Israelis. They also sought official intervention in countering "Arab nationalist propaganda" and asked for integrationist sympathizers to give a series of lectures to young Druze citizens to reduce the influence of RAKAH. As Salih Khayr, the main proponent of these lectures, wrote, "Today there is a sense of a grave fiasco in our society...a great vacuum has been created which extremist elements, especially RAKAH, can easily exploit. We suggest the appointment of young Druze to undertake this task."³³

The communists and the Arab nationalist decried the lack of jobs in Druze villages, unfulfilled promises, and failed attempts by politicians such as Golda Meir to improve the plight of the Druze. They were vociferous in their criticism of compulsory service and Druze land loss at the hand of the Israeli state. In 1973, RAKAH took 18% of the total eligible Druze vote, while the Druze that voted for Zionist left wing parties numbered at around 26%, showing a growing and rapid change in the Israeli Druze population.³⁴

A leaflet that Sheik Farhud Qasim Farhud published after the Israeli military attempted to conscript his son played a major role in establishing the Druze Initiative Committee in 1972. Sheik Farhud wrote of the desecrations of religious sites, the compulsory service, land confiscation, and the use of the Druze pilgrimage to the burial site of the prophet Jericho as Israeli political propaganda against "our Arab nation."³⁵ On the other side, the official Druze-Zionist Movement was created by intellectuals who believed in strong Druze-Israeli relations with the express intent of countering the DIC. They promoted what its leader Yusuf Nasr al Din called "de-radicalization," and the suppression of "negative forces" within the Druze community and the promotion of "positive forces." The differences between both camps were not only ideological: they were expressed visually as well. The journals of the DIC had photos of the Syrian Sultan al-Altrash, the Lebanese Shakib Arslan, and the Lebanese Druze socialist Kamal Joumblatt. Elected the president of the DZM in 1979, Labib Abu Rukun was a prominent contributor to DZM publications. His

goal was to offer young Druze an alternative to the perceived danger of the DIC.³⁶

The success of RAKAH within the Druze community is a strong indicator as to what would eventually lead to greater apathy and more conformity within the Druze population. In 1981 RAKAH won 21% of the Druze vote, and in 1984 it won 25%. In 1988 this fell to 17%, finally falling to 9% in 1992.

As Kais Firro writes, the majority of the Druze had come to see themselves as a distinct community, even a nation. Firro asserts that because the Druze elite had secured a future for the Druze by way of employment in the Israeli security services, they had guaranteed a subservient and cautious minority. The Druze elite approached the 21st century by addressing the community's problems on a micro level, disengaging from the macro perspective. Firro writes:

That their role could have been and still is dictated by the "ruling elite" of Israel so as to ensure that the Druze "non-elites" remain passive towards such "delicate issues" as land expropriation and the absence of full equality for the Arab minorities, contains that element of tragedy that confronts the community when it seeks answers for the future.

With the death of Amin Tarif in 1992, the new Druze elite became university graduates and servicemen exhibiting "positive forces."³⁷

What has allowed the Druze a great amount of flexibility and difference from the majority of the Arab-Israeli population boils down to their military service. These ties go as far as back as 1948, when Haganah leaders made sure to secure close military ties with Druze leaders. This Druze status is characterized by Jonathan Oppenheimer as "Arabs and non-Arabs," specifically "non-Arab non-Jews." Oppenheimer describes a "false political consciousness" among the Israeli Druze population, characterized by opportunistic alliances for "limited and particularistic ends." Oppenheimer also highlights the fact that many within the Druze community actively avoid a discourse on their role in the Israeli state. Thus, Oppenheimer argues that as a result of their secular culture and socio-economic status they are Arabs. However, Oppenheimer argues that based on their juridical and political position, the Druze have remained ambivalent.³⁸

THE ISRAELI DRUZE TODAY: LIVING IN THE SHADOW OF THE MILITARY

If being an Arab in Israel signifies insecurity, and involvement in the military is a form of security, then a Druze soldier is naturally faced with the insecurity and illegality he inherently embodies.³⁹ This description details the nature of the Druze in the armed services, combating their Arab identity in an attempt to prove their loyalty and willingness to serve alongside Jewish soldiers. This service details an active attempt by the Israeli state to separate the Druze from the larger Arab minority, and this service is supplemented by the general passivity of the Israeli Druze.

Current Israeli practices illustrate Jewish treatment of the Druze as still inherently Arab. This is marked by the fact that as a community, per capita, the Druze have lost the single greatest amount of land to the Israeli state.⁴⁰ Their "immutable" Arabness leads to only rhetorical privilege and a deliberately incomplete policy of "de-Arabization."⁴¹

The main Druze battalion, renamed in 1987 from the remnants of the Minorities Unit, is called the Sword Battalion. This battalion exists alongside two other minority battalions, the Bedouin Desert Reconnaissance Battalion and the Bedouin Trackers Unit. The names and functions of each battalion illustrate the use of cultural stereotype in assigning military roles. There are no Arab or Jewish trackers in the IDF, as the genetically superior tracker is considered to be the Bedouin. In the same way Bedouins are deemed natural trackers, the Israeli state plays upon the "warrior like" qualities of the Druze enforced by their popular moniker as "the sword of Syria."

When the state renamed it the Sword Battalion in 1987, its emblem was decorated with two Islamic swords, crossed and protecting a star of David below. There exists an ethnic struggle between Bedouins and Druze soldiers in terms of their place within the Israeli military. It is clear that a mistrust and ethnic particularism persists amongst minorities within Israel. As Kanaaneh writes, there exists an Arab hierarchy within Israel, with Druze considered the most trustworthy, followed by Bedouins, then Christians, and then lastly, Sunni Muslims.⁴²

The fact that the Druze are conscripted also gives way to a policy of "looking the other way" in Israel. In 2005, a riot in Maghar broke out in which Druze villagers attacked Christian homes, burning 152 cars and 122 buildings.⁴³ Druze policemen participated in the riot alongside Druze soldiers and ex-soldiers, yet none were punished. Reportedly, these soldiers and policemen stood around eating baklava during the peak of the violence ignoring the pleas of Christian residents for help.⁴⁴ The policy of Druze privilege, at least on a surface level, has further led to cleavages between the

Druze and other Palestinian Arabs. According to a Druze veteran interviewed by Haaretz, the importance of serving in the military and its social impact was visible in stores where women waited in line at the store "with accordance to their husband's rank."⁴⁵

Druze service in the military has also had negative effects on community opposition to land seizure. The Druze communally are more cautious when dealing with the state as a result of their service, making 30% of the Druze male population dependent on the state's security apparatus. This makes confiscating land from the Druze much easier than from the larger Arab minority.⁴⁶ Despite this, elements within the Druze community remain steadfastly in defense of the Jewish right to the Land of Israel. In 2005, during Israel's unilateral disengagement from the Gaza Strip, Druze Sgt. Timor Abdullah refused to force Jewish settlers to evacuate from their settlement homes. As a result, Sgt. Abdullah was placed in prison for his refusal to carry out orders. Sgt. Abdullah's father was then invited to a banquet for Jewish settler activists wherein he was presented with a framed certificate for his son that proclaimed him a "Righteous Gentile." This epitomizes the Druze position within Israeli society, as "useful outsiders" who play their role in securing the Jewish State and accepting a status that is subordinate to that of Israel's Jewish Citizens.⁴⁷

Feelings of Druze loyalty within the greater Jewish state are strong and reflected in the elections of the 18th Knesset. Of the five Druze elected, Akram Hasson (Kadima), Majalli Wahabi (Kadima, formerly Likud), Shachiv Shnaan (Independence, Ehud Barak's newly launched political party), Said Nafa (Balad), and Ayoob Kara (Likud), only Nafa is a member of the Arab Nationalist Balad Party. Due to election laws in Israel, every party submits a list of candidates. The amount of seats that party wins in the Knesset corresponds with the party list. If a party wins five seats, the first five chosen on the list are then granted seats in the Knesset. Keeping this in mind, many parties, both on the left and the right, make sure to put at least one Arab on the list in the hopes of drawing this population's votes. Druze politicians in Israel have long been used as propaganda tools, an opportunity for Israel to tout the image of a multiethnic and all-inclusive government. For example, in 2007, Wahabi very briefly served as Acting President when Moshe Katzav took a leave of absence and Dalia Itzik, then Acting President, was abroad.⁴⁸ This essentially meaningless occurrence has been used to illustrate the deep trust between the Druze and Jews. However, much of the power granted to the Druze in higher ranking organizations is ultimately symbolic, with true power remaining in Jewish hands.

Further, the Israeli political scene has been very active in promoting "positive forces" and dismissing "negative forces." Right wing Israeli parties showcase the camaraderie between themselves and the Druze. Druze Ayoob Kara of the Likud Party has been known for his opposition to Israeli disengagement from Gaza and is famous for his particularly hawkish views. In 2008, he protested the destruction of a Jewish home in Hebron and said Kadima Chairman Tzipi Livni was at fault for the ordeal, declaring that she is "good for Hamas."⁴⁹ He has also said that Obama "doesn't sound evil now because he needs Jewish votes and money, but I won't forget the pressure he put on Netanyahu and the stress I saw in the prime minister the last time he came back from Washington."⁵⁰ Kara has recognized demographics as a major threat to the Israeli state. He has promoted two regions of Israel so that Jewish workers and residents will stay and grow as to counter Sunni Muslim population growth.⁵¹

This profile of Kara and mention of the other four members of the Knesset serves to demonstrate the generally right wing orientation of the Druze in Israel and their "Arabness" as being something they must move away from and ultimately reject. Though it is clear that a disillusioned Druze minority exists, as manifested by the DIC and several Druze intellectuals rejecting their status as "Israeli-Druze," the preference for the designation of "Palestinian-Druze" embodies an overall attitude of loyalty, and the norm of limited minority status exists amongst the Druze population. More often than not, the Druze do not take large steps in rejecting the required military service. Most will simply secure medical waivers, or join the 'Ulama, who are exempted from military service, as pacifism is a requirement of the Druze initiated.

IN CONCLUSION

One must be careful not to interpret the Druze position of passivity within Israel as permanent and unchanging. Recent telling events include the campaign of Omar Saad, a seventeen year-old Druze musician who has gained a large internet following for his refusal to join the Israeli Defense Forces.⁵² Further, a study published by Haifa University illustrates that two thirds of Druze youth would not serve in the military if given a choice. A national security conference in Herzliya warned of an increasingly dissatisfied Druze population.⁵³

Further, a certain danger exists with viewing identity as fixed and unchanging. Hisham Naffa', a Druze activist and journalist who served two years in prison for refusing to serve in the IDF, told Kanaaneh:

I don't consider national identity essential or natural, but when you have a policy aiming deliberately at dividing and ruling, as in the policy to produce a non-Arab Druze identity, then you are imposing something that's only in the interest of the Jewish majority....After Oslo and with access to the world of satellite channels, all of a sudden, people-including hard core Druze Likudniks who said for many years "the Druze are not Arabs," "The Arabs are our enemies"- are today saying "we are Arabs and we are Muslims." They have made a full about-turn.⁵⁴

As with many of the varying identities within Israel, Druze identity and association are affected by the political, social, and economic climate that defines other minority groups. This being said, the Druze retain a special status amongst their fellow minorities highlighted by their ability to serve in the military, as well as the advantages and rewards the Israeli state grants them. In the end, no clear political orientation exists for the Druze, nor is one in the future apparent. The Druze, always conscious of their minority status, hold a deep-seated fear of the political forces swirling around them. The security and future of the Druze remains the main focus of any sweeping political decisions made by the community.

NOTES

- ¹ Nissim Dana. *The Druze in the Middle East: Their Faith, Leadership, Identity and Status*. Brighton [England: Sussex Academic Press, 2003. XVI-VIII.
- ² Statistical Abstract of of Israel-Population by religion. 2010. http://www.cbs.gov.il/reader/shnaton/templ_shnaton_e.html?num_tab=s02_02&CYear=2010
- ³ Julia Makarem. "American Druze Heritage." *American Druze Heritage*. 2007. Accessed November 29, 2012. <http://www.americandruze.com/>.
- ⁴ Z. Atashe. "Chapter 2." In *Druze & Jews in Israel: A Shared Destiny?*, 28. Brighton, U.K.: Sussex Academic Press, 1995.
- ⁵ K. Firro. *The Druzes in the Jewish State: A Brief History*. 23-24. Leiden: Brill 1999.
- ⁶ Report of Y. Ben-Zvi. "On Establishing Good Relations with the Druzes," August 1930. Firro *Druze Jewish State*. 24.
- ⁷ Firro. *History*, 327. Also, detailed in *Druzes in the Jewish state*. 25.
- ⁸ Firro. *Druzes in the Jewish State*. 27.
- ⁹ The title of a book by Zeidan Atashe, detailing in much the same way Firro discusses Druze history, yet in a way that conforms closer to a Zionist narrative of mutual interest and cooperation.
- ¹⁰ Firro. *Druzes in the Jewish State*. 27-30.
- ¹¹ *Ibid*, 30-32.
- ¹² *Ibid*, 40.
- ¹³ Yoav Gelber *Middle Eastern Studies*, Vol. 31, No. 2 (Apr., 1995). 231.
- ¹⁴ Firro. *The Druzes in the Jewish State*. 43-50.
- ¹⁵ *Ibid*, 56.
- ¹⁶ *Ibid*, 58-59.
- ¹⁷ *Ibid*, 53.
- ¹⁸ R.A. Kanaaneh, *Surrounded*. 33. Stanford (Calif.): Stanford University Press, 2009.
- ¹⁹ H. Cohen. *Good Arabs: The Israeli Security Agencies and the Israeli Arabs, 1948-1967*. Berkeley: University of California Press, 2010. 159.

- ²⁰ *Ibid*, 160.
- ²¹ *Ibid*, 160-161.
- ²² *Ibid*, 161.
- ²³ *Ibid*, 164-167.
- ²⁴ Kanaaneh, 11.
- ²⁵ Cohen, 167.
- ²⁶ *Ibid*, 172.
- ²⁷ *Ibid*, 167.
- ²⁸ Firro. *Druzes in the Jewish State*. 194.
- ²⁹ *Ibid*, 217-218.
- ³⁰ *Ibid*, 194.
- ³¹ *Ibid*, 197-200.
- ³² Y. Ahronot, 2 November 1969.
- ³³ Firro. *The Druzes in the Jewish State*. 200.
- ³⁴ *Ibid*, 202.
- ³⁵ *Ibid*, 205-208. For further reading and a more comprehensive breakdown of Communist-Druze relations.
- ³⁶ *Ibid*, 210-213.
- ³⁷ *Ibid*, 247-250.
- ³⁸ A. Weingrod, "Chapter 13: The Druzes as Arabs and Non Arabs." In *Studies in Israeli Ethnicity: After the Ingathering*, 277-78. New York: Gordon and Breach Science Publishers, 1985.
- ³⁹ A. Korn, "Crimes and Legal Control," *British Journal of Criminology* 40, no. 4 (2000) 574-94. As mentioned in Kanaaneh's study in *Surrounded*.
- ⁴⁰ O. Yiftachel, "State policies, Land Control, and an Ethnic Minority" *The Arabs in the Galilee Region Israel*, *Environmental and Planning D: Society and Space* 9. 340. 1991.
- ⁴¹ Kanaaneh. 12.
- ⁴² *Ibid*, 52-54.
- ⁴³ J. Khoury, "Druze-Christian Clashes Cool off in Maghar." *Haaretz.com*, February 11, 2005. Accessed December 1, 2012.

<http://www.haaretz.com/news/druze-christian-clashes-cool-off-in-maghar-1.150057>.

⁴⁴ Kanaaneh. 58.

⁴⁵ *Ibid*, 151.

⁴⁶ *Ibid*, 11.

⁴⁷ *Ibid*, 78.

⁴⁸ Haaretz Service. "MK Wahabi First Druze to Act as Knesset Speaker, President." *Haaretz.com*. February 26, 2007. Accessed December 08, 2012. <http://www.haaretz.com/news/mk-wahabi-first-druze-to-act-as-knesset-speaker-president-1.214105>.

⁴⁹ E. Weiss, "Tensions High in Hebron; Settlers Gird for Battle." *Ynetnews.com*, November 19, 2008. Accessed November 30, 2012. <http://www.ynetnews.com/articles/0,7340,L-3625181,00.html>.

⁵⁰ "Ayoub Kara Warns Not to Trust Obama - Latest News Briefs - Israel National News." *Israel National News*. July 7, 2010. Accessed November 30, 2012. <http://www.israelnationalnews.com/News/Flash.aspx/189669>.

⁵¹ S. Lehman, "This Is My State. I am an Israeli Patriot: An Interview with Druze MK Ayoub Kara | JewishPress." *JewishPress RSS*. Accessed August 01, 2010. <http://www.jewishpress.com/indepth/interviews-and-profiles/this-is-my-state-in-an-israeli-patriot-an-interview-with-druze-mk-ayoub-kara/2010/08/18/>.

⁵² B.Y. Hassan, "Druze Youth Faces Jail for Refusing to Serve in Israel's Army." *Electronicintifada.com*, October 30, 2012. Accessed November 30, 2012. <http://electronicintifada.net/content/druze-youth-faces-jail-refusing-serve-israels-army/11824>.

⁵³ S. Swaid, "Druze and Military Service in Israel." *AlternativeNews.Org*, January 17, 2012. Accessed November 30, 2012. <http://www.alternativenews.org/english/index.php/news/israeli-society/4581-druze-and-military-service-in-israel.html>. It is also important to note that Swaid is the current head of the Druze Initiative Committee.

⁵⁴ Kanaaneh. 24.

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