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### Letter from the Editors

As students, we are immensely proud to put forth another edition of *The Historian*, one which is filled with a great deal of student research. We believe that the topics that students have addressed in their work are of historical, and contemporary, interest. Their research continues to further the discussion around their respective fields of interest.

We thank the NYU Department of History for their continued support, financial and otherwise, which allows us to publish this body of work. We would also like to thank the faculty and administration who have aided us in our efforts: Professor Anne O'Donnell. Jackie Menkel, and the History Department's administrative staff.

Last, but certainly not least, we would like to graciously thank the students who have given our journal the privilege to share their work, as well as the professors who provided these students with the space to nurture their historical interests. We are grateful for our readers who support our journal, and the historical dialogue that results from *The Historian* being published. We hope to continue this student-based intellectual pursuit for years to come.

We are proud to humbly present the fifty-ninth edition of *The Historian*.

## Letter from the Faculty

You hold in your hands the fifty-ninth issue of New York University's student-led undergraduate research journal, *The Historian*, one of the longest-running such publications in the United States. From research and writing to selection and editing, the work of bringing *The Historian* to life has been undertaken entirely by our energetic History concentrators, guided ably by editor-in-chief Rose Khan. I'd like to extend a special thanks to Rose and her peers for the diligence and inspiration they have brought to this year's publication; they do us all proud.

From the portraiture of Swedish queenship to the origins of Students for a Democratic Society, this year's issue features articles of exceptional thematic variety and chronological scope, reflecting the great diversity of interests that History concentrators pursue in their time at NYU. Each of the seven articles included in the volume represents the fruit of original research, combined with rich methodological inquiry. We have here articles deploying the tools of legal history and discourse analysis, social and political history, and visual culture and the arts, to name just a few. If there is a unifying impulse driving the research presented here, it is perhaps the question of power: how it is generated and represented, memorialized and challenged.

I am delighted to present this volume for publication and grateful to have had the opportunity to watch it unfold under the initiative and labor of our undergraduates.

Anne O'Donnell Assistant Professor Departments of History and Russian and Slavic Studies New York University

# **Holocaust Memorialization in Soviet Russia: Competing Narratives, Contested Ideologies**

EMILY ALBERT

Sites of memory are infused with political and cultural meaning, with significant implications for the social landscape of society. Philosopher Avishai Margalit ponders whether there might be an *ethics of memory*. According to Margalit, for gross crimes against humanity such as genocide, there is a *universal* ethical obligation to memorialize. The Holocaust and its history of memorialization in the West echoes Margalit's claim. According to Daniel Levy and Natan Sznaider, the Holocaust was the first *cosmopolitan memory*, where not only the victim, but also the perpetrator—and even those who were not directly involved—were compelled to remember the Jewish people's trauma. And yet, the Soviet Union—instrumental (if not deciding) victor against Nazi Germany—resisted memorializing the extermination of Soviet Jews, let alone European Jews at large. Memorialization is politically charged in any circumstance, even more so for the Holocaust and within a "secularized" and increasingly anti-Semitic Soviet Union, newly recovering from devastating total war. Rather than "borrow (again!) the example of the West against which to measure where and how Russia is not yet developed enough to experience a suitable kind of memory work," this paper aims, then, to

<sup>&</sup>lt;sup>1</sup> Avishai Margalit, *The Ethics of Memory* (Cambridge: Harvard University Press, 2002).

<sup>&</sup>lt;sup>2</sup> Daniel Levy and Natan Sznaider, "Memory Unbound: The Holocaust and the Formation of Cosmopolitan Memory," *European Journal of Social Theory* 5, no. 1 (2002): 87-106.

confront the complexity and multiplicity of historical reality. Accordingly, in an effort to understand the competing politics of commemoration within a distinctive post-War Soviet ideological landscape, this paper traces developments of the memorialization (or a lack thereof) of Jewish Holocaust victims in Soviet Russia following the Second World War.

During and immediately following the Second World War, Jewish and Soviet positions on the memorialization of the Jewish Holocaust were mixed. During the war itself, the Soviet administration sought out support from the West and the Jewish diaspora to bolster war efforts. Immediately following the war, they sought support from the West in particular for war reparations, and thus also maintained a mixed position of remembering and avoidance. In "Jewish Holocaust Commemoration Activity in the USSR Under Stalin," Mordechai Altshuler describes the early years of commemoration:

Holocaust commemoration was one of several fields in which Jewish survivors in Eastern Europe acted extensively in the first decade after World War II. In addition to gathering documentary material, this was manifested in memorial assemblies and the construction of memorial stones and monuments... Many Jews who returned to their former places of residence considered it their privilege and duty to commemorate their loved ones by publishing yizkor (memorial) books, holding memorial assemblies, and erecting monuments to the victims of the Holocaust.<sup>4</sup>

<sup>&</sup>lt;sup>3</sup> Thomas Wolfe, "Past as Present, Myth, or History? Discourses of time and the Great Fatherland War," in *Politics of Memory in Postwar Europe*, ed. Richard Ned Lebow et al. (Durham: Duke University Press, 2006), 251.

<sup>&</sup>lt;sup>4</sup> Mordechai Altshuler, "Jewish Holocaust Commemoration Activity in the USSR Under Stalin," trans. Naftali Greenwood, *Yad Vashem Studies* 30 (2002): 271.

And yet, he continues: "Initiatives in Holocaust commemoration were taken at the local, grassroots level, while officialdom, for the most part, opposed or disapproved of this activity." As the state-sponsored Jewish Anti-Fascist Committee (JAFC—a brainchild of Stalin's ideologists—struggled (and did not necessarily desire) to assume responsibility for commemorating Jewish victims of the Holocaust, the *kehillot*, or local Jewish communal apparatus, fell in as the primary drivers of commemoration, thus overstepping their strictly religious jurisdiction as mandated by the Council for Religious Affairs by the Government of the Soviet Union (CARC).

One attempt for commemoration was in 1946, when the L'viv Jewish community planned to publish survivor testimonies. When the community asked for publication permission from the municipality, the mayor responded, "The municipality has no objection to the publication of a book about the victims of Fascism." And yet, Altshuler explains, monuments, in particular, elicited a different response:

The construction of monuments, unlike individual memorial assemblies and services, was meant to create a permanent focal point of identification with victims of the Holocaust.

Therefore, it comes as no surprise that the authorities were especially sensitive about this activity, which actually began before the end of the war.<sup>8</sup>

For example, at Bogdanovka, a murder site of tens of thousand of Jews, a prominent figure from the Odessa community went to gather the bones and ashes, and requested permission from the

<sup>&</sup>lt;sup>5</sup> Ibid., 272.

<sup>&</sup>lt;sup>6</sup> Ibid., 273.

<sup>&</sup>lt;sup>7</sup> Ibid., 277.

<sup>8</sup> Ibid., 278.

CARC to "conduct a public interment of the remains on December 10, 1946." And yet, when the CARC official asked his superiors in Kiev, they replied,

Such a public burial must never be allowed. 'In Bogdanovka... citizens of various nationalities were cremated, not only Jews. Therefore, the appropriate institutions... should investigate to determine how the citizen D. V. Klinov could have gathered the ashes and bones of murdered persons in Bogdanovka and divided them up by national criteria.'9

A distinctly Jewish site of memory would have served as evidence of, and a symbolic rallying point for, the uniqueness of the Soviet Jewish wartime experience. Similarly, though memorials in synagogues were permitted—even endorsed—toward the end of the war, none were recorded as of 1947. Altshuler explains, "The act of holding the memorial service was fiercely criticized, and the local authorities were accused of 'political myopia' (politicheskaia blizorukost)." The implication being, their actions were seen as a potential threat to the government and its post-War ideologies of universal Soviet patriotism. To the same effect, in 1947 a CARC memorandum wrote that despite the mass graves' holding the remains of a range of nationalities murdered by the German Fascists, select Jewish public circles were *transforming* them into exclusively Jewish sites. The state position was becoming increasingly consistent in discouraging public Jewish memorialization efforts as the war moved further into the past.

Authorities in the Baltics were more participatory in Holocaust commemoration than those in other parts of the USSR. For example, in 1946, the deputy prime minister approved the

<sup>&</sup>lt;sup>9</sup> Ibid., 275.

<sup>10</sup> Ibid., 277.

<sup>&</sup>lt;sup>11</sup> Ibid., 276.

erecting of a monument in Vilna to its local Holocaust victims, as well as the laying of memorial stones in other Lithuanian towns such as Seta and Utian, and in the Latvian town of Dobele. <sup>12</sup> In Belorussia, too, many commemorations in the form of monuments were erected. As Altshuler recounts, a monument was installed in Minsk with inscriptions in Russian and Yiddish thanks to cooperation between the *kehillah* and Jews of the town who held economic or political power. In August 1946, the authorities did attempt to deny the *kehillah* permission to hold an unveiling ceremony, claiming they had no right to remember for the non-Jews or non-religious Jews also murdered there, but the community held the ceremony anyway. <sup>13</sup> These instances illustrate the mixed opinions and enforcement of the Soviet administration, especially in light of the support of Jewish members of said administration in the early years following the war.

There was a turn, however, following May 1948, upon the establishment of the state of Israel. In Chernevtsky, for example, a request was made to the CARC for permission to fundraise and build a monument at the site where Jews had been executed in 1941, but the local representative's superior in Kiev replied in July 1948 that "the question of building a monument is of concern to the entire population of Chernevtsy," not just its Jews, and that "fundraising in synagogues for the construction of a monument should be totally prohibited." A similar request in Priluki, in the Chernigov *oblast*, received an equivalent response:

The stationing of monuments at the graves of victims of German Fascism is the concern of the municipality and not of the religious community. The municipality may involve *all* 

<sup>&</sup>lt;sup>12</sup> Ibid., 279.

<sup>13</sup> Ibid., 279.

<sup>14</sup> Ibid., 283.

*citizens* in this activity.... The *kehillah* should not engage in the construction of monuments.<sup>15</sup>

War memorialization was to be the responsibility of the state on behalf of all its citizens and their shared interests, rather than that of distinct ethno-national groups. Accordingly, the new policy in the Odessa *oblast* as of 1948 was that "monuments were to be built by the municipality and not by the *kehillah*." In Uman, however, in the Kiev *oblast*, where "some 13,000 Jews had been 'burnt alive'... the municipality, which by law should have dealt with the matter, did nothing to alter the situation." This illustrates not only a policy shift away from specifically Jewish memorialization at the time, but moreover, an inertia on the part of the authorities to step in for the officially demobilized *kehillot*.

Weiner explains that with the establishment of the state of Israel in 1948, there was an ensuing Soviet "anti-cosmopolitan campaign," the rationale being that rootless cosmopolitanism was synonymous with anti-patriotism. <sup>18</sup> He writes,

In a polity that identified military service with local, national, and supranational Soviet identities, and sacrifice on the battlefield as a sign of true patriotism, exclusion from the myth of the war amounted to exclusion from the Soviet family. A similar outcome, if only through a different practice, emerged from the commemoration of wartime suffering... memory of the Jewish catastrophe was submerged within the universal Soviet tragedy, erasing the very distinction at the core of the Nazi pursuit of racial purity. <sup>19</sup>

16 Ibid., 284.

<sup>15</sup> Ibid., 283.

<sup>17</sup> Ibid., 286.

<sup>18</sup> Ibid., 232.

<sup>19</sup> Ibid., 232.

In other words, there was a presumed link between Zionism and anti-patriotism. Therefore, the risk of a particularistic memorialization of Jewish suffering at the hands of Nazi Germany would be, in Soviet post-War logic, the exclusion of Jews from the "Soviet family."<sup>20</sup> In turn, the Jewish Holocaust was swallowed whole in official memory by a broader image of universal Soviet wartime losses. And therefore, though instrumentalized *during* the war, Arkadi Zeltser asserts that following the war,

The theme of Jewish heroism and the idea of the unity of the Jewish people could no longer be used to oppose to Nazi antisemitic propaganda and to mobilize Jews in the USSR and abroad to support the fight of the Soviet Union against its enemy. The Soviet authorities already had other aims.<sup>21</sup>

As of 1948, Jewish heroism would be associated with cosmopolitanism and Jewish nationalism, and the official historical narrative was to be held tightly to Soviet patriotism.

Nevertheless, Jewish memorialization efforts did not cease. The Jews of Berdichev, for example, built "symbolic monuments" at the Jewish cemetery in the early years following the war, and were able to erect a more substantial monument in the early 1950s. When that one disappeared, the community fundraised extensively to replace it and even substituted in a secret Yiddish or Hebrew ("Evreiskii," or 'Jewish,' which could refer to either language") inscription

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<sup>&</sup>lt;sup>20</sup> It is worth emphasizing the distinction here between Soviet ideologies, in general, and the unique character of post-War Soviet ideology. The emphasis on universalization was heavier after the Second World War if only because losses were so widespread that total universalization was an opportunity to unify an ethno-nationally divided people.

<sup>&</sup>lt;sup>21</sup> Arkadi Zeltser, "How the Jewish Intelligentsia Created the Jewishness of the Jewish Hero: The Soviet Yiddish Press," in *Soviet Jews in World War II: Fighting, Witnessing, Remembering*, ed. Gennady Estraikh and Harriet Murav (Brighton: Academic Studies Press, 2014), 123.

that did not match the more broad Russian one that had been included earlier.<sup>22</sup> It is worth noting, however, that these accounts relayed by Mordechai Altshuler might represent a concerted effort to emphasize Jewish acts of memorialization. In turn, there may be many more such examples where Jewish communities were not engaged in this type of commemoration, or were unable to overcome the censoring orders of the local authorities. He writes,

A place in the historical memory must be found for those thousands of Jews who invested years of indefatigable toil in the commemoration of Holocaust victims across the USSR. Their profound commitment despite the authorities' opposition must be recognized... Soviet Jewry, like Jewish communities in most East European countries, fervently wished to memorialize the victims of the Holocaust. Soviet Jews acted intensively for years, even during Stalin's last days, to make this possible... This alone illustrates the vast importance that these Jews attributed to Holocaust commemoration.<sup>23</sup>

Altshuler points to a wish and effort of some Soviet Jews to acknowledge the German forces' specific targeting of Jewish Soviets during the Holocaust, despite strong Soviet ideologies that rendered this politically dangerous.

The Soviet administration favored more generalized and universal representations of the war to specifically Jewish ones, as per communist ideals of equality and uniformity. In "Memory of Excision, Excisionary Memory," Amir Weiner describes a key effort of the Soviet apparatus in the early years following the war:

A major platform for the articulation of this commemorative canon of the war were the reports of the Extraordinary State Committee for the study of German-fascist atrocities.

<sup>&</sup>lt;sup>22</sup> Ibid., 289.

<sup>&</sup>lt;sup>23</sup> Ibid., 291.

The stated goal of the committee was to chronicle the human and material losses at the hands of the Axis forces, which it did in the most detailed and graphic manner. Jewish victims figured highly in the reports, but only as individuals bearing Jewish names and not as a distinct group marked collectively by the perpetrators. The Jewishness of victims was not specified even in testimonies on massacres that were directed solely against Jews. Thus the Committee outlined a long-standing pattern in establishing the myth of the war.<sup>24</sup>

As with any piece of history, the Second World War was subject to myth-making, and the administration deliberately established this historical moment as a universalized and unifying myth for the Soviet Union. Weiner cites the ordeal of The Black Book as it echoes the State Committee's position. Compiled by II'ia Ehrenburg and Vasily Grossman, the book meticulously logs both anti-Jewish crimes and Jewish participation in the anti-Nazi resistance during the war. The book was prohibited in 1946 by the Central Committee, cited as too particularistic in its ethnic recognition and, as such, anti-Soviet. Weiner writes, "Intentionally or not, Grossman's preface cracked the wall of uniformity in the presentation of suffering." In turn, the authors were charged with advancing "a particularistic and inaccurate representation of suffering." The official State response explained,

The idea of some imaginary hierarchy is in itself incorrect. The documents of the Extraordinary State Committee convincingly demonstrate that the Hitlerites destroyed, at

<sup>&</sup>lt;sup>24</sup> Amir Weiner, "Memory of Excision, Excisionary Memory," in *Making Sense of War: The Second World War and the Fate of the Bolshevik Revolution*, ed. Amir Weiner (Princeton: Princeton University Press, 2001), 213.

<sup>&</sup>lt;sup>25</sup> Ibid., 215.

one and the same time, Russians, Jews, Belorussians, Ukrainians, Latvians, Lithuanians, and other peoples of the Soviet Union.<sup>26</sup>

In response to Ehrenburg and Grossman's efforts, the State cited their own evidence to deny the particularistic targeting of the Jews within the context of the war at large. Unsurprisingly, the Black Book was barred from being published or circulated in the Soviet Union.<sup>27</sup>

Ehrenburg, who himself was Jewish and served as chief Soviet propagandist during the war for the JAFC, was "one of the very few public figures of the time who alerted the public to the massive destruction suffered by the Jewish community."<sup>28</sup> And yet, even he ardently defended Soviet Jews against accusations of evading active duty.<sup>29</sup> Zvi Gitelman explains:

In contrast to Russian-language publications, Soviet Yiddish publications pay a great deal of attention to the Holocaust, but they emphasize aid to persecuted Jews by non-Jewish Soviet citizens and the leading roles played in Jewish resistance by communists.<sup>30</sup> There were, indeed, representations put forward by Jews in Yiddish, but these supported

Nevertheless, this framing, too, would be met with resistance. Weiner recounts developments in commemoration in the 1960s:

remembering the Soviet war *effort*, rather than only emphasizing Jewish victimhood.

The twentieth anniversary of the Great Patriotic War in 1965 marked the transition from a living to a historical memory of this cataclysmic event and a determined attempt to

<sup>&</sup>lt;sup>26</sup> Ibid., 216.

<sup>&</sup>lt;sup>27</sup> Ibid., 216.

<sup>&</sup>lt;sup>28</sup> Gennady Estraikh and Harriet Muray, "Preface," in Soviet Jews in World War II: Fighting, Witnessing, Remembering, ed. Gennady Estraikh and Harriet Murav (Brighton: Academic Studies Press, 2014), 12.

<sup>&</sup>lt;sup>29</sup> Ibid., 12.

<sup>&</sup>lt;sup>30</sup> Zvi Gitelman, "History, Memory and Politics: The Holocaust in the Soviet Union," Holocaust and Genocide Studies 5, no. 1 (1990): 23.

develop a commemorative canon and a sense of closure... But no olive branch was extended to the Jewish community. On the contrary, Jews were branded as traitors to the war effort.<sup>31</sup>

The war was moving further into historical memory, and it was imperative for the legitimacy of the Union that it fit nicely into the new Soviet story. Weiner continues, "If the myth of the October Revolution was perceived as 'Judaicized' beyond repair, then the new myth of the Great Patriotic War would not suffer the same fate." In a secularized Soviet Union, the administration feared that the Jewish role in the state's victory would be perceived as too great, as had been said of the October Revolution. This moment was to be a legitimating one for the relatively young Soviet nation; remembering specific Jewish war efforts risked undermining that legitimacy.

It is important to recognize, at this point, that the Holocaust was to be set against the backdrop of general devastation in the Soviet Union—a mere episode within the broader destruction and horror of the war. As Weiner referenced, the period commonly called the "Second World War" or even the "Holocaust" or "Shoah" in the West was called the *Great Patriotic War* in the Soviet Union, and still is in many Russian-language sources. <sup>33</sup> The label itself is telling, illustrating that, "In this setting, the glorification of victory was soon more important than remembering the victims, and little attention was paid to the victims' ethnic background." <sup>34</sup> Moreover, the nature of the war itself was different than in Western Europe. Firstly, as Zvi Gitelman explains, extreme inter-ethnic violence was common in the Western

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<sup>&</sup>lt;sup>31</sup> Weiner, "Memory of Excision" 233.

<sup>&</sup>lt;sup>32</sup> Ibid., 235.

<sup>&</sup>lt;sup>33</sup> Estraikh, "Preface," 7.

<sup>&</sup>lt;sup>34</sup> Catherine Merridale, "War, Death, and Remembrance in Soviet Russia," in *War and Remembrance in the Twentieth Century*, ed. Jay Winter and Emmanuel Sivan (Cambridge: Cambridge University Press, 1999), 61-83.

edges of the Soviet Union in a way unmatched in Western Europe.<sup>35</sup> This was compounded by the Nazis' willful destruction of Soviet property and people, at times burning down entire villages in a way that was seen as anomalous and notably barbaric in Western Europe.<sup>36</sup> Total war and massive losses across an array of nationalities and religions tremendously complicated the memorialization of specifically Jewish losses. Furthermore, the defeat of Nazi Germany and general Soviet victory would become a source of solace for Soviet citizens. As such, Soviet collaboration with the Nazis was a subject to be avoided, not out of sheer anti-Semitism, but rather, because it undermined Soviet victory and Soviet unity.<sup>37</sup> Hence, the often noted *lack* of memorialization of Jewish losses was not necessarily a matter of the Soviet administration having been anti-Semitic, but rather, one of Soviet officials deeming it more important to view Jews as simply a part of the Soviet peoples' struggle (as a whole) against the Germans.

Instead, the Nazi horrors committed against Soviet citizens would be framed in terms of a communist-capitalist tension, linking the canonization of the Great Patriotic War to an affirmation of the Revolution and the Soviet polity at large, rather than a solely racist campaign. Gitelman recounts that,

While the perpetrators of the Holocaust had the same general goal in all the areas they conquered, in the Soviet Union they declared the specific aim of eradicating Bolshevism as well as the Jews, which they equated. There was a prominent political dimension as well as a racial one to the attack on the Soviet Union.<sup>38</sup>

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<sup>&</sup>lt;sup>35</sup> Zvi Gitelman, "Afterword: Soviet Jews in World War II: Experience, Perception and Interpretation," in *Soviet Jews in World War II: Fighting, Witnessing, Remembering*, ed. Gennady Estraikh and Harriet Murav (Brighton: Academic Studies Press, 2014), 254.

<sup>36</sup> Ibid., 254.

<sup>&</sup>lt;sup>37</sup> Gitelman, "History, Memory, and Politics," 23.

<sup>&</sup>lt;sup>38</sup> Gitelman, "Afterword: Soviet Jews in World War II," 253.

The war in Eastern Europe had its own ideological logic, where Nazi Germany was understood as diametrically opposed to Soviet Bolshevism. From the Soviet perspective, Nazi racism would be framed as "an outgrowth of capitalism." Gitelman asserts:

For the Soviet government, the Holocaust was seen as an integral part of a larger phenomenon—the murder of civilians—whether Russians, Ukrainians, Belorussians, Gypsies, or other nationalities. It was said to be a natural consequence of racist fascism...

Thus, the roots of the Holocaust lay in capitalism, expressed in its most degenerate form.

The notion that racism was an extension of capitalism meant, then, that the Jewish plight would be interpreted as equal to those of other nationalities within the Soviet Union, all of whom were targets of Nazi anti-Bolshevism. Gitelman cites "the emergence of the war as the core legitimizing myth of the polity." That is, the legitimacy of Soviet ideology, and in turn, the fairly young Soviet Union itself, was at stake. This caused a universalization—and by consequence, erasure—of the uniqueness of Nazi anti-Semitism. Weiner builds on this notion: "total excision in the Soviet polity was not necessarily exterminatory nor did it operate by a racial-biological code." That is, excision held a distinctly political image in Soviet ethos, unlike traditionally ethnic understandings of genocide in the West.

Consequently, the Jewish Holocaust would be subsumed by the Soviet ideal. William Korey writes: "In the Soviet Union after the Second World War, Jews, Jewish identity and

40 Ibid., 260.

<sup>&</sup>lt;sup>39</sup> Ibid., 260.

<sup>41</sup> Ibid., 226.

<sup>&</sup>lt;sup>42</sup> Weiner, "Memory of Excision," 207.

Jewish history were taboo, or stigmatised." His observation points to the fact that to acknowledge a unique Jewish story within the broader framework of the war would undermine Soviet political victory. As a result, Jews' participation in combat was ignored if not outright denied. Weiner explains, for example, that Jews had disappeared from public depictions of the war by the time Stalin addressed the Red Army commanders. His illustrates the extent to which representations had been mindfully shifted from the beginning of the war to the period of time immediately afterward, when Soviet publications would either omit or universalise Jewish losses in the Great Patriotic War. Even Jewish partisanship, which illustrated undeniable patriotism, was suppressed:

The denial of Jewish combat heroism pointed to some deeper concerns and images with respect to Jews. The authorities fiercely resisted all attempts to carve out a particularistic Jewish space within the all-encompassing myth of the war. The Jews' self-perception of the uniqueness of their wartime experience threatened to undermine the universality of suffering and the ethnonational hierarchy of heroism, the twin pillars of the ethos of war. If the recollections of Jewish partisans are accepted at face value, then they went out of their way to exact a special revenge on the enemy.<sup>46</sup>

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<sup>&</sup>lt;sup>43</sup> William Korey, "Anti-Semitism and the Treatment of the Holocaust in the USSR/CIS," in *Anti-Semitism and the Treatment of the Holocaust in Postcommunist Eastern Europe*, ed. Randolph Braham (New York: Columbia University Press, 1994), 207-24.

<sup>&</sup>lt;sup>44</sup> Weiner, "Memory of Excision," 208.

<sup>&</sup>lt;sup>45</sup> Klas-Göran Karlsson, "The Holocaust and Russian Historical Culture," in *Echoes of the Holocaust: Historical Cultures in Contemporary Europe*, ed. Klas-Göran Karlsson and Ulf Zander (Lund: Nordic Academic Press, 2003), 201-22.

<sup>46</sup> Ibid., 222.

Any potential for validating a unique Jewish experience of the war was to be allayed. The telling of this story as a universal one, rather than a Jewish one, was paramount to the successful construction of Soviet identity, and therefore, Soviet society.

With this knowledge, one is able to nuance perceptions of an outright anti-Semitic and even anti-Zionist Soviet Union. Moving away from Altshuler's approach, which frames Soviet Jews as simply wronged by the State and which might lend itself too easily to an image of blatant anti-Semitism, one comes to understand Holocaust memorialization in the Soviet Union *in context* of Soviet ideologies of the time: universalism, anti-cosmopolitanism, and anti-fascism. Weiner explains:

To regard the exclusion of the Jews from the postwar Soviet body national as being exclusively rooted in traditional anti-Semitism is to risk teleological reductionism, which both ignores a rather complex environment and obscures the specific conditions and developments that turned a certain myth, one among several, into a hegemonic one.

It would be overly simplistic to frame post-War Soviet narrative-writing as blatant anti-Semitism—a reduction of the complexity of Soviet political ideology at the time. Weiner continues by reframing Soviet anti-Zionism vis-à-vis its context. He writes:

To paraphrase David Nirenberg's apt insight, our task is to marry discourse and agency. Entrenched and prevalent as it was, the negative traditional discourse about Jews acquired force only when people chose to find it meaningful and useful, and it was itself reshaped by these choices.<sup>47</sup>

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<sup>&</sup>lt;sup>47</sup> Weiner, "Memory of Excision," 209.

The "choices" Weiner (as per Nirenberg) mentions likely alludes to the Zionist movement's force within the Union following the war, which elicited substantial state suspicion. Any nationalism other than Soviet—especially Zionism—was counter to Soviet values. One could not hold dual loyalties. Altshuler himself admits that "both the communities and the authorities were keenly aware of the broad significance of the Jews' activities in commemorating the Holocaust… that these actions strengthened the collective Jewish national consciousness." Accordingly, commemorative efforts would easily be understood as Zionist and thus anti-Soviet. Weiner echoes this analysis. He writes:

The establishment of the state of Israel in May 1948 was problematic enough for the already sensitive status of the Jewish community, transforming it overnight into a diaspora nation with a sovereign external homeland. The birth of the Jewish state amid a ferocious war instantly made it a living symbol of Jewish heroism at a time when the very notion of Jewish courage was being denied at home. A common thread throughout thousands of letters to the JAFC was the link drawn between the Jewish catastrophe in Europe and its redemption in Israel. Not only was the universalization of suffering rejected, its redemption could take place only outside the Soviet polity, in Israel.

The Holocaust's rhetorical ties to justifying the establishment of the state of Israel served to exacerbate both the administration's suppression of Holocaust commemoration and its reinforcement of Soviet universalism.

Paradoxically, this also served to exacerbate Jews' Zionist sentiments. One site that has encompassed this effect is Babi Yar, the ravine near Kiev where Nazis notoriously slaughtered

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<sup>&</sup>lt;sup>48</sup> Altshuler, "Jewish Holocaust Commemoration," 91.

<sup>&</sup>lt;sup>49</sup> Weiner, "Memory of Excision," 224.

over 30,000 Jews, as well as tens of thousands from other ethnic groups, in 1941. After several blocked attempts to erect a memorial to the site's predominately Jewish victims, American college students brought bones from the site to Israel and a memorial was dedicated by Israeli Prime Minister Golda Meir in 1972. An annual ceremony is held at the memorial to this day on the Israeli day of Holocaust remembrance, Yom HaShoah. An official Soviet memorial was erected in 1976 at the Babi Yar site itself, but only in name of "Soviet citizens and POWs shot by the Nazi occupiers." This affair—seen as an epitomization of Soviet Holocaust memorialization—illustrates the following paradox Gitelman describes: "Soviet treatments of the Holocaust have aroused curiosity, disappointment, resentment and bitterness among some Soviet Jews and in many cases have raised Jewish national consciousness." That is, in some cases where the administrations' suppression of Jewish memorialization increased, so too did Zionist sentiment, and vice versa.

Nevertheless, this Jewish national consciousness was not consistent; rather, it had long been asserted as such due to a dearth of research within the Soviet Union prior to its collapse.

This was compounded by the plethora of distinctly American perspectives on the issue that have come to dominate in its place. And yet, Gitelman writes: "Contrary to much western writing on Soviet treatments of the Holocaust... there is considerable variation in Soviet historiography." 54

<sup>&</sup>lt;sup>50</sup> William Korey, "A Monument Over Babi Yar?," in *The Holocaust in the Soviet Union: studies and sources on the destruction of the Jews in the Nazi-occupied territories of the USSR, 1941-1945*, ed. Lucjan Dobroszycki & Jeffrey Gurock (Armonk: M.E. Sharpe, 1993), 61-74.

<sup>&</sup>lt;sup>51</sup> Shmuel Spector, "Babi Yar," in *Encyclopedia of the Holocaust*, ed. Israel Gutman (New York: Macmillan, 1990).

<sup>&</sup>lt;sup>52</sup> Jean-Marie Chauvier, "Ukraine's past horrors: Babi Yar," Le Monde Diplomatic, August 11, 2007

<sup>&</sup>lt;sup>53</sup> Gitelman, "History, Memory, and Politics," 23.

<sup>&</sup>lt;sup>54</sup> Ibid., 23.

Today, one might find contrary research to dominant western accounts. Particularly if one takes books, memoirs, poetry, and other media of cultural representation as memorials or memory-making works, one finds significant diversity of ideological stances.

Gennady Estraikh and Harriet Murav's 2014 book following a conference, entitled Soviet Jews in World War II: Fighting, Witnessing, Remembering, illustrates the nuance of Jewish experiences and perspectives of the Holocaust and the Great Patriotic War. Here, the editors of the work themselves take part in an ongoing narrative writing and re-writing process. As Estraikh and Murav note, "scholars have largely ignored the Soviet Jewish literary and cultural response to the Holocaust"—that is, in film, poetry, literature, and so on—in part because memorials are more likely perceived as political than the arts, and in part because it requires a greater patience for ambiguities and contradictoriness. <sup>55</sup> On that account, their compilation offers evidence in the arts of distinctly Soviet Jewish memory of the war, otherwise muted in the public realm.

The book also includes both Russian and Yiddish language texts to reflect the dual Russian-Yiddish linguistic nature of the Jewish Anti-Fascist Committee, "which for the first time during the Soviet period, included under the same institutional umbrella both Yiddish language and Russian language writers," thus contesting the binary linguistic nature of much of the earlier historical analysis of the period. <sup>56</sup> As such, the authors also offer a new perspective: that Jews shaped the Soviet war narrative by developing the cultural content to accompany the traditional historical text of monuments, political declarations, etc. <sup>57</sup> They highlight writers such as Anatolii

<sup>55</sup> Estraikh, "Preface," 12.

<sup>&</sup>lt;sup>56</sup> Ibid., 9.

<sup>&</sup>lt;sup>57</sup> Ibid., 9.

Rybakov and Emanuil Kazakevich—"Jewish intellectuals who served on the front lines [and] subsequently rose to prominence as members of the Soviet cultural establishment." For example, in Oleg Budnitskii's essay, "Jews at War: Diaries from the Front," one finds diary entries revealing the quotidian existence of Jews on the front. Through detailed analysis, Budnitskii illustrates that "his subjects' Soviet identity was far more important to them than their Jewishness." That is, Jewish participants in the war were both distinctly Jewish and also "normally" engaged on the front. This contests overly simplistic binary notions of Jews and Soviets, Holocaust rememberers and Holocaust erasers, cosmopolitan Zionists and patriots.

Other chapters contest traditional binary understandings of the war and interethnic relations therein. Estraikh's chapter, "Jews as Cossacks: A Symbiosis in Literature and Life," traces the cooperation referenced in Jewish literature between Jews and Cossacks, the semi-autonomous militarized people of the South Russian and South-East Ukrainian regions. Estraikh argues that Jewish literature reflected a "new phenomenon of Cossack-Jewish cooperation, fostered by the Soviet policy of the brotherhood of nations, in their portraits of Jewish wartime heroism." For example, cases are cited of Cossacks who hid their comrades' Jewish identities in order to save them when taken by Nazis as prisoners of war. Through cooperation and stories of shared heroism, Jewish soldiers would be able to take on an identity of Soviet patriotism just as any other ethnic group might. Similarly, in Zelter's chapter, "How the Jewish Intelligentsia Created the Jewishness of the Jewish Hero: The Soviet Yiddish Press," one learns how the *Eynikayt* of the JAFC "crafted a specifically Jewish type of hero, using references

<sup>58</sup> Ibid., 9.

<sup>&</sup>lt;sup>59</sup> Ibid., 12.

<sup>60</sup> Ibid., 12.

to Jewish history." This illustrates a dual Soviet Jewish identity that was being fostered at the time, despite common notions of a Zionist/Soviet binary; Jews were not merely "Jewish heroes," but "Soviet Jewish heroes."

Along similar lines, the JAFC is typically mis-represented with regards to its Jewish actors' ideological views and efforts. When the JAFC was established by Stalin's ideologists, those suited to work there were either those who had previously worked in the Yiddish sections at the Soviet Writers' Union, or the stars of the Moscow State Yiddish Theater—both state-sponsored organizations. Further, Zeltser explains: "Due to the efforts of its writers and editors, for the entirety of its existence Eynikayt was both Soviet and Jewish, not simply Soviet." That is, though the JAFC is typically cited as a site of Jewish memory-making within an anti-Jewish and universalized Soviet Union, Zeltser asserts that in reality, the organization's Jewish actors, as illustrated above by the efforts of Ehrenburg, were indeed loyal to the USSR. Their hybrid identity, however, did not fit neatly into historical accounts of a Zionist Soviet Jewry and an anti-Zionist Soviet administration.

Conversely, Joshua Rubenstein cites state or state-sponsored acknowledgements of the Jewish Holocaust in the early years, countering Altshuler's earlier claims that early commemoration took on a distinctly grassroots community nature among the *kehillot*. In his chapter entitled "Il'ia Ehrenburg and the Holocaust in the Soviet Press," Rubenstein contests the "widely held belief that the regime was studiously silent about German atrocities toward the

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<sup>&</sup>lt;sup>61</sup> Ibid., 12.

<sup>62</sup> Ibid., 10.

<sup>&</sup>lt;sup>63</sup> Zeltser, "Jewish Intelligencia," 105.

Jews during World War II."64 He cites Ehrenburg as a representative of the regime, writing for the Soviet press and thus equally representative of "official Soviet attitudes." He admits, "the Soviet press did not cover the mass murder of its Jewish citizens with anywhere near the prominence it deserved," but nonetheless asserts, "it is a falsification of the historical record to claim that the press did not cover it at all." For example, in November 1941, Rubenstein recounts, Stalin delivered a speech accusing the Germans of "happily organizing medieval pogroms against the Jews, just as the tsarist regime had done before." Similarly, following the German invasion, the Kremlin prepared a symposium of prominent Jewish cultural figures, during which they were to make an international appeal over short-wave radio "directed to Jewish communities" so as to bolster support in the West. 68 Though Stalin's aims were not purely humanitarian, he did freely allow the fostering of Jewish solidarity during the war. Rubenstein explains that major figures such as Yiddish actor/director Solomon Mikhoels, Yiddish poet Peretz Markish, and Il'ia Ehrenburg all "highlighted the suffering of their fellow Jews in Poland and in newly occupied Soviet territory"—speeches which had of course been approved by Soviet state officials. <sup>69</sup> These speakers made appeals to their fellow Jews, calling upon a united Jewish people, despite the fact that Soviet propaganda had prior denied the

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<sup>&</sup>lt;sup>64</sup> Joshua Rubenstein, in *Soviet Jews in World War II: Fighting, Witnessing, Remembering*, ed. Gennady Estraikh and Harriet Murav (Brighton: Academic Studies Press, 2014), 36.

<sup>65</sup> Ibid., 36.

<sup>66</sup> Ibid., 37.

<sup>67</sup> Ibid., 37.

<sup>&</sup>lt;sup>68</sup> Ibid., 37.

<sup>69</sup> Ibid., 38.

existence of any cohesive Jewish people at all. This work illustrates the role of the state itself, as Gitelman also acknowledged, in forging global (or cosmopolitan) Jewish unity.

These chapters of Estraikh and Murav's book serve to prove that now that the ideological veil has been lifted, academics might seek out more nuanced narratives, participating in the never-ending work of retroactive history-making as it were. According to Yael Zerubavel, the sum of commemorations of a particular part of history constitutes a *master commemorative narrative*; one which can be given new meaning—reified or contested—in the form of *countermemory*, where various social groups act as dynamic cultural forces in reshaping the narrative. Multiple forces worked in opposition to forge master and counter narratives from the beginning of the war through to the collapse of the USSR (and beyond to the present day). Academics, too, participate in the continuation of this work, often uncovering meaningful counter-narratives with which to nuance historical knowledge and perhaps even its political usages. It is the difficult work of the historian to remember the ideologies which constituted the master commemorative narrative at any given time, while also giving sufficient attention to counter-narratives, each of which tells a different story in the continual re-packaging of past, present, and future.

The struggle for recognition of the Jewish Holocaust within the greater landscape of the Great Patriotic War and post-War Soviet ideologies had significant impacts on Jews of the time. Jews were pressured to choose between two strong identities—Jewish and Soviet—at great personal and socioeconomic costs. Jeffrey Alexander's theory of "cultural trauma" states that the

<sup>70</sup> Ibid., 38.

<sup>&</sup>lt;sup>71</sup> Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (Chicago: University of Chicago, 2007).

recognition or lack thereof of a particular culture's trauma holds significant implications for said cultural group's inclusion or exclusion within a given society. This paper traces—in broad strokes—the ebbs and flows of memorialization for Jewish Holocaust victims in Soviet Russia, taking into consideration the general Soviet ideological landscape of the time. That being said, deeper research into the broad spectrum of positions on commemoration and memory across Soviet Jewish communities—a more nuanced understanding of these ideological push and pull factors—would help to better understand the evolving role of Soviet Jews in greater Soviet society and within the Jewish diaspora at large following the war.

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<sup>&</sup>lt;sup>72</sup> Jeffrey Alexander, "Toward a Theory of Cultural Trauma," in *Cultural Trauma and Collective Identity* (Berkeley: University of California Press, 2004), 1-30.

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## **Criminal Procedure in Islamic Law and English Common Law**

#### KASHIF AZAM

One of the primary focuses of law has always been criminal procedure. Since ancient times, lawmakers have understood that a legal system is powerless if it does not address criminal procedure. Every legal code, from the Ten Commandments to the Napoleonic Code, included mechanisms to punish violations. More sophisticated legal systems developed adjudication processes, and codified criminal procedures to complement these processes. Sharia law and English common law are two examples of such legal codes. Despite developing in drastically different cultures, criminal procedure in Sharia law and common law are surprisingly similar. Both legal systems share core characteristics and developed similar criminal procedures despite being geographically and temporally isolated from each other.

Common law was born shortly after the Norman conquest of England under William 'the Conqueror'. Between the collapse of Roman influence on the island in the 5th century and the Norman conquests in 1066, there were only three major attempts to enforce an island-wide code. During this period English law remained primarily customary and far from standardized. The first attempt to standardize the law was under King Æthelbert of Kent in the 7th century. Æthelbert's legal code was heavily influenced by St. Augustine but, due to its religious nature, had very little legitimacy amongst pagan subjects. <sup>2</sup>

The second major attempt to codify English law was the code of Alfred 'the Great' circa 893 CE. His code was one of the largest and most ambitious legislative enactments to survive from

<sup>1</sup> Frank Stenton. Anglo-Saxon England, (Oxford: Oxford University Press, 1971). 60

<sup>&</sup>lt;sup>2</sup> Patrick Wormald. *The first code of English law*. (Canterbury: Canterbury Commemoration Society with support from the Selden Society and Furley Page Solicitors, 2005). 10

Anglo-Saxon England. This code came to be known as Sea Domboc (Doom book), by his successors. <sup>3</sup> It was a compilation of customs and edicts from Alfred's predecessors and its proliferation was successful largely due to Alfred's reputation and political influence from repelling multiple Viking invasions. <sup>4</sup> A third attempt was made by Canute 'the Great' in 1020. This was the most comprehensive Anglo-Saxon law code, and featured a preamble that stated, "I desire that justice be promoted and every injustice suppressed, that every illegality be eradicated from this land with the utmost diligence, and the law of God promoted." This code was very sophisticated and included punishments for adultery, perjury, sorcery, murder, as well as measures for reforming coinage and repairing bridges or fortifications. Unfortunately, the abrupt death of Canute's heirs and subsequent collapse of his Empire caused the code to lose favor amongst the English successor kingdoms.

England would not see another major attempt to create a uniform legal system until 1066. This was in large part due to the political landscape of the region. Seven Kingdoms constantly jostled for power and influence, resulting in the development of several local law codes with significant customary and legal differences. The gradual change from Anglo-Saxon customary law towards common law began once William became king of England. He declared that all land in England belonged to the king and ordered that an inventory be taken of all land and who occupied it. This became known as the 'Domesday book' and was used to determine what taxes had been owed during the reign of King Edward the Confessor, which allowed William to reassert the rights of the Crown and assess where power lay after a wholesale redistribution of land following his

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<sup>&</sup>lt;sup>3</sup> R. J. E. Dammery. (1991). "Law-code of King Alfred the Great" (doctoral thesis).

<sup>&</sup>lt;sup>4</sup> Ibid.,

<sup>&</sup>lt;sup>5</sup> "Law-code of King Cnut." The British Library. October 10, 2014. Accessed May 05, 2017. https://www.bl.uk/collection-items/law-code-of-king-cnut.

conquest. William used the Domesday book to redistribute land in a way that ensured Norman control of the countryside and dispersed his knights to minimize the threat of revolt.<sup>6</sup> This fear of revolt was crucial to the development of common law. William and his followers' inability to assimilate made it "as though an army were encamped in England." <sup>7</sup> This pseudo-military occupation lead to a highly organized and centralized state that differentiated English feudalism from continental feudalism. Common law emerged in the backdrop of this highly centralized administrative structure.

During its formative years, common law was characterized by an obsessively rigid 'writ' system and jurisdictional feuds between local courts and national courts. The two principal types of courts in England prior to the conquest were the hundreds court and the county court. These were locally-based, and they were often presided over by feudal lords. William's invasion also introduced ecclesiastical courts to the nation. The church reforms introduced by William allowed religious ecclesiastical courts to form their own procedures and with independent areas of jurisdiction. These courts heard disputes involving lay people, cases of marriage and bastardy, as well as other matters of religious significance. Before 1154, the relationship between the various types of courts was cooperative, despite having very similar jurisdictions. This situation changed as over time, the "high justice" exercised by William through his *Curia Regis* (royal court) became accessible to lay people.

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<sup>&</sup>lt;sup>6</sup> John W. Head. *Great legal traditions: civil law, common law, and Chinese law in historical and operational perspective.* (Durham, NC: Carolina Academic Press, 2011). 342

<sup>&</sup>lt;sup>7</sup> Ibid., 343

<sup>&</sup>lt;sup>8</sup>"Hundred." Encyclopædia Britannica. February 24, 2012. Accessed April 16, 2018. https://www.britannica.com/topic/hundred-English-government.

By the thirteenth century, royal courts became autonomous bodies that could operate without the direct influence of the King. Westminster became the seat of the royal court and over time the court's jurisdiction grew. Initially, the royal courts dealt with matters relating to royal finances, land disputes, and serious criminal matters. Even during this early period, despite their limited jurisdiction, feudal lords were hesitant to give up their authority to the courts; however, by the end of the century, the royal courts were adopted nationwide. Royal courts had three important advantages over their competitors. They had the unique ability to summon witnesses, to enforce judgements, and to require the swearing of an oath. "For these and other reasons, the royal courts gradually enlarged their jurisdiction at the expense of the local courts." Previously, power courts, such as hundreds courts and county courts, were reduced to handling matters of minor importance while the ecclesiastical courts only handled marriage and affairs of the clergy.

The extensive 'writ' system was another key characteristic of early common law. The writ system significantly reduced the accessibility of common law courts. The typical process through which the courts functioned was as follows;

[T]o press a claim before the kings courts was not a right but a favor which the royal authority might or might not grant. The person who solicited this privilege was first of all to address his request to an important royal official, the Chancellor, asking him to deliver a writ, the effect of which was to enable the royal courts to be seized of the matter upon the payment of fees to the chancery... it was not automatic that a writ would issue form the royal Chancery or that the judges would be convinced that they should take up a matter... each instance had to be individually examined to determine whether it was expedient that the writ should issue.<sup>10</sup>

This cumbersome process helped preserve the life of common courts; however, it ensured that, when feasible, royal courts had a superior jurisdiction.

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<sup>&</sup>lt;sup>9</sup> Head. *Great legal traditions*. 347

<sup>&</sup>lt;sup>10</sup> Ibid., 347

The jurisdictional feuds and writ system paved the way for a series of developments that would come to define modern common law. An emphasis on procedure, rigid categorization of offenses, and emphasis of precedent all directly stemmed from the aforementioned factors. The structure of criminal procedure within common law remained, for the most part, unscathed by these factors. Royal courts were always responsible for handling criminal matters; however, the penal code was always at the discretion of the sovereign. A standardized code of criminal procedure did not exist in England until the 18th century.<sup>11</sup>

Unlike in the case of common law, Sharia law developed in the Arabian Peninsula as a religious legal code.

[I]n pre-Islamic Arabia, criminal offenses were punished when the victim's tribe exacted 'blood revenge' (*lex talionis*) against the tribe of the alleged offender. The consequences for crimes in this society were severe and brutal. For example, punishment for murder was death; for theft, amputation; and for adultery, stoning to death or flogging, along with the blackening of the adulterer's face (with soot). The punishment varied according to the relative social positions of the tribes. Thus, a socially superior tribe punished two victims in lieu of one, a male instead of a female, or a free male in place of a slave. The parties could also agree to arbitrate the dispute and satisfy their grievances through mutually agreed upon compensation (usually paid in camels). In practice, the system of blood revenge led to escalating cycles of retaliation and tribal conflict. Arbitration was usually a last resort following a protracted conflict.

Sharia developed as a reaction to this harsh environment and it is reformist in nature. Sharia in Arabic, translates to "the path leading to the watering place" and was intended to guide Muslims to heaven through a divinely ordained path of conduct. As a legal system, Sharia is exceptionally broad. While other legal codes generally only regulate public behavior, Sharia

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<sup>&</sup>lt;sup>11</sup>Leon Radzinowicz. *A history of English criminal law and its administration from 1750*. (London: Stevens & Sons, 1987.)14

<sup>&</sup>lt;sup>12</sup> Matthew Lippman, *Islamic Criminal Law and Procedure: Religious Fundamentalism v. Modern Law*, 12 B.C. Int'l & Comp. L. Rev. 29 (1989), <a href="http://lawdigitalcommons.bc.edu/iclr/vol12/iss1/3">http://lawdigitalcommons.bc.edu/iclr/vol12/iss1/3</a> <sup>13</sup> Ibid.,

regulates public behavior, private behavior and even private beliefs. The legal system developed hand-in-hand with Islam and is an integral part of Islamic Law. The first *Umma* (Muslim community) was established by the prophet Muhammad in 622, and initially the only legal guidelines were those in the Quran. However, the Quran was far from a comprehensive legal code, and generally only addressed broad concepts that reinforced certain aspects of Arabian customary law. Only 350 of over 6200 verses from the Quran dealt with legal matters; so, whenever conflicts arose outside of the Quran's guidelines, the matter had to be submitted to Mohammad personally for review.<sup>14</sup>

The prophet, as a messenger of Allah, was considered the highest authority within the community and had complete jurisdiction over legal matters. This meant that Muhammad's personal life had a large impact on the development of Sharia. A vast majority of legal Sharia was developed after Muhammad's conquest of Mecca, when the Muslim community became capable of enforcing their own legal codes. Prior to the conquests, Muhammad's revelations addressed issues of morality and reinforced Islamic dogma. Due to the polytheistic and "depraved" culture in Arabia at the time, idolatry and mistreatment of the needy were among the most grievous offenses. Once the Umma was politically established, the prophet began addressing traditional legal matters as well as a penal code. This penal code, known as the *Hudūd*, was only implemented during the last two years of the prophet's life. A gradual, case-by-case, development of Islamic legislation is characteristic of Sharia law and shares a similarity to the role of precedent in common law. After Muhammad's death, his moral and legal decisions came to be known as the *Sunnah*. The Caliphs that succeeded Muhammad considered the Quran to be the primary source of law but

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<sup>15</sup> Idem.. 3

<sup>&</sup>lt;sup>14</sup> Mohammad Hashim Kamali. *Shari'ah Law: An Introduction*. (London: Oneworld Publications, 2008) 2

the Sunnah was frequently used as a secondary source for matters not addressed by the Quran. A third category of problems, those not addressed in the Quran or the Sunnah, were left to the judgement of the sovereign. This was known as *ijtihād*, and over time developed into a large part of Sharia.

In 661, after the era of the fourth rightly-guided Caliphs, the Umayyad Caliphate produced a much more comprehensive legal code. They appointed judges, or  $q\bar{a}d\bar{i}s$ , to various provinces and districts, and formed an organized judicial system. The  $q\bar{a}d\bar{i}s$  were responsible for administrating and legislating Umayyad administrative and fiscal law. Since the  $q\bar{a}d\bar{i}s$  were also the representatives of local law, elements of Byzantine and Persian law were often absorbed into Islamic legal practice in conquered territories. During this period judicial decisions were still based upon the rules of the Quran or Sunnah when relevant, but a vast majority of rulings came from  $ijtih\bar{a}d.$ 

A consequence of this new era of Islamic political authority was the development of different schools of Islamic law. This became a conflict, similar to the battle of courts in England. Pious scholars were opposed to the Umayyad adoption of foreign traditions through the use of *ijtihād* and began questioning the Islamic virtue of the Umayyad Caliphate. The movement took off in the early 8th century, when Islamic jurisprudence developed with the aim to Islamize the law by reviewing legal practices in the light of the Quranic principles and, on this basis, adopting, modifying, or rejecting practices as part of their ideal scheme of law.<sup>17</sup>

<sup>&</sup>lt;sup>16</sup> Idem., 5

<sup>&</sup>lt;sup>17</sup> Coulson, Noel James. "Shari'ah." Encyclopædia Britannica. Accessed May 07, 2017. https://www.britannica.com/topic/Shariah.

Hanafi, Shafii, Maliki, Hanbali were four prominent schools of Islamic law that developed in the 8th century. Each school differed considerably from each other largely due to their different social environments. A deep conflict of juristic principle emerged within the schools between, those who believed that outside the terms of the Quran scholars were free to use *ijtihād*, and those who insisted that the only valid source of law outside the Quran lay in the Sunnah. This conflict was resolved by the Shafii school which held that ijtihād should be strictly confined to problems not specifically answered by the Qur'ān or Sunnah. The Islamic schism between Sunni, Shia, and Ibadi lead to the creation and proliferation of numerous other schools of law with drastically different perspectives on Sharia; however, the approach to criminal procedure remained relatively consistent throughout all schools. Most of the disputes amongst schools were over technicalities that tended to leave criminal procedure out of the picture. This mimicked the status of criminal procedure in England after the jurisdictional conflicts; however, unlike in England, Sharia had a sophisticated criminal procedure from very early in its development.

Modern English criminal procedure developed directly from early common law. Modern procedure begins with the police department. Minor crimes are dealt with by the police department on a case-by-case basis. The police can decide to resolve minor crimes by giving a caution, a police fine, or a community resolution. In some minor cases the victim can simply accept an apology. The police are responsible for deciding whether or not to charge someone with a minor crime. If charged with a crime, the Crown Prosecution Service reviews the case submitted by the police and advises them on grounds for possible prosecution. The CPS determine what defendants should be charged with in more serious or complex cases. Their decision to prosecute is based on whether

<sup>&</sup>lt;sup>18</sup> Kamali. *Shari'ah Law*. 1

there is enough evidence to prove the case, and whether it is in the public interest to bring the case to court.

Unlike in Common Law tradition, any criminal procedural safeguards that are not prescribed in the Quran or the Sunnah are left to the discretion of the sovereign; however, the ruler's formulation of procedural rules is strictly guided by various Quranic principles. 'Criminal procedure' in Sharia was established along certain guidelines mandated indirectly by the Quran. These are as follows; "respect for the individual is the central precept of Islam... free men are equal before the law and are entitled to equal protection from the law, judicial and governmental decisions must conform to the Sharia, law is not to be applied retroactively, the accused is presumed innocent until proven guilty, and the individual is to be punished in accordance with the harm inflicted upon humanity, society, and God." In Sharia, criminal acts are divided into three categories. *Hudūd* offenses are crimes against God whose punishment is specified in the Quran and the Sunnah. The state is responsible for the prosecution of hudūd offenses. Quesas are crimes of physical assault and murder punishable by retaliation or 'the return of a life for a life' in case of murder. The victim or the surviving heirs may waive the punishment and ask for compensation (blood-money or diyya) or pardon the offender. Ta'azir are offenses whose punishments are not fixed by the Quran or Sunnah and are open to the discretion of the  $q\bar{a}d\bar{t}$ . Unlike in the common law tradition, the system of pre-trial detention and release on monetary bail is generally not recognized because it restricts an individual's freedom of movement, which is protected by the Quran.

<sup>&</sup>lt;sup>19</sup> Lippman. Islamic Criminal Law. 47

<sup>&</sup>lt;sup>20</sup> Idem. 39

In England, if the Crown Prosecution Service decides to pursue the case, they refer the case to either the Magistrates' court or the Crown court, depending on the severity. If the allegation against the individual is a 'summary offense' then the accused is tried immediately because it is within the jurisdiction of the Magistrates' Court. More serious cases, that have to be tried on an indictment, are sent to the Crown court. Cases that fall under the jurisdiction of both courts are first offered to the Magistrates' court and then to the Crown court. A hearing is held where magistrates (in a Magistrates court) or a jury (in a Crown court) decide if the accused is guilty.<sup>21</sup> Magistrates courts are run by 'Justices of the Peace' who are local citizens that volunteer their services. They do not require formal legal qualifications but have to undertake a training program and are given legal and procedural advice by qualified clerks.

In the Sharia tradition, a pre-trial interrogation is conducted by a minister of complaints. As under the common law, the accused has the right to refuse to answer questions and the accused's silence may not be used as evidence of guilt. The Quran explicitly prohibits the use of beatings, torture, or inhuman treatment to extract a confession and "the majority of jurists would exclude evidence or confessions obtained by force or deceit." Another similarity between common law and Sharia is that both the plaintiff and the accused have a right to present evidence at trial and have the privilege of being represented by counsel from the pre-trial interrogation through to the execution of the sentence. The right of an individual and his or her attorneys to present evidence is supported directly by the Sunnah when Mohammad told the governor of Yemen: "If two adversaries come for arbitration, do not rule for the one, before you have similarly heard from the

<sup>&</sup>lt;sup>21</sup> "The criminal justice process." The criminal justice process - Police.uk. Accessed May 07, 2017. https://www.police.uk/information-and-advice/court-service/the-process/.

<sup>&</sup>lt;sup>22</sup> Lippman. *Islamic Criminal Law.* 48

other."<sup>23</sup> Sharia law and English common law also share the stance that it is preferable to let several guilty offenders escape punishment rather than to allow an innocent person to be wrongfully convicted and punished. In Sharia, criminal convictions and punishments are imposed only in cases in which there is a certainty of guilt.

The Crown court is the modern iteration of William's royal courts. Unlike the Magistrates' courts, it is a single entity that sits in 77 court centers across England and Wales. The Crown court employs a jury trial in which the final verdict is determined by a high court judge.<sup>24</sup> Unlike the magistrates, high court judges are extremely qualified and can only be appointed by the Queen. Court hearings under common law operate using an adversarial system. This means that two advocates represent their parties' case or position before an impartial judge, or group of people, who attempt to determine the truth and pass judgment accordingly. Once a verdict is reached by the jury or magistrate, the accused, if found guilty, is issued a sentence.

The sentence can be appealed in the Court of Appeals. Prior to 1934, every appeal was to be considered by either the Crown court or a County court. This was expensive, time consuming, and exploitable so in 1934, the Administration of Justice Act placed limits on the nature of appeals and monopolized the jurisdiction over appeals to the Court of Appeals. When considering an application for appeal, the court either decides based on paper documents or refers the case to an oral hearing. If a written application is refused, the applicant may ask for an oral hearing to discuss the refusal. Criminal appeals are overseen by the criminal division of the court, which also exercises the jurisdiction to order an issue of *venire de novo* (a re-trial by a new jury). Unlike in

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<sup>&</sup>lt;sup>23</sup> Idem., 49

<sup>&</sup>lt;sup>24</sup> "Magistrates' Court." Courts and Tribunals Judiciary. Accessed May 07, 2017. https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/magistrates-court/.

English Common Law, a Court of Appeals does not exist within the framework of Sharia; however, today Sharia nations such as Nigeria have incorporated a Court of Appeals into their legal system.<sup>25</sup>

Criminal procedure in England relies heavily on the adversarial system and the presumption of innocence. These are integral characteristics of English common law and have been present since the Norman conquests. The current manifestation of these values is a fairly modern development; however, these exact principles developed independently, a continent away, in the Middle East. A key difference between the two traditions is that under common law, a jury or judge is exposed to a mass of evidence and must assess its credibility to determine if the defendant's guilt is beyond a reasonable doubt, whereas Islamic law only permits the introduction of evidence which already has a high degree of direct reliability. Sharia requires that direct evidence, as opposed to circumstantial evidence, be produced to issue a conviction. For example, a homicide, may not be established by witnesses testifying that they overheard a violent struggle, saw the accused emerge from his house with a blood-stained knife, and then discovered the victim's body. 26

Another difference between the two traditions is that of defamation. In Sharia, if someone is incapable of producing evidence for a charge, such as adultery, they are charged with defamation and punished for the charge. Defamation laws are also present in English common law; however, the punishment is monetary not corporal. Additionally, in Sharia, women are viewed as having "a weakness of understanding" and are not permitted to act as witnesses except under exceptional circumstances.<sup>27</sup> If the plaintiff or prosecutor produced the strictly required degree of proof, then

<sup>&</sup>lt;sup>25</sup> "Introduction." Guide to Nigerian Legal Information - GlobaLex. Accessed April 17, 2018. http://www.nyulawglobal.org/globalex/Nigeria.html.

<sup>&</sup>lt;sup>26</sup> Lippman. *Islamic Criminal Law.* 53

<sup>&</sup>lt;sup>27</sup> Idem. 52

judgment would be given in his favor. If he produced some evidence, but the evidence did not fulfill the strict requirements, then the defendant would be offered the oath of denial. The  $q\bar{a}d\bar{t}$ 's judgement would then depend on whether or not the accused swore this oath judgment. The ascribed punishment for offenses is one of the most archaic aspects of Sharia. Due to its age and orthodox nature, the punishments for benign offenses are extreme by modern standards. Death for apostasy and for highway robbery; amputation of the hand for theft; death by stoning for extramarital relations where the offender is a married person, and 80 lashes for the drinking of any intoxicant are a few examples of these punishments. The harsh penal code in Sharia is an important factor in its decline in popularity within Muslim nations in modern times and is especially ironic considering that Sharia initially developed as a reaction to harsh punishments in the Arab peninsula.

Today the application of Sharia varies greatly across the Muslim world but most Islamic nations either abandoned Sharia entirely in favor of western legal systems or reduced the application of Sharia to personal matters. Only nine nations maintain a criminal procedure based on Sharia. Even in those nations, the criminal procedure was amended to more resemble common law. "In many countries, special codes have been enacted to regulate the procedure and evidence of the courts that today apply Sharia law. In the Middle East, documentary and circumstantial evidence are now generally admissible; witnesses are put on oath and may be cross-examined, and the traditional rule that evidence is only brought by one side and that the other side, in suitable circumstances, takes the oath of denial has largely broken down."<sup>28</sup> This means that criminal

<sup>&</sup>lt;sup>28</sup> Coulson. Shari 'ah.

procedure in modern Sharia law shares an even more striking resemblance to English common law.

Despite developing in two completely different parts of the world under unique circumstances, the criminal procedure in English common law and Sharia law have a lot in common. Both systems maintain a presumption of innocence for the victim, and employ an adversarial system during court hearings, and have similar judicial structures. Despite these similarities, there are key differences such as the strict nature of applicable evidence, harsh penal code, and strict defamation laws used in Sharia. These characteristics can be attributed to the time period during which the criminal procedure was developed in Sharia and the inability of Sharia to adapt to modern times has been one of its critical flaws. The religious nature of Sharia is a double-edged sword, granting legitimacy on one hand while restricting amendments on the other. English common law, by contrast, has gone through numerous iterations since William's reign and, as a result, is far more widely used in nations today.

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# Crafting Port Huron: The Historical Foundations of Students for a Democratic Society

#### MICHAEL BEARMAN

#### Introduction

"We are people of this generation, bred in at least modest comfort, housed in universities, looking uncomfortably to the world we inherit." These 22 words make up the first paragraph of what would ultimately become one of the most important documents of the American New Left, The Port Huron Statement. This statement served as an ideological outline for many left-wing student activists of the 1960s. Additionally, the document was the founding manifesto of one of the most significant student activist organizations in American history, Students for a Democratic Society (SDS). Behind the 25,700-word document was a small group of passionate young adults whose similar experiences and beliefs drew them to Port Huron, Michigan to change the hegemonic political discourse of the time into something profoundly new and radical. <sup>2</sup> However, what makes SDS so noteworthy was the unexpected nature of its establishment. SDS was founded after the 1950s, a time in which American society was notably complacent, and in the Midwestern United States, a historically apolitical region of the United States. Why was SDS established in this historical context, orienting itself so radically? The push to organize primarily stemmed from the students' feeling of alienation from American society, which they sought to fill with activism oriented towards "the establishment of a democracy of individual participation" against pressing social problems such as racism, imperialism, and widespread apathy.

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<sup>&</sup>lt;sup>1</sup> Students for a Democratic Society, *The Port Huron Statement* (New York: Students for a Democratic Society, 1964), 3,

http://www.progressivefox.com/misc\_documents/PortHuronStatement.pdf/.

<sup>&</sup>lt;sup>2</sup> Barbara Haber, "A Manifesto in Hope," in *The Port Huron Statement: Sources and Legacies of the New Left's Founding Manifesto*, ed. Richard Flacks and Nelson Lichtenstein (Philadelphia: University of Pennsylvania Press, 2015), 140.

#### **Students for a Democratic Society**

Students for a Democratic Society sought to create a power base in order to achieve radical social change. Originally called Student League for Industrial Democracy (SLID), SDS was established as the student wing of the League for Industrial Democracy (LID), a social-democratic organization founded in 1905 by Jack London and Upton Sinclair. The LID was a non-profit education organization that opposed Soviet-style communism and other forms of totalitarianism. The organization was committed to increasing democracy in the economic, political, and cultural life of the nation. Before 1960, SDS's activity was limited to moderate activism and generally followed the parent organization's quasi-activist, educational approach.<sup>4</sup>

That was the case until Alan Haber, president-elect of SDS in 1960, arranged the Conference on Human Rights at the University of Michigan. The conference drew hundreds of students who were taught confrontation techniques helpful in battling discrimination on their own campuses. Two featured speakers at the conference, James Farmer and Michael Harrington, were unlike the other attendees. The two had been major figures in the Old Left and, for Haber, were seen as a vital connection between the left of the 1940s and 1950s to the new, budding left of the 1960s. Farmer was the program director of the NAACP and a former organizer of SLID. He was a lead organizer with the Congress of Racial Equality (CORE) when they organized the first civil rights sit-ins in May 1942. Harrington, once a member of the militant left-wing group Young Socialist League in the early 1950s, was a member of LID and author of the now-famous book, *A The Other America*, in which he outlined the persistence of poverty in the U.S. In both of their speeches, Farmer and Harrington made the moral appeal of socialism central, which both

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<sup>&</sup>lt;sup>4</sup> Edward J. Bacciocco, Jr, *The New Left in America: Reform to Revolution 1956 to 1970* (Stanford: Hoover Institution Press, 1974), 109.

nourished the young radicals and enabled Farmer and Harrington to become more involved with SDS.<sup>5</sup>

Following the human rights conference, SDS became increasingly sensitive to the degree of control the LID had over them. SDS claimed that between 1960 and 1962, the LID interfered with its operations by discharging staff members and curtailing programs. Haber and other members of SDS wanted an active, wide-spectrum organization opposed to "racism, militarism, nationalism, oppression of mind and spirit, unrestrained capitalism, provincialism of various kinds, and the Bomb." They rejected liberalism and social-democratic reformism, in addition to Stalinism and the historical determinism of Marxist theory. In the fall of 1961, Alan Haber and sixty other colleagues gained control of SDS and began to reform the organization's mission. By the end of the year, SDS was concentrated on creating a manifesto and social analysis to be presented at its June 1962 convention.

#### The Port Huron Statement

For five days in June 1962, members of SDS gathered at a United Auto Workers retreat in Port Huron, Michigan, for the group's first national convention and the unveiling of the Port Huron Statement, the group's political manifesto. There was a group of around fifty young people and a few older adults, mostly white men from elite universities. Most were handpicked by SDS insiders and were experienced organizers, veterans of the civil rights movement, peace

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<sup>&</sup>lt;sup>5</sup> James Miller, *Democracy Is in the Streets: From Port Huron to the Siege of Chicago* (Cambridge: Harvard University Press, 1999), 36-37.

<sup>&</sup>lt;sup>6</sup> Students for a Democratic Society, "A Letter to the New (Young) Left," in Writings for a Democratic Society: The Tom Hayden Reader, Tom Hayden (San Francisco: City Lights Books, 2008), 25.

<sup>&</sup>lt;sup>7</sup> Bacciocco, Jr, *The New Left in America*, 109-115.

<sup>&</sup>lt;sup>8</sup> Joel Bleifuss, "The Port Huron Statement: Still Radical at 50," *In These Times*, April 25, 2012, http://inthesetimes.com/article/13053/the port huron statement still radical at 50.

movement, and student organizations. The convention elected Tom Hayden, the main contributor to the Port Huron Statement and an experienced activist, as president. Hayden was an editor for the Michigan Daily, a well-respected university newspaper from the University of Michigan. Hayden reflected on his experience as an editor for the newspaper in his biography: "Through the *Daily*, I formed a picture of the university and the world [...] I rose in the *Daily* 's ranks, drawing the concerned interest of administrators, the respect of some of the faculty, and a growing following among many students." One of these students, Alan Haber, initially recruited Hayden into SDS.

The goal of the SDS convention in Port Huron was to, according to Haber, "lay out specific programs translating [into practice] the broad SDS concern with democratic ideals and its intermediate focus on political realignment." The convention would focus primarily on a political manifesto that would "express the intellectual outlook of the organization, particularly a delineation of the concept 'democracy' as it applies in the contemporary world…" Hayden was assigned the task of drafting the manifesto, which he called "a manifesto of hope." Over five days in Port Huron, the group revised a draft of the statement put forth by Hayden, ultimately including an analysis of American society, a program for radical change, and suggested tactics to achieve its program.

<sup>&</sup>lt;sup>9</sup> Barbara Haber, "A Manifesto in Hope," 141.

<sup>&</sup>lt;sup>10</sup> Tom Hayden, Reunion: A Memoir (New York: Random House, 1988), 28.

<sup>&</sup>lt;sup>11</sup> Hayden, *Reunion*, 31.

<sup>&</sup>lt;sup>12</sup> Miller, *Democracy Is in the Streets*, 77.

<sup>&</sup>lt;sup>13</sup> *Ibid*, 77.

<sup>&</sup>lt;sup>14</sup>*Ibid*, 77.

<sup>&</sup>lt;sup>15</sup>Bacciocco, Jr, *The New Left in America*, 120.

Though, the Port Huron convention was not without disagreement and drama. Michael Harrington, a radical icon for Haber and others, characterized a growing rift between the Old Left and New Left. Harrington and other older members in attendance disagreed with some key ideals of SDS including their stance on the role of the working class, praise of participatory democracy, and anti-communist stance. One of his main critiques with the Port Huron Statement was its centralization of students as the vanguards of the revolution. <sup>16</sup> The Old Left had prioritized the labor movement, and specifically labor unionization, reflecting classical Marxist literature on proletariat revolution. 17 However, Hayden disagreed with this theory. Bob Ross, a participant at SDS, later said, "The issue was: Could students change society without labor?... [I] knew that it was right in the sense that labor was the best-organized egalitarian force in society. I knew that Tom Hayden rejected that; but he didn't come from a home where anyone had benefited from the labor movement." Hayden maintained the idea that the university would be the place of origin for radical social change moving forward. Ultimately, few edits that Harrington proposed were made and SDS lost many of its Old Left supporters, <sup>19</sup> including Harrington, which eventually led to a split between LID and SDS in 1965.<sup>20</sup>

These ideological debates reflect how the New Left and SDS represented a radically different orientation than their Old Left counterparts, which was heavily influenced by their social backgrounds. The introduction of the Port Huron Statement lays out the reasons why the

<sup>&</sup>lt;sup>16</sup> Miller, *Democracy Is in the Streets*, 112-113.

<sup>&</sup>lt;sup>17</sup> Maurice Isserman, *If I Had a Hammer: The Death of the Old Left and the Birth of the New Left* (New York: Basic Books, 1987), xvi-xviii.

James Miller, *Democracy Is in the Streets: From Port Huron to the Siege of Chicago* (Cambridge: Harvard University Press, 1999), 36-37.

<sup>&</sup>lt;sup>18</sup> Miller, *Democracy Is in the Streets*, 119-120.

<sup>&</sup>lt;sup>19</sup> *Ibid*, 126-135.

<sup>&</sup>lt;sup>20</sup>*Ibid*, 234-235.

members of SDS were drawn to activism. Initially, the Southern struggle against racial bigotry led many from "silence to activism." Hayden describes this bigotry as a "permeating and victimizing fact of human degradation." The other most important reason was the Cold War and more specifically the presence of the atomic bomb. These two issues, unlike other problems in American society, were most important because they were seen by SDS as "too immediate and crushing in their impact, too challenging in the demand." Hayden describes these problems as "paradoxes." Jim Crow racism in the South was a contradiction to the notion that "all men are created equal", and the proclaimed peaceful intentions of the U.S. contradicted its economic and military investments in the Cold War.<sup>21</sup> These revelations led members of SDS to other paradoxical findings in American society, such as severe social stratification and low social mobility. Yet, societal problems alone cannot be an explanation for these students' pull to activism.

#### **Student Alienation**

Alienation from mainstream American institutions was an important underlying motivation for radicalization and mobilization. In the decade before SDS's establishment, universities experienced comparatively little political activism. What then precipitated the rise of student activism on college campuses? Barbara Haber, one of the few women at Port Huron, stated that "Privatism, alienation, and conformity were the chief demons in our white middle-class hell. Community, founded on political engagement, was our antidote." Therefore

<sup>&</sup>lt;sup>21</sup> Students for a Democratic Society, *The Port Huron Statement* 3.

<sup>&</sup>lt;sup>22</sup> Christopher J. Broadhurst, "Campus Activism in the 21<sup>st</sup> Century: A Historical Framing," in "Radical Academia"? Understanding the Climates for Campus Activists: New Directions for Higher Education, Number 167, ed. Christopher J. Broadhurst and Georgianna L. Martin (San Francisco: Jossey-Bass, 2014), 6.

<sup>&</sup>lt;sup>23</sup> Barbara Haber, "A Manifesto in Hope," 142.

in order to understand why members of SDS became activists, it's essential to examine the roots of their feelings of alienation.

Many students felt alienated due to the lack of a structured political organization following the demise of what is now known as the Old Left. Growing criticisms of the American Old Left and the Communist Party in the Soviet Union in the late 1950s left many young intellectuals of the 1960s dissatisfied with existing radical leftist ideology. The Port Huron Statement clearly states "...we are in basic opposition to the communist system. The Soviet Union, as a system, rests on the total suppression of organized opposition."

In order to understand their opposition to communism, we must examine the demise of the Old Left in the United States. As a result of the Depression in the 1930s, intellectuals were sensitized to life at the lower levels of society. Widespread unemployment, exploitation of black people, and the struggle of workers made communism look much more attractive than capitalism. Central to the appeal of communism for the Old Left was the mighty image of the Soviet Union. To intellectuals of the Old Left, the Soviet Union appeared to be a model of human brotherhood surrounded by a selfish and aggressive capitalist world. While the U.S. under President Herbert Hoover was falling deeper into economic depression, Stalin was celebrating the "success" of his Five Year Plans. Even American industrialists like Henry Ford praised the Soviet Union and advocated for America's formal diplomatic recognition. 25

Even as Senator Joseph McCarthy's witch hunts attempted to rid the U.S. of communists in the 1950s, the Old Left was able to maintain their ideological zeal.<sup>26</sup> It was not until 1956,

<sup>&</sup>lt;sup>24</sup> Students for a Democratic Society, *The Port Huron Statement*, 31.

<sup>&</sup>lt;sup>25</sup> John Patrick Diggins, *The Rise and Fall of the American Left* (New York: W. W. Norton & Company, 1992), 148-149.

<sup>&</sup>lt;sup>26</sup> *Ibid*. 214.

following Nikita Khrushchev's speech, "On the Cult of Personality and Its Consequences," that the Old Left was discredited. The Soviet Union was no longer a utopian society, but a society run by repression and physical annihilation.<sup>27</sup> Within weeks of its publication, 30,000 people quit the American Communist Party. Vivian Gornick, a writer and former member of the Communist Party, wrote after reading Khrushchev's speech, "Lies!' I screamed... 'Lies and treachery and murder. And all in the name of socialism!'" The disillusionment with the authoritarianism and factionalism of the left inspired calls for renewal and a search for a new model of left politics in the U.S.<sup>29</sup> One such model was outlined by C. Wright Mills, a sociologist at Columbia University, in his 1960, "Letter to the New Left." The letter stated that the "socialist realism" of the Soviet Union prevented people from questioning "the system." The solution could be found in countries like Cuba where Mills and others believed a new "humanist socialism" had been created. This type of socialism would be run by young intellectuals, instead of the mass proletariat, who would have both the strategic position and the mass to force a sense of responsibility and accountability on the power elites. Thus, members of SDS were able to fill

<sup>&</sup>lt;sup>27</sup>Nikita Khrushchev, "Khrushchev's Secret Speech, 'On the Cult of Personality and Its Consequences,' Delivered at the Twentieth Party Congress of the Communist Party of the Soviet Union" (speech, Moscow, Russia, February 24-25, 1956), Wilson Center Digital Archive, https://elearning-gilman.remote-learner.net/pluginfile.php/93508/mod\_resource/content/1/Khrushchevs%20Secret%20Speech.pdf.

<sup>&</sup>lt;sup>28</sup> Vivian Gornick, "When Communism Inspired Americans," *New York Times*, April 29, 2017, https://www.nytimes.com/2017/04/29/opinion/sunday/when-communism-inspired-americans.ht ml

<sup>&</sup>lt;sup>29</sup> Lisa McGirr, "Port Huron and the Origins of the International New Left," in *The Port Huron Statement*, ed. Flacks and Lichtenstein, 52.

<sup>&</sup>lt;sup>30</sup>C. Wright Mills, "Letter to the New Left," *New Left Review*, September-October 1960, accessed November 26, 2017,

https://www.marxists.org/subject/humanism/mills-c-wright/letter-new-left.htm.

<sup>&</sup>lt;sup>31</sup> Diggins, *The Rise and Fall of the American Left*, 221.

<sup>&</sup>lt;sup>32</sup> Richard Flacks, "Philosophical and Political Roots of the American Left," in *The Port Huron Statement*, ed. Flacks and Lichtenstein, 228.

the void left by the demise of the Old Left with an organization that promoted change through grassroots organizations and dramatic acts of protest that would only be possible with their youthful enthusiasm for building a new society.<sup>33</sup>

The students' personal upbringings can also be seen as a source of alienation. Many members of SDS grew up in newly-established suburbs outside of major cities. Tom Hayden, for instance, grew up in a Protestant suburb 12 miles outside of Detroit. Among associated the culture of American middle-class suburbs of the 1950s with feelings of alienation. As a result of housing shortages after World War II, the federal government, using a Keynesian political economy model, provided critical stimulus for suburbanization. The result was homes uniform in appearance and amenities, reflecting the broad standardization of the industry and the landscape it was producing. Social critics of the time saw these suburbs as the epitome of conformity and tastelessness in American life. American historian John Patrick Diggins wrote, as economic security and material comfort became increasingly important to suburban dwellers, American society became an antiseptic wasteland of stucco and plastic. People moved to these suburbs not because the cities were dangerous or crowded, but for the materialistic achievement that suburbs represented. In other words, adherence to rigid neighborhood customs and conformity were becoming necessary for social acceptance.

<sup>&</sup>lt;sup>33</sup> Barbara Haber, "A Manifesto in Hope," 143.

<sup>&</sup>lt;sup>34</sup> Miller, *Democracy Is in the Streets*, 42.

<sup>&</sup>lt;sup>35</sup>Nicolaides, Becky, and Andrew Wiese. "Suburbanization in the United States after 1945." *Oxford Research Encyclopedia of American History.* 3 Dec. 2017.

http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-64.

<sup>&</sup>lt;sup>36</sup> Bacciocco, Jr, The New Left in America, 4.

<sup>&</sup>lt;sup>37</sup> Diggins, The Rise and Fall of the American Left, 220.

<sup>&</sup>lt;sup>38</sup> Bacciocco, Jr, *The New Left in America*, 4.

Statement outlines American society's state of stagnation and concedes that "many of us began maturing in complacency." Young radicals began to sense that their middle-class alienation had something in common with lower-class exploitation. Thus, young members of the New Left, such as those in SDS, sought to connect their personal problems with larger structural issues.

Members of SDS also felt a sense of alienation at their universities. Along with many of students of the 1960s, SDS members ascribed their discontent to the university's bureaucratic unresponsiveness to their felt needs. <sup>41</sup> Much of this university bureaucracy stemmed from the spike in enrollment in the 1960s as well as the shifting emphasis from liberal arts to scientific research. After the Soviets launched *Sputnik* in 1957, the federal government began pouring vast sums into science departments. Between 1957 and 1962, the federal research and development expenditure more than doubled. <sup>42</sup> As a result, providing a quality liberal arts education for undergraduates became secondary in the research university's priorities. This left students feeling undervalued, especially those outside science-related disciplines. Additionally, universities saw incredible growth in enrollment as the Baby Boomer generation came of age. From 1949 to 1959, enrollment at post-secondary institutions jumped from 672,000 to 1,035,000 students nationwide. <sup>43</sup> With little time and funding to construct new buildings, students were squeezed into existing infrastructure.

<sup>&</sup>lt;sup>39</sup> Students for a Democratic Society, *The Port Huron Statement*, 3.

<sup>&</sup>lt;sup>40</sup> Diggins, *The Rise and Fall of the American Left*, 220.

<sup>&</sup>lt;sup>41</sup> Jonathan Eisen and David Steinberg, "The Student Revolt against Liberalism," in *Seasons of Rebellion: Protest and Radicalism in Recent America (*Lanham: University Press of America, 1980), 180.

<sup>&</sup>lt;sup>42</sup> Zuoyue Wang, *In Sputnik's Shadow: The President's Science Advisory Committee and Cold War America* (New Brunswick: Rutgers University Press, 2009), 160.

<sup>&</sup>lt;sup>43</sup> Digest of Education Statistics, National Center for Education Statistics, *Enrollment in elementary, secondary, and degree-granting postsecondary institutions, 1869-70 through fall 2025* (February 2016),

https://nces.ed.gov/programs/digest/d15/tables/dt15 105.30.asp?current=yes.

In Tom Hayden's autobiography, he described the University of Michigan campus in Ann Arbor, where he studied, as having a "congested loneliness." He described a sense of abandonment as he was required to live in "massive, unimaginative dormitories that reminded us of urban public housing projects." Lecture classes typically put a distant professor in crowded rooms of over three hundred students. Smaller classes were taught by teaching assistants, young graduate students who had not completed their degrees. As students were left feeling dissatisfied with their college experience, they joined college clubs and pushed them into a more radical, activist-orientated direction to "fight the system." Tom Hayden was able to find a sense of community by joining the Michigan Daily newspaper and eventually SDS.

#### **Social Critique**

Although many of the group's members were drawn to activism by their alienation from American institutions, much of the Port Huron Statement is dedicated to critically analyzing problems and contradictions of American society. Without the persistence of these social problems, SDS would probably have been an entirely different organization or may not have existed at all. It could be argued that in order to contextualize their alienation, members of SDS looked to broader social problems. Much of this can be attributed to Tom Hayden and his interest in C. Wright Mills' theory of the sociological imagination, which was an effort to link private troubles with public issues and to locate personal discontent in the social structure and history. Hawch of Port Huron's social critique was also embedded in New Left ideology. The New Left, based on the psychological optimism of neo-Freudians and the endless vision of human possibility, saw the structure of institutions and foundations of policies as the source of social problems rather than the doings of specific individuals. By identifying these structures and critiquing them, members of the New Left ultimately sought to change society for the better. Returning to the Port Huron Statement, we see a critique of many aspects of American society

<sup>&</sup>lt;sup>44</sup> Richard Flacks, "Philosophical and Political Roots of the American Left," 226-227.

such as racism, imperialism, and poverty. One overarching critique for SDS was the near-universal apathy of American society towards these issues. By looking at what aspects of American society SDS problematized, we can understand the origins of the organization's ideology.

Chapter 12 of the Port Huron Statement, "Discrimination," provided a critical analysis of racism in the U.S. The first statement, "Our America is still white," reflects the white supremacy still present in American society, even though many at the time believed people of color were now an "accepted" population. The chapter begins with a list of statistics from the Census Bureau revealing the plight of "nonwhites." In 1960, 10% of people of color were unemployed while only 5% of white people were unemployed. Additionally, 25% of people of color were functionally illiterate while only 5% of white people were illiterate. The statement continues, "Even against this background some will say that progress is being made. The facts belie it, however, unless it is assumed that America has another century to deal with its racial inequalities." One of the most important aspects of their discussion on racism is how SDS framed it within the sociological imagination— "Others will blame the situation on 'those people's inability to pick themselves up,' not understanding the automatic way in which such a system can frustrate reform efforts and diminish the aspiration of the oppressed."46 This revelation was central to SDS's belief that there is something beyond individuals that is responsible for their hardship. Race played an important part in the Port Huron Statement because many members of SDS saw activism against racism as their "out of apathy" moment. For Alan Haber, the Greensboro sit-ins became a defining moment. On February 1, 1960, four black college students in Greensboro, North Carolina sat down at a lunch counter reserved for white people. The store's manager instructed employees to ignore them, but they remained in their seats. The students returned the next day and were met with reporters who sent

<sup>&</sup>lt;sup>46</sup> Students for a Democratic Society, *The Port Huron Statement*, 33-34

news of their protest to the national wire services. Within a week, similar protests against Jim Crow had spread throughout the South, and by April, 50,000 students had participated in sit-ins. Alan Haber heard of the news and, ecstatic, invited the Greensboro students to attend the Ann Arbor human-rights conference in 1960. To Haber, the message of the sit-ins was to act *now*. 47

Poverty also played a large role in SDS's social critique. Chapter 6, "The Economy," considers the contradictions within the American welfare state: "We live amidst a national celebration of economic prosperity while poverty and deprivation remain an unbreakable way of life for millions in the 'affluent society'." Essentially, SDS saw growing social stratification as an important issue, again, caused by the social system at large. The statement even mentions the presence of a "one percent"—the wealthiest 1.04% of Americans who own more than 80% of all personal shares of stock. For SDS, the contradiction is that "[The working American] is always told that he is a 'free' man because of 'free enterprise'." Yet, the statement revealed that many found themselves unfulfilled and victimized by the work they must do to pay the bills. SDS called this "the remote control economy" in which people were subject to an economy that excludes them from basic decisions affecting the nature and organization of work, rewards, and opportunities. <sup>48</sup>

For Hayden and others in SDS, the principal villain in American society was the military-industrial complex. <sup>49</sup> He wrote: "the most spectacular and important creation of the authoritarian and oligopolistic structure of economic decision-making in America is the institution called 'the military-industrial complex'." <sup>50</sup> Coined by President Dwight Eisenhower in his farewell address in 1961, the military-industrial complex was a network of governmental and private industrial players that developed out of the need to produce war materials for the First and Second World Wars. What started as an effort on behalf of American industry and government to achieve victory in these international conflicts became a business of industrialists driven largely by profit motives. Not surprisingly, C. Wright Mills was one of many academics who addressed the phenomenon in their work. In *The Power Elites*, Mills stated that a relatively

finance, and other highly influential aspects of society.<sup>51</sup>

The Port Huron Statement provided some statistics on the matter: "The Department of Defense, ironically the world's largest single organization, is worth \$160 billion, owns 32 million acres of America and employs half the 7.5 million persons directly dependent on the military for subsistence... The intermingling of Big Military and Big Industry is evidenced in the 1,400 former officers working for the 100 corporations who received nearly all the \$21 billion spent in procurement by the Defense Department in 1961." For SDS, the problem was the secrecy surrounding the entire process which diminished "democratic institutions and habits," while military propaganda "sacrificed civil liberties and social welfare." <sup>52</sup> Hayden, commenting on the House Armed Services Committee's military construction bill of \$808 million, wrote, "Imagine, on the other hand, \$808 million suggested as an anti-recession measure, but being poured into programs of social welfare." <sup>53</sup> Essentially, the continuation of a huge defense establishment was solely in the interest of private enterprise and corporate America and totally indifferent to welfare needs. <sup>54</sup>

SDS also took the position that the Soviets were not inherently aggressive nor prepared to dominate mankind by military means. Therefore, the argument that military spending was necessary to combat the Soviet Union was nonsense. According to SDS, America's anti-communism, which rationalized defense spending, verged on paranoia, militated against open debate, and spawned movement contrary to democratic institutions. For SDS, the military-industrial complex served as a more convenient label for "the bureaucracy". The bureaucracy was a faceless, impenetrable system resistant to real change that include not only the corporate, political and military world, but also labor unions, as well.

<sup>&</sup>lt;sup>48</sup> Students for a Democratic Society, *The Port Huron Statement*, 14-15.

<sup>&</sup>lt;sup>49</sup> Edward J. Bacciocco, Jr., The New Left in America: Reform to Revolution 1956 to 1970, 120.

<sup>&</sup>lt;sup>50</sup> Students for a Democratic Society, *The Port Huron Statement*, 17.

<sup>&</sup>lt;sup>51</sup> Michael P. Auerbach, "U.S. Politics: The Military-Industrial Complex." *Research Starters; Sociology (Online Edition) Research Starters, EBSCOhost,* October 2017, accessed December 1, 2017.

<sup>&</sup>lt;sup>52</sup> Edward J. Bacciocco, Jr, *The New Left in America: Reform to Revolution 1956 to 1970*, 120.

Another issue that SDS members brought up in the statement was apathy, especially that found on university campuses. For students, "rules are accepted as 'inevitable', bureaucracy as 'just circumstances', irrelevance as 'scholarship', selflessness as 'martyrdom', politics as 'just another way to make people, and an unprofitable one, too'." But apathy towards societal issues was not the only problem. The Port Huron Statement described students as apathetic towards apathy. In other words, the university was, "a privately-constructed universe, a place of systematic study schedules, two nights each week for beer, a girl or two, and early marriage." SDS saw students as a conformist and monotonous mass of individuals, subservient to the system as large. Once again, they blamed the institution of higher education for this overwhelming apathy. They saw the university as stifling dissent and discouraging political curiosity in the name of moral guardianship. Consequently, the majority of students saw no alternative than to conform to the social rules of the university.

Members of SDS saw academic bureaucracy as the reason for the university's enforcement of moral guardianship. The university bureaucracy "contributes to the sense of outer complexity and inner powerlessness that transforms the honest searching of many students to a ratification of convention and, worse, to a numbness to present and future catastrophes." This bureaucracy, according to SDS, was produced by private financial interests, who fund many of those underfunded universities, essentially making universities more commercial and less open to critiques of society and student dissent. <sup>59</sup>

<sup>&</sup>lt;sup>56</sup> Students for a Democratic Society, *The Port Huron Statement*, 9.

<sup>&</sup>lt;sup>57</sup> *Ibid.* 9.

<sup>&</sup>lt;sup>58</sup> Edward J. Bacciocco, Jr, *The New Left in America: Reform to Revolution 1956 to 1970*, 119.

<sup>&</sup>lt;sup>59</sup> Students for a Democratic Society, *The Port Huron Statement*, 10.

these under-funded universities, essentially making universities more commercial and less open to critiques of society and student dissent.

### **Participatory Democracy**

Tom Hayden, in the spirit of C. Wright Mills, sought to understand why these problems (racism, poverty, imperialism, apathy) and others persisted. He hypothesized that these problems were intertwined. In other words, their origin and persistence were caused by a single issue. Hayden found that, although many of these problems affected people personally, most students and the society at large were indifferent toward fixing them. The Port Huron Statement portrayed an American society in which citizens felt powerless to sway events, especially black people, migrant workers, and the poor, all of whom had been deprived of an opportunity to voice their needs. The Port Huron Statement claimed that Americans were "threatened by forces about which they know little about and of which they can say less." The statement quoted a Gallup poll in which Americans listed "international affairs" fourteenth on a list of their most-pressing problems yet also expected thermonuclear war in the next few years. Why were Americans apathetic towards these pressing and seemingly widespread social and political issues?

As the name of the organization insinuates, SDS saw the current state of democracy as problematic and the cause of mass apathy. Hayden wrote, "Americans are in withdrawal from public life, from any collective effort at directing their own affairs." He pointed to the "structural separation of people from power" which encouraged helplessness among American citizens. He called this "democracy without a public" in which people have become detached from

<sup>&</sup>lt;sup>60</sup> Edward J. Bacciocco, Jr, The New Left in America: Reform to Revolution 1956 to 1970, 119.

<sup>&</sup>lt;sup>60</sup> Edward J. Bacciocco, Jr, The New Left in America: Reform to Revolution 1956 to 1970, 119.

democratic institutions over time. As a result, the few who aspired to participate in social change found it impossible to make these changes within existing democratic institutions. <sup>61</sup>

SDS saw three major problems with the current state of democracy in the U.S. First, the localized nature of the party system prevented discussion of national and international issues. Thus, political representatives focused primarily on parochial matters rather than issues of the general public. SDS saw this in conflict with the American cliché, "by and for the people," as politicians ignored problems that were affecting large portions of the country, such as racism and poverty. Second, many citizens, especially marginalized groups, were divested of full political power. For instance, urban and suburban dwellers were practically disenfranchised by gerrymandering. SDS also pointed out that black people in the south were still prevented from voting and migrant workers were disenfranchised by residence requirements. Third, political attention was swayed by an enormous lobby force, composed predominantly of business interests. Thus, issues like imperialism persisted as they funded lobbying corporations. <sup>62</sup> As a result of these three structural antagonists, American voters were numb to any form of action against the corrupt democratic structure. According to SDS, the American voter is, "worried by his mundane problems which never get solved, but constrained by the common belief that politics is an agonizingly slow accommodation of views, [thus] he quits all pretense of bothering."63

In the 15<sup>th</sup> chapter, "Towards American Democracy," SDS establishes their desire for a greater democracy in America in the form of a "participatory democracy." In order to create this

<sup>61</sup> Students for a Democratic Society, *The Port Huron Statement*, 11-12.

<sup>&</sup>lt;sup>63</sup> Students for a Democratic Society, *The Port Huron Statement*, 13.

ideal democratic institution "mechanisms of voluntary association must be created through which political information can be imparted and political participation encouraged." Essentially, SDS calls for the establishment of private institutions that engage people with issues and express political preferences. However, unlike business lobbies that exercise undemocratic *power*, these institutions would carry political *influence*. SDS also wrote, "the allocation of resources must be based on social needs. A truly 'public sector' must be established." Thus, instead of most public spending going towards the military, the government should enlarge the public sector by nationalizing resources that the privatization of which would contradict with national objectives. Ultimately, democracy would be oriented in a way that benefits the masses, rather than the few. For SDS, this reorientation would lead to the eradication of social problems that had persisted for so long.

#### Conclusion

With the task of writing "an agenda for a generation", Tom Hayden wrote in his autobiography, "Where does one begin thinking about manifestos?" With no formal foundation to work from, Hayden wrote a radical statement based on his own perceptions of American society. Built on a foundation of theory and literature, the Port Huron Statement served as a critique of mid-century America by means of the sociological imagination. With this statement, Hayden revealed how a bureaucratic, unresponsive democracy dominated by elite private interests prevented progressive social change. In understanding SDS's conception of society, it is possible to understand why the group oriented itself in the way it did. Hayden ends the Port

<sup>&</sup>lt;sup>64</sup> *Ibid*, 47.

<sup>&</sup>lt;sup>65</sup> *Ibid.* 48.

<sup>&</sup>lt;sup>66</sup> James Miller, Democracy Is in the Streets: From Port Huron to the Siege of Chicago, 78.

Huron Statement with a declaration of action: "As students for a democratic society, we are committed to stimulating this kind of social movement, this kind of vision and program in campus and community across the country. If we appear to seek the unattainable as it has been said, then let it be known that we do so to avoid the unimaginable." With this statement, we see that SDS was created by university students who not only were trying to look for purpose and community in a society from which they felt estranged, but also to save society from nuclear conflict and world destruction. Thus, Alan Haber, Tom Hayden, and other ambitious college students established SDS on the belief that radical change was necessary or else they wouldn't see another day beyond their youth.

<sup>&</sup>lt;sup>67</sup> Students for a Democratic Society, *The Port Huron Statement*, 63.

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## "Destroying Your Mothers": Female Power and Adaptation in the Age of Cherokee Removal

#### **TESS DERBY**

Just before the American Revolutionary War, colonial observer William Bartram came to the Southeast (encompassing portions of modern-day Kentucky, West Virginia, Virginia, Tennessee, Alabama, Georgia, and the Carolinas), otherwise known as Cherokee territory, and proclaimed: "there is no people anywhere who love their women more than these Indians do." This statement offers a surface level understanding of the freedom Cherokee women exercised during the pre-contact and colonial periods when Cherokee society featured the virtually unquestioned concept of gender complementarity. Cherokee egalitarian gender relations which managed these eras are often held in contrast to the gender dynamics which emerged after the signing of 1827 Cherokee Constitution. This constitution subscribed to traditional, patriarchal American notions of gender hierarchy and officially excluded women from the political realm. As a result, the "progress" of Cherokee women throughout the late 18th and 19th centuries is largely defined as a processional march "backwards" in terms of gender equality and female power.

This pattern of regression, and the zero sum game of identifying acculturation within a society, omits the agency of the community. To push against this simplistic omission, it is helpful to consider the following passage from sociologist Immanuel Wallerstein's collection of essays, *Geopolitics and Geoculture*: "But culture has always cut both ways. If the powerful can

<sup>1</sup> Carolyn Ross Johnston, ed., Voices of Cherokee Women (Winston-Salem: John F. Blair, 2013), [34].

<sup>&</sup>lt;sup>2</sup>Immanuel Maurice Wallerstein. *Geopolitics and Geoculture: Essays on the Changing World-System*. N.p.: Cambridge University Press, 1991: [193].

legitimate their expropriations by transposing them into 'customs,' the weak can appeal to the legitimacy of these same 'customs' to resist new and different expropriations. This is an unequal battle to be sure, but not one that has had no effect." The process of altering gender relations in Cherokee society, rather than a static tale of defeat and emulation of white values, conveys a dynamic story of adaptation and resistance. After the introduction of agrarian capitalism and increasing pressure of white settlers from the northeast, who attempted to "reform" Native culture, the Removal Era witnessed an erosion of Cherokee gender complementarity and, therefore, a stripping of separate spheres of power for women of the tribe. However, in the midst of this crisis of changing gender relations, Cherokee women continued to exert their agency, relying on traditional claims to power or forging new avenues to respond to their transforming world shaped by "Indian removal" policies.

The phenomenon of Indian Removal can be understood as a systematic erosion of Native American sovereignty and land rights. It began with initial colonial contact and was followed by many subsequent attempts to dismiss Native power and landholdings to build competing settlements. This paper subscribes to a more limited definition of the Removal Era which, for the purpose of clarity, is 1780 to 1835. This era encompasses the Indian Removal Act, signed by Andrew Jackson in 1830, and the Treaty of New Echota, signed in 1835, which initiated the violent forced migration west, from Georgia to Oklahoma (Indian Territory), known as the Trail of Tears. Using the lens of gender to understand Cherokee Removal can provide insight into the metamorphosis of Cherokee gender relations and the different types of power exerted by female members of the society. The following six categories are useful to think through the different

Wilma A. Dunaway, "Incorporation as an Interactive Process: Cherokee Resistance to Expansion of the Capitalist World-System, 1560-1763," Sociological Inquiry 66, no. 4 (November 1996): [456], PDF.

channels Cherokee women used to assert their power, and provide the structure of this paper: kinship and family divisions; political power and justice; labor and agriculture; property rights; sexuality and sexual autonomy; and action taken during the Trail of Tears.

The Cherokee origin story "Kana'tĭ and Selu" highlights the value of gender complementarity and includes female power as an intrinsic element of the tribe's conception, long before European contact. The two protagonists, Kana'tĭ (the Lucky Hunter) and his wife, Selu (Corn), are allegorical representations of the separate, but equally important spheres of responsibility for male and female members of the Cherokee Nation. The way the two sons interact with their mother. Selu, and her fate, tell a tale of maternal sacrifice and female agricultural responsibility. After they asked Selu for something to eat, the sons followed her to the storehouse to see that she could produce corn by rubbing her belly and beans by rubbing her armpits. They accused her of witchcraft and explained they must kill her. Selu instructed them to drag her body seven times around the inside and outside of a circular pattern and watch the crop all night. If they did this after they killed her, she explained, there would be a bountiful supply of corn in the morning. The sons followed her instructions incompletely and only dragged her body twice, which explained why "the Indians still work their crop but twice." "Kana'tĭ and Selu" frames women as biological and agricultural producers and explained these two responsibilities of bringing life and sustenance to the tribe as inseparable. Furthermore, because Cherokee society is matrilineal and matrilocal, the mother's line dictated tribal membership. Theda Perdue explains, "Admission to a Cherokee clan derived from birth or adoption, and both depended on women... Cherokee women invoked motherhood as the source of their power and used their status as

<sup>&</sup>lt;sup>3</sup> Colin G. Calloway, First Peoples: A Documentary Survey of American Indian History (Boston: Bedford/St. Martin's, 2008), [49], digital file.

mothers to make public appeals." The power to give birth to a new member, allow one to be adopted, and to work the land gave women the right to publicly assert their role in the tribe. Shifting legal codes slowly undermined the power granted by the matrilineal structure at the turn of the 19th century. In Cherokee beginnings, women played a major role in the tribe as arbiters of justice. They occasionally participated in retaliation and joined warriors to avenge the death of their kin by slaying someone who belonged to the clan responsible. Perdue calls them war women and notes, "Mooney [an anthropologist] recorded an oral tradition in which two women with snakes tattooed on their lips directed the other women to burn the feet of a captive Seneca war chief until they were blistered. Then they put corn kernels under the burned skin, chased him with clubs, and ultimately beat him to death." This account challenges the biologically essential narrative of nonviolent, life-giving Native women who can become passive, diplomatic caricatures. Cherokee women actively participated in violence and this did not undermine their corporal power. It was more common, however, for women to abstain from violence and, instead, direct how to solve the conflict. A woman's choice determined the incorporation of a captive or their torture and death. She created and provided for much of the clan, therefore, she decided how to direct violence or grant mercy. In 1810, the abolishment of clan revenge attempted to streamline Cherokee and American judicial practices and stripped women of much of their diplomatic power. The extension of citizenship to the children of white women and Cherokee men, in 1825, also inhibited matrilineal power. This decision made children with only a Cherokee father "entitled to all the immunities and privileges enjoyed by

<sup>&</sup>lt;sup>4</sup> Theda Perdue, Cherokee Women: Gender and Culture Change, 1700-1835 (Lincoln: University of Nebraska Press, 1999), [54-55].

<sup>&</sup>lt;sup>5</sup> Perdue, Cherokee Women, [103]

citizens descending from the Cherokee race, by the mother's side." The stipulation was doubly problematic. First, it undermined the power of the Cherokee mother's line by allowing a white woman to give birth to a Cherokee person. Secondly, it did not apply to the children of free black women and Cherokee men which added a racial layer to the understanding of Cherokee identity. Together, these legal outcomes constituted a shift in the weighed importance of the matrilineal structure of society.

Wahnenanuhi, a mixed-race Cherokee woman born in 1831 after the Indian Removal Act, submitted a manuscript to the Bureau of American Ethnology in 1889.<sup>7</sup> Her manuscript, *Historical Sketches of the Cherokees: Together with Some of their Customs, Traditions and Superstitions,* originally published the same year it was submitted, was "a history of the Cherokee people that was designed to preserve their traditions, record major historical events, and pay tribute to leading social and political in Cherokee life before such knowledge faded from memory." Wahnenauhi urgently described traditions like the matrilineal clan system: "The mother was the head of the family and the children were called by the name of her Clan." She wrote long after the erosion of much of the matrilineal system and continued to describe the 'old' system as an act of memory. Even though Wahnenauhi subscribed to the linearity of Cherokee history and 'improvement', a common trait for many elite Cherokee authors of the time. I contend that the inclusion of details on systems like matrilineal clan structure is an act of resistance against acculturation because it acknowledged the past and attempted to preserve

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<sup>&</sup>lt;sup>6</sup> Fay Yarbrough, "Legislating Women's Sexuality: Cherokee Marriage Laws in the Nineteenth Century," Journal of Social History 38, no. 2 (2004): [4], digital file.

<sup>&</sup>lt;sup>7</sup>Jack Frederick Kilpatrick, "Introduction," in *The Wahnenauhi Manuscript: Historical Sketches of the Cherokees*, by Lucy (Wahnenauhi) L. Keys (Bureau of American Ethnology, 1966), [179], accessed March 28, 2018, https://repository.si.edu/bitstream/handle/10088/22138/bae bulletin 196 1966 77 175-214.pdf.

<sup>&</sup>lt;sup>8</sup> Gregory Smithers, "Diasporic Women," Frontiers: A Journal of Women Studies 38, no. 1 (1997): [203], PDF.

<sup>&</sup>lt;sup>9</sup> Smithers, "Diasporic Women," [205].

<sup>&</sup>lt;sup>10</sup> Smithers, "Diasporic Women," [207]

tradition in the future. Equally important to consider is the fact that Wahnenauhi, who also used her English name Lucy Keys, had a white missionary father and a Cherokee mother who converted to Christianity. Wahnenauhi grew up in an English speaking, religious home, and as Jack Kilpatrick writes in his 1966 introduction to the manuscript, "What with illustrious missionary blood in her lineage and daily environment, one would expect Wahnenauhi's backward view over her people to have a decided Christian bias." Nonetheless, Wahnenauhi writes as a removed anthropologist with privileged and intimate access to Cherokee life, thus preserving Cherokee cultural heritage.

In addition to shifts in the clan system, petitions against removal, authored by Cherokee women and published in the *Cherokee Phoenix*, represented the morphing relationship Cherokee women had to 'political rights.' The 1817 and 1818 petitions hinged upon the implicit political power they possessed. The 1817 petition confidently asserted the deciding power mothers had: "Your mothers, your sisters ask and beg of you not to part with any more of our land. We say ours. You are our descendants; take pity on our request." They likened the removal of women from the land to "destroying your mothers," linked land rights and land use, and held their kin responsible to preserve the land and Cherokee sovereignty. The final passage included in the petition was a note from Nancy Ward, an historically pivotal Cherokee Beloved Woman, central in many Revolutionary era diplomatic exchanges. Her final lines stated: "Warriors to take pity and listen to the talk of your sisters... I have great many grandchildren which [I] wish them to do well on our land." She developed upon the the themes introduced earlier in the note by linking

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<sup>&</sup>lt;sup>11</sup> Kilpatrick, "Introduction," [Page 181-182].

Theda Perdue and Michael D. Green, eds., The Cherokee Removal: A Brief History with Documents(Boston: Macmillan Learning, 2016), [132].

<sup>&</sup>lt;sup>13</sup> Ibid.

<sup>&</sup>lt;sup>14</sup> Ibid.

land rights to biological reproduction and familial responsibility. Including a portion authored by Nancy Ward is another indication of the 1817 petition's compositional tie to traditional matrilineal power and a powerful reminder of the power women, like Ward, yielded in the tribe.

The 1818 petition adapted its style to fit the rhetoric of the "civilizing mission." The women continued to claim sovereignty and trace their original land rights to those granted by the Great Spirit. The language shifts in the third paragraph, where they acknowledge the presence of settlers and "Our Father the President." They wrote, "We have become civilized & enlightened, & are in hopes that in a few years our nation will be prepared for instruction in other branches of sciences & arts, which are both useful & necessary in civilized society." This is their secondary assertion of sovereignty. Not only did the Great Spirit grant Cherokee people the original rights; but, they adapted to their "Father's" requirements to become civilized, excelled, and should now, more than ever, maintain their independence. The shift in the language of these petitions, furthermore, tapped into the concept of Republican motherhood and the link between "domestic behavior" and a "direct political function." Cherokee women understood they did not live in an isolated world, and changed their language to appeal to a wider audience.

Just years after Cherokee women attempted to claim Native sovereignty as a necessary and integral element of colonial society and demonstrated impressive diplomatic finesse, the 1827 Constitution explicitly excluded women from political rights. It was an alignment of Cherokee and American values in an attempt to discourage removal. Keeping with the assimilationist tactics already explored by the tribe, the Cherokee Convention of Delegates, led by John Ross, mirrored the constitution of the American nation which excluded women from the

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<sup>&</sup>lt;sup>15</sup> Perdue and Green, The Cherokee Removal, [133]

<sup>&</sup>lt;sup>1</sup> Elizabeth Leigh Wilkinson, "Story as a weapon in colonized America: Native American women's transrhetorical fight for land rights" (PhD diss., The University of North Carolina at Greensboro, 2008), [94].

public and political realms, in the hope that the similarities between Cherokee and American society would provide leverage to protect Cherokee land rights. Article III, Section 4 stated: "No person shall be eligible to a seat on the General Council, but a free Cherokee Male citizen, who shall have attained to the age of twenty-five years." It continued to grant "all the rights and privileges of this Nation" to only men and, more specifically, men who had no mixed African heritage. Section 7 restricted the vote to the same selective group, but lowered the age limit to "eighteen years." Because women lacked political power in their own nation, their right to petition became even more important and their exclusion significantly altered the language used. The 1831 publication opens, "Although it is not common for our sex to take part in public measures, we nevertheless feel justified in expressing our sentiments on any subject where our interest is as much at stake as any other part of the community." The women responded to their recent disenfranchisement and conceded that it was unusual for women to enter the public, political sphere; however, due to the urgency of the situation, they felt it necessary to respond. Another dramatic shift from Cherokee understanding of power was the assertion of sovereignty through the land of their fathers, "And we sincerely hope there is no consideration which can induce our citizens to forsake the land of our fathers of which they have been in possession from time immemorial..."<sup>20</sup> In another reference to the Constitution, the women subscribe to the realignment of power to a patriarchal structure. Hyper-aware of their American peers, Cherokee women continued to adapt their linguistic styling of petitions to the changing political climate.

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<sup>17 &</sup>quot;Constitution of the Cherokee Nation," Cherokee Phoenix, February 21, 1828, [2].

<sup>18 &</sup>quot;Constitution of the Cherokee Nation," [3].

<sup>&</sup>lt;sup>19</sup> Perdue and Green, The Cherokee Removal, [134]

<sup>20</sup> Ibid.

The increasing presence of Anglo settlers and the introduction of agrarian capitalism threatened another traditional sphere of power women held: the power to till the land and provide their clan's sustenance. The amount of work and "masculine" nature of jobs performed by Cherokee women disturbed colonial observers. One of the most important goals of the civilizing mission, therefore, was the switch to male-driven agricultural labor. The codification of chattel, racialized slavery and the introduction of African slaves to Cherokee society further complicated the connections between labor, gender, and power. Perdue asks, "if growing corn contributed to the gender identity of women, what happened when black men joined or replaced them in the fields?"<sup>21</sup> As Native populations acquiesced to the rights to individual property, these demographic changes contributed to the stratification of wealth and differentiation between classes of Cherokee people. Furthermore, female Cherokee slave owners were not engaged in the same level of production as women without slaves. Can slaveholding be considered an "adaptation," or is it evidence of "acculturation"? Delving deeper into the racial and ethnic inconsistencies and complications embedded within Cherokee society, particularly during the Antebellum era, is beyond the scope of this paper; though, it is important not to lose sight of the fact that these questions also weighed on the identity of Cherokee women of this period.

At the turn of the 19th century, the role of "intermediaries" applied to Cherokee men; this granted them access to markets. Perdue explains, "women, joined by white sharecroppers and black slaves, became the primary producers in Cherokee society while men became the entrepreneurs." This market access allowed Cherokee men to continue to forge diplomatic and trade relationships as the century progressed. Women understood the importance of marketability

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<sup>&</sup>lt;sup>21</sup> Perdue, "Cherokee Women," [126].

<sup>&</sup>lt;sup>22</sup> Perdue, "Women, Men, and American Indian Policy" [107].

of goods and presence in this new system, but frequently lacked interested customers.

Benjamin Hawkins, a federal Indian Agent who worked primarily with the Creek Indians, visited the tribe at the end of the 18th century and observed the exclusive market openings.

The women expressed concern regarding this difficulty: "The women who told Hawkins about their agricultural production added that 'if they could be directed how to turn their labour to account like the white people they should be contented." Women requested Hawkins share how to enter the marketplace and sell their goods. The exclusion of women from the public capitalist sphere barred them from increased economic independence. However, they continued to produce the bulk of the goods the tribe needed to survive and expressed interest in entering the economic sphere.

Spinning was another productive adaptation in Cherokee labor. Introduced as a part of the "civilizing mission," Cherokee women quickly latched onto the new system of production and generated large volumes of cloth. "Spinning, weaving, and sewing conformed to women's practice of making clothing, household utensils, mats, and baskets and of dressing deerskins; and it too promised to free them from dependence on the declining deerskin trade."<sup>24</sup> Woven goods, like their agricultural goods, found frequent competition at the market but would eventually become highly coveted in market spaces, acting both as an agent of cultural preservation and a physical marker of change. <sup>25</sup> Although "personal property expressed male values,"<sup>26</sup> property rights crucially maintained independence for Cherokee women, particularly as political disenfranchisement loomed. In 1819, the Cherokee legislature passed an act which allowed

<sup>&</sup>lt;sup>23</sup>Perdue, "Women, Men, and American Indian Policy,"[95].

<sup>&</sup>lt;sup>24</sup>lbid. [104].

<sup>&</sup>lt;sup>25</sup> Sharlotte Neely, "Review: Tradition and Change in the World of Cherokee Women," The Georgia Historical Quarterly 82, no. 4 (Winter 1998): [855].

<sup>&</sup>lt;sup>26</sup> Perdue, Cherokee Women, [135].

Cherokee women to retain property rights, including the possession of slaves, after marrying a white man. In this case, the white man could not dispose of his wives' property without her consent. As Fay Yarbrough writes, this "flew in the face of American law that did not offer similar recognition of women's right to own and control property while legally wed."<sup>27</sup> The right to own property, av departure from the value of communal property, gave Cherokee women a unique opportunity to attempt to compete in the public sphere of capital. Yarbrough writes, this "flew in the face of American law that did not offer similar recognition of women's right to own and control property while legally wed."<sup>27</sup> The right to own property, a departure from the value of communal property, gave Cherokee women a unique opportunity to attempt to compete in the public sphere of capital.

Increasingly present Christian missionaries policed sexual behavior in Cherokee society. The lack of restriction of female sexual conduct and relative bodily autonomy shocked colonial observers. Cherokee people severely prohibited incestuous relationships between members of the same clan, but there were no such prohibitions against adultery or premarital sex. This relatively loose understanding of sexual boundaries, particularly by Anglican standards, led to heightened focus on the reform of sexual behavior through church membership. However, at the turn of the 19th century, expulsion of a Cherokee person from the church commonly "resulted from adultery and intemperance." This suggests that, although laws passed in the 1820s attempted to police Cherokee sexual behavior, many continued to "revert" back to traditional sexual practices. This 'reversion' was actually an assertion of sexual autonomy in a world that constantly attempted to erode the power of Cherokee women. Furthermore, in 1827 a missionary detailed the suspension

<sup>&</sup>lt;sup>27</sup> Yarbrough, "Legislating Women's Sexuality," [3].

<sup>&</sup>lt;sup>28</sup> Perdue, Cherokee Women, [181].

of a girl from Brainerd, a mission and missionary school in Tennessee Cherokee territory. The charge of "prostitution" to justify her suspension is remarkably vague in his account, and could have included a variety of behaviors; he only wrote: "She has been a member of this church but was lately suspended for prostitution." He was particularly dismayed because this type of conduct was not isolated: "This is not a solitary instance of misconduct in those who have been in mission families; after leaving for myself, I believe a majority have conducted worse than the above named person." Thus, despite an increased Christian influence and the presence of non-Cherokee people, even in the most oppositional Christian spaces, women continued to practice much of the same sexual autonomy they possessed for centuries.

The forced exile of Cherokee people, beginning 'officially' in 1831, is sometimes expressed as the defeat of Cherokee sovereignty. An excerpt from an interview with Elizabeth "Bettie" Perdue Woodall, a child of two participants of the Trail of Tears, gives the reader a glimpse into a form of micro resistance, even in the most insurmountable circumstances:

My mother told me about many of the hardships... she and the rest of the women suffered while on their way from Georgia... On one occasion she told of an officer in charge of one of the wagons who killed a little baby because it cried all the time....After my mother's quarrel with the officer in charge of our wagon, my father made arrangements with some of the other officers in front to move to another wagon. He was afraid the officer might kill her to keep her from telling on him.<sup>31</sup>

Woodall's mother confronted an American officer and defended the sanctity of Cherokee life, as well as the dignity of human beings. Her confrontation was clearly so contentious that her husband feared for her life. To challenge a representative figure of state power, like a soldier who assisted in her removal, was an overt act of defiance. What makes

<sup>&</sup>lt;sup>29</sup> Perdue, Cherokee Women, [Page 180].

<sup>&</sup>lt;sup>30</sup> Ibid.

<sup>&</sup>lt;sup>31</sup> Johnston, Carolyn Ross. *Voices of Cherokee Women*. Winston-Salem: John F. Blair, 2013.

this source particularly complicated, however, is the fact that Woodall was born after the shift to a patrilineal definition of Cherokee identity and had a Cherokee father, James Perdue, and white mother, Dollie Thornton-Perdue. Therefore, the woman discussed in the account above was, in fact, white. The other Native Americans who surrounded Dollie fully acknowledged her white identity. However, when she married James, Dollie did not receive any special treatment as a participant in the Trail of Tears. Her daughter noted, "My mother walked every step of the way here [to Westville]." Although Dollie was not Cherokee by birth, her marriage to a Cherokee man absorbed her into Cherokee identity. This absorption illustrates the shifting notions of Cherokee community which became dictated by relationships to husbands and fathers and therefore classified white wives of Cherokee men as Cherokee. It also points to the continuity in the community's value of female resistance and leadership despite however much the notion of who counted as a Cherokee woman may have changed.

In the case of Native history, what has been left unrecorded and "untold" can reveal a significant part of the story. Many histories of the Trail of Tears justifiably focus on the violence and death that accompanied the journey. This coverage, however, obscures the very fact that, despite a staggering number of deaths, many women survived the journey to pass down the memory, to honor the dead, and to celebrate resilience in the face of terror. Their lives are the final act of resistance against the erasure of cultural autonomy, loss of land rights, and ethnic cleansing sanctioned by the United States Government.

Though the examination of resistance during the Cherokee Removal (1780–1835) is a

Bettie Perdue-Woodall, "An interview with Bettie Perdue Woodall," by James R. Carselowey, The University of Oklahoma Libraries, last modified September 20, 1937, accessed April 25, 2018, https://digital.libraries.ou.edu/cdm/singleitem/collection/indianpp/id/6003/rec/11.

<sup>33</sup> Ibid

study of the past, Cherokee women continue to exist triumphantly in the present, to assert sovereignty and power, and to form their future. This is the case with any people who face maintaining cultural independence in an increasingly globalized world. As Wilma Mankiller, the first woman elected to serve as chief of the Cherokee nation, said, "There is an old Cherokee prophecy which instructs us that as long as the Cherokees continue traditional dances, the world will remain as it is, but when the dances stop, the world will come to an end. Everyone should hope that the Cherokee will continue to dance.<sup>34</sup>

<sup>&</sup>lt;sup>34</sup> Johnston, *Voices of Cherokee*, [xvii].

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## Portrait as Propaganda: The Life of Queen Christina of Sweden

## LAUREL MARTIN

Throughout the early modern period, Europe experienced a stark rise in the number of female rulers. Due to the traditional notion that women were imperfect versions of men, great doubt arose about the ability of queens to reign over a kingdom. Women were seen as insatiably lustful as well as weak spiritually, mentally, and physically by their very nature. Consequently, female rulers during this time relied on propaganda to justify their exalted position outside of the domestic sphere and to expel any doubt about their capability to rule. They commissioned images of themselves for public display that exaggerated certain characteristics they possessed or sought to make people believe they possessed. These women were often depicted in official court portraiture as either practicing a traditionally male activity or as exuding certain qualities through the use of allegory. One of the most remarkable cases was Queen Christina of Sweden. Even after she abdicated the throne in 1654, Queen Christina's portraiture continued to display symbols of enlightened authority that affirmed to the public her rightful presence on the throne.

Born in 1626, Christina Augusta would become Queen of Sweden after the death of her father, Gustavus Adolphus, in 1632. Seeing as Christina was six years old at the time, she would not personally assume the throne until 1644. In addition to her impressive intellect, Christina's stark masculinity and aversion to all things feminine made her unique. In her autobiography, the queen wrote that astrologers and soothsayers predicted she was a boy while still in the womb.

When Christina was born, the nurses mistook her for a boy due to her deep voice and excess of hair. Although a male heir was preferable in most cases, King Gustavus welcomed the birth of his daughter and declared her successor. In fact, despite the revelation of Christina's true gender after her birth, Gustavus broke tradition and ordered a *Te Deum* to be sung in her honor. This song was reserved for the birth of a male heir. To further demonstrate his unorthodox support for his daughter's claim to the throne, the king brought Christina along with him wherever he could. She reviewed the troops and lived in the battlefields among the soldiers, which groomed her for future role as head of the military. Later in life, Queen Christina wrote in her autobiography that she developed a crude and brutish personality after spending the bulk of her adolescence in the company of men.

Christina's masculine character as a child did not please her mother, Maria Eleonora of Brandenburg. Maria had yearned for the birth of a male heir. The resulting relationship between mother and daughter was resentful and distant. As Christina explained in her autobiography: "I used [my books and exercise] as pretext to escape the queen my mother [who] could not bear the sight of me because I was a girl and she said I was ugly." It was no secret Maria was greatly concerned with public image and appearance. This is evidenced by her daughter's earliest official royal portraits, which Maria commissioned herself. For instance, in a 1632 portrait by an unknown artist, a young Christina wears a jewelled dress with a high lace collar, holding a pair

<sup>&</sup>lt;sup>1</sup> Aune, Katherine. "Display as identity: Queen Christina of Sweden's construction of a public image through her *stanza dei quadri*." MA (Master of Arts) thesis, Florida State University, 2012, 13.

 $<sup>^{2}</sup>$  Ibid.

<sup>&</sup>lt;sup>3</sup> Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 7.

<sup>&</sup>lt;sup>4</sup> Ibid.

of gloves in one hand and a fan in the other (Figure 1).<sup>5</sup> Ironically, this is the type of soft, delicate, and ladylike image that contrasted with Christina's true personality. Later on, Queen Christina commissioned official portraits of herself which exuded qualities of strength, wisdom, and masculinity instead of beauty and daintiness. It was mostly due to the acceptance of her father that Christina cultivated and embraced her masculine qualities. Indeed, King Gustavus, foreseeing the possibility of his death, limited the involvement of his wife in Christina's childhood. Instead, the Chancellor of the Swedish government and longtime friend of the king, Axel Oxenstierna, was entrusted with the upbringing of the princess. Despite her gender, Christina was ordered by the king to be raised as a prince.<sup>6</sup>

In accordance with her father's wish, Christina received a princely education that was not typically available to females. This allowed her to become well-versed in a wide variety of subjects. In preparation for her duties as queen, Christina was instructed in philosophy, theology, mathematics, astronomy, and learned to speak seven languages fluently: Swedish, French, German, Italian, Dutch, Latin, and Greek. This was due to her insatiable thirst for knowledge and remarkable intellect that would stay with her throughout her life. Even in her youth, the Swedish princess was extraordinarily gifted. In 1633, Chancellor Gabriel Oxenstierna, the head of the regent council, remarked that Christina demonstrated political genius. As a result, by the time she reached fourteen years of age, Christina was granted unprecedented

<sup>&</sup>lt;sup>5</sup> Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 9.

<sup>&</sup>lt;sup>6</sup> *Ibid.*, 8.

<sup>&</sup>lt;sup>7</sup> *Ibid*., 1.

<sup>&</sup>lt;sup>8</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 10.

<sup>&</sup>lt;sup>9</sup> *Ibid.*, 60.

opportunities. One such opportunity was participating in significant council meetings. <sup>10</sup> Upon officially becoming the Queen of Sweden at the age of eighteen in 1644, the highly-cultured Christina began to invite notable foreign writers, musicians, and scholars to her court to enhance her education. <sup>11</sup> This included the French philosopher René Descartes, who noted the queen was passionately interested in literature, especially Greek. <sup>12</sup> Through this passion, Christina developed a fascination for Alexander the Great. Alexander represented qualities of leadership Christina herself sought to emulate. These qualities included athleticism, military skill, and, perhaps most importantly, masculinity. She not only wrote an essay on Alexander's life, but based her autobiography on an ancient scholar's description of him. <sup>13</sup> Queen Christina's intellectual prowess in a culturally backwater country was exemplary, and rightfully earned her the title of Minerva of the North.

Queen Christina flaunted her similarities to Minerva in many royal depictions. Minerva, the Roman goddess of war and wisdom, was how the Swedish queen preferred to be represented. This served as both a nod to Christina's love of classic literature and a conveyance of her knowledge of complex allegory. Indeed, one particular 1649 portrait by David Beck depicts the queen as a bust of Minerva and features an owl, a widely recognized symbol of wisdom. Beck, Queen Christina's official court painter, portrayed the creature perched on a stack of books, the very embodiments of learning and knowledge (Figure 2). <sup>14</sup> The olive branch in the work

<sup>&</sup>lt;sup>10</sup> Stephan, Ruth. "Christina." Encyclopædia Britannica. December 1, 2006. https://www.britannica.com/biography/Christina-queen-of-Sweden.

<sup>&</sup>lt;sup>11</sup> Ibid.

<sup>&</sup>lt;sup>12</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 10.

<sup>&</sup>lt;sup>13</sup> Aune, Katherine. "Display as identity: Queen Christina of Sweden's construction of a public image through her *stanza dei quadri*." MA (Master of Arts) thesis, Florida State University, 2012, 15.

<sup>&</sup>lt;sup>14</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 72.

represents peace and prosperity, another symbol of the queen's intellectual proficiency. Seeing as Christina brought an end to the Thirty Years' War, which her father fought and died in, the appearance of the olive branch alongside symbols of wisdom indicates she secured this peace through wise decisions. Moreover, the recurrence of the olive branch in the Swedish queen's depictions indicates that Christina associated herself more with Minerva's wisdom and intellect than her warlike attributes. This suggests that Christina's true passions laid in acquiring knowledge rather than commanding her nation's army. Even after her eventual abdication of the throne, Christina continued to portray herself as the Roman goddess Minerva.

Minerva's representation of chastity serves as a supplemental hint to the queen's future abdication. This is notable because Sweden's official national religion was Lutheranism, which taught the responsibility of mankind, especially women throughout their fertile years, is to procreate. He was swedish nobility placed constant pressure on Christina to marry and produce an heir. Christina, in commissioning depictions of herself featuring representations of chastity and purity, attempted to justify her choice to remain celibate. This attempt is reflected by the pearls, the head of Medusa, and the helmet featuring a sphinx Christina dons in the 1649 engraving by David Beck. Pearls are a quintessential symbol of purity and female virginity, thus their size is exaggerated in the work to emphasize their significance. The next iconographic component, the head of Medusa, is displayed prominently in the center of the queen's chest. The story of Medusa in Greek mythology ultimately serves to dictate the perils of succumbing to sexual desires. Finally, the sphinx atop Christina's helmet alludes to the mythological story of

<sup>&</sup>lt;sup>15</sup> Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 30.

<sup>&</sup>lt;sup>16</sup> Ibid., 51.

<sup>&</sup>lt;sup>17</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 73.

Oedipus. According to legend, Oedipus rid Thebes of a sphinx by correctly answering the beast's riddle. Oedipus was rewarded with the hand of the city's queen, Jocasta. Unbeknownst to Oedipus, Jocasta was actually his own mother. The union of the two brought famine and pestilence upon their domain, ultimately resulting in Jocasta's suicide and Oedipus's loss of sanity. Through these symbols, Queen Christina sought to display that marriage, viewed as the primary responsibility of women by Protestants, does not always have positive ramifications.

David Beck devised images of Christina that emphasized her female status as royalty. Beck's 1651 portrait of the queen is a quintessential example of this technique, showing the queen against a plain black background wearing a dress edged in regal fur (Figure 3). Despite her self-proclaimed masculinity, Christina must have allowed Beck to portray feminine traits to counteract negative opinions of her as being too manly. This is the clear explanation for the 1650 painting of Christina, which was delivered to Louis XIV, King of France, after he requested the queen's portrait (Figure 4). In fact, the French government circulated pamphlets accusing Christina of being a 'promiscuous lesbian atheist.' Therefore, it was completely intentional that the portrait sent to the French king depicts a ladylike Christina decorated with white silk and flowers. In the portrait she represents a clear symbol of feminine majesty, as the globe and panoramic background featured in the work call attention to her realm. <sup>21</sup>

Queen Christina's more masculine depictions appeared after Sébastien Bourdon was appointed her official court painter in 1652. It is believed this change resulted from the advice of

<sup>&</sup>lt;sup>18</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 73.

<sup>&</sup>lt;sup>19</sup> Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 37.

<sup>&</sup>lt;sup>20</sup> *Ibid.*, 45.

<sup>&</sup>lt;sup>21</sup> *Ibid.*, 47.

a physician named Pierre Bourdelot. Bourdelot was called because Christina had experienced spells of illness in years prior. After his arrival in Stockholm in 1652, Bourdelot attributed Christina's affliction to the stress of trying to conform to the mold of a traditional female.<sup>22</sup> It appears Christina took the physician's advice to embrace her natural masculinity and represent her true identity in her portraits. Taking Sébastien Bourdon's portraits of the Swedish queen into account, those painted by David Beck appear idealized and overly feminine by comparison.

Queen Christina is presented in a 1652 portrait by Bourdon in the attire of a Swedish nobleman. Previously, she had only been portrayed in women's attire. This change represents Christina's first attempt to display her unwomanly character despite her anatomy. In Bourdon's portrait, she wears a high-neck shirt with a ribbon tie, paired with messy hair and a complete absence of regal symbols (Figure 5).<sup>23</sup> While this portrait displays the queen's masculine characteristics, it emphatically stresses her status as an intellectual rather than as a ruler. This accentuates that Christina's passions laid not in governance, but in the acquisition of knowledge.

Due to her extensive academic training, Christina began to critically analyze the preachings of the Lutheran Church. She became increasingly dissatisfied with life at the unrefined Swedish court, where she was expected to practice Protestant faith and fulfill her duty to marry. Christina rejected the Lutheran insistence on female domesticity and subjugation.

Instead, she was drawn to Roman Catholicism for its emphasis on celibacy. Christina would later credit her study of philosophy with French intellectual René Descartes as playing a large role in her eventual decision to convert.<sup>24</sup> Impressed by the Jesuits' value of education, the scholarly

<sup>&</sup>lt;sup>22</sup>Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 40.

<sup>&</sup>lt;sup>23</sup> Ibid.

<sup>&</sup>lt;sup>24</sup> Aune, Katherine. "Display as identity: Queen Christina of Sweden's construction of a public image through her *stanza dei quadri*." MA (Master of Arts) thesis, Florida State University, 2012, 16.

queen began meeting with Catholic missionaries in private, planning a potential abdication of the throne and conversion to Catholicism as early as 1651.<sup>25</sup>

During this time of contemplation, Queen Christina announced she would not marry. Her decision was poorly received by the public, as it was called unnatural. Scandalous gossip surrounded the Swedish queen. Christina became labelled by many as either an atheist, a lesbian, or a hermaphrodite. She was described as an oddity due to her unreserved nature, atypical for women at that time. Rumors about Christina's sexuality were fueled by reports of her overly masculine gestures, voice, and appearance.<sup>26</sup> However, considering the queen publicly displayed her affectionate relationship with one of her ladies-in-waiting, Ebba Sparre, such suppositions could have been based in fact. Christina referred to Ebba as "Belle," and openly remarked that Belle's "insides were as beautiful as her outside." Evidently, Queen Christina made no attempt to silence the rumors. She even commissioned a portrait of her rumored bedfellow that is overtly sensual and elegant in nature (Figure 6). In this 1653 painting by Sébastien Bourdon, Belle is depicted as a quintessential example of feminine elegance. She is adorned with flowers and pearls while donning a gown that slightly falls off her shoulder, flirtatiously exposing the curves of her body. 28 While Bourdon used a similar format for portraits of both Belle and Queen Christina, he intentionally stressed the differing aspects of each woman's personality. It was no

Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 51.

<sup>&</sup>lt;sup>26</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 63.

<sup>&</sup>lt;sup>27</sup>Popp, Nathan Alan. "Beneath the surface: the portraiture and visual rhetoric of Sweden's Queen Christina." MA (Master of Arts) thesis, University of Iowa, 2010, 48.

<sup>&</sup>lt;sup>28</sup> *Ibid.*, 49.

accident that Belle's portrait is beautiful, elegant, and feminine, while Christina's portraits are significantly more masculine.

By 1653, the Catholic King of Spain Philip IV received word of Christina's intention to abdicate. As a result, Philip made an overture to Christina by formally requesting her portrait. This was an opportunity the Queen used to discreetly request the King of Spain's aid in her difficult political situation.<sup>29</sup> Ultimately, Philip IV was presented a groundbreaking equestrian portrait of Christina with deep allegorical meaning. The Queen of Sweden is dynamically depicted in a hunt scene typically reserved for men. In such a scene, women were only ever depicted as the Roman goddess of the hunt, Diana. However, Christina appears as herself in this portrait. This is a testament to her strength, bravery, dominance over nature, and self-discipline (Figure 7).<sup>30</sup> To the public, this portrait purposely emphasized Christina's masculine attributes to reduce anxiety about her ability to rule. Its true purpose, however, was to emulate Philip IV and secure his aid once Christina abdicated the throne.

Christina's reign was ultimately short-lived. The queen abdicated the throne in 1654 after ten years of rule. She would leave the throne to her cousin, Charles Gustav. The reasons for Queen Christina's abdication are still debated today. Publicly, Christina pleaded the burden of ruling a kingdom was too much for a mere woman.<sup>31</sup> However, the likely reason is a combination of her aversions to marriage, the Lutheran Church, and her femininity.<sup>32</sup> Christina took pride in her determination not to marry. She feared that marriage would cause her to lose her autonomy

<sup>&</sup>lt;sup>29</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 61.

<sup>&</sup>lt;sup>30</sup> *Ibid.*, 63.

<sup>&</sup>lt;sup>31</sup> Stephan, Ruth. "Christina." Encyclopædia Britannica. December 1, 2006. https://www.britannica.com/biography/Christina-queen-of-Sweden.

<sup>&</sup>lt;sup>32</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", *Aurora: The Journal of the History of Art*; 2010, Vol. 11, 72.

as Queen of Sweden. Furthermore, Christina could not convert to Catholicism publicly, as she would be defenseless in her Lutheran kingdom. In any event, on the same day she abdicated the throne and her cousin was crowned successor, Christina left Sweden.<sup>33</sup>

Christina relocated to Rome, where she freely cultivated her taste for the arts. She brought her vast collection of paintings and sculptures with her. In Rome, Christina made a lasting impression on European culture, founding the Accademia dell'Arcadia for philosophy and literature. She adorned the Palazzo Riario, where she resided, with the greatest collection of artwork belonging to the Venetian school ever assembled. Indeed, post-abdication, Christina built up a reputation for herself as a highly-cultured art patron and collector. An examination of her Roman palace collection reveals a distinct taste for erotic, mythological paintings and sculptures from the Italian Renaissance. This fact distanced her from Protestant Sweden and affirmed Catholic Rome, with its classical history and culture, as her rightful home. Moreover, the abundance of specifically female nudity in Christina's collection of artwork serves as an attempt to portray a virtuous, powerful, and masculine individual to the public. Her display of artwork, previously owned by Holy Roman Emperor Rudolf II, was certainly meant to inspire male rulers.

Portraits of Christina made after her abdication reflected another shift in self-identity.

Christina's Swedish portrayals publicly emphasized her masculine characteristics and, therefore, her ability to rule. However, her Roman depictions credit the abdication as an intellectual

<sup>&</sup>lt;sup>33</sup> Stephan, Ruth. "Christina." Encyclopædia Britannica. December 1, 2006. https://www.britannica.com/biography/Christina-queen-of-Sweden.

<sup>34</sup> Ibid.

<sup>&</sup>lt;sup>35</sup> Aune, Katherine. "Display as identity: Queen Christina of Sweden's construction of a public image through her *stanza dei quadri*." MA (Master of Arts) thesis, Florida State University, 2012, 65.

triumph. <sup>36</sup> In a 1687 portrait by Michael Dahl, Christina is clearly represented as a *femme* philosophe. She is shown wearing pearls and a velvet cloak trimmed with ermine fur, used for coronation robes. The pearls symbolized her refusal to marry while the velvet cloak served as a visual depiction of kingship. She continued to present herself as a queen, not of a physical realm, but perhaps of knowledge. This is suggested by the globe featured in the work that reads "neither necessary nor sufficient for me," stating she aspired for 'greater' things than ruling over a kingdom (Figure 8).<sup>37</sup> Although Christina surrendered her political power during abdication, she did not relinquish her sovereign status.

Once liberated from the constrictions of court, Christina was able to fully cultivate her passion for intellectuality. Having formed an abhorrence of all things feminine as a result of her princely upbringing, Christina sought to display her triumph over the perceived weakness of her gender in portraits. The queen's refusal to give authority away to a man led her to develop an aversion to marriage, a threat pressed upon her by Lutheran Swedish nobility. In believing she possessed masculine values. Christina felt capable of functioning in the public sphere in her own way. This is increasingly evident in portraits of Christina created after her abdication, which characterize her as a sovereign despite no longer ruling a physical kingdom. Believing her abdication to be a noble act, Christina presented herself to the public as an intellectual and an equal to male rulers despite the assumed cognitive limits of her femininity. Seeing her masculinity as clear evidence of her strength, the former Queen of Sweden ultimately affirmed her triumph against the odds dictated by her anatomical sex.

<sup>&</sup>lt;sup>36</sup> Zirpolo, Lilian H., "The Queen's Predicament: Christina of Sweden as Virgo, Virago, and Femme Philosophe", Aurora: The Journal of the History of Art; 2010, Vol. 11.

<sup>&</sup>lt;sup>37</sup> Aune, Katherine. "Display as identity: Queen Christina of Sweden's construction of a public image through he stanza dei quadri." MA (Master of Arts) thesis, Florida State University, 2012, 54.

## Appendix



**Figure 1:** Unknown Artist *The Princess Christina*, 1632, Oil on canvas, Nationalmuseum, Stockholm.



**Figure 2:** Falck, Jermias after Beck, David *Christina of Sweden as Minerva*, 1649, Engraving, Graphische Sammlung: Düsseldorf Kunstmuseum, Düsseldorf.



**Figure 3:** Beck, David *Queen Christina*, 1651, Oil on canvas, Nationalhistorisk Museum, Frederiksborg.



**Figure 4:** Beck, David *Queen Christina of Sweden*, 1650, Oil on canvas, Nationalmuseum, Stockholm.



**Figure 5:** Bourdon, Sébastien *Queen Christina*, 1652, Oil on canvas, Nationalmuseum, Stockholm.





**Figure 7:** Bourdon, Sébastien *Christina on Horseback*, 1653, Oil on canvas, Prado Museum, Madrid.



**Figure 8:** Dahl, Michael *Queen Christina of Sweden*, c. 1687, Lincolnshire, Collection of the Earl of Ancaster.

# America's Latin American Colony: The Case for Puerto Rican Independence

## DANIELLA TORRES

The Puerto Rican Day Parade is hosted every June in New York City. The day's itinerary includes loud horn honking early in the morning, aromas of arepa,-and plenty of salsa music partnered with only the finest rums at night. Puerto Ricans, or *Boricuas* as they are colloquially called, celebrate this day in honor of their large and exponentially growing population in the United States. As more Puerto Ricans immigrate from the Caribbean to the continental United States due to constant economic hardships on the island, the debates on American annexation and Puerto Rican independence become increasingly vocal, not only on the island but in American academia and liberal activism. The legal status of *Borikén*, Puerto Rico's native Taino name, and its future are both uncertain. After a century of U.S. imperialism and its adverse effects on the Boricua economy and its citizens, it is now time for Puerto Rico to push for complete sovereignty and wean itself from an unstable U.S. hegemonic foreign policy. Focusing on the extent of the United States' sphere of influence on Puerto Rico's development and ability--or lack thereof--to become independent allows us to understand the reasons why Puerto Rican independence is imperative to its success and prosperity.

The Spanish-American War of 1898 proved the United States' strength and dominance as a global empire to the world. Capturing Puerto Rico, along with the other now former Spanish colonies, the United States succeeded in spreading its hegemonic power to the Pacific Ocean and the Caribbean. Puerto Rico was no stranger to the American economy. Puerto Rican laborers and merchants would offer their services and craftsmanship in the continental United States prior to

1898.¹ Boricua immigration to the States also rose as a means to escape Spanish influence during the turbulent times of its imperial hold.² Despite the hardships under Spanish control, Boricuas were successful at implementing capitalism as the island's new economic system and promoting a flourishing working class.³ The Puerto Rican economy was nowhere near that of the United States, but it functioned well enough for its citizens. This flourishing economy changed soon after U.S. invasion. Failed U.S. investments in the island's natural resources and its constant exploitation wreaked havoc on the economy of *Borikén*, and soon Puerto Ricans sought economic refuge in the continental United States to avoid further financial catastrophes.⁴

Economic failure on the island allowed the inception of American labor programs targeting Puerto Ricans at the turn of the century, making Puerto Rico just one of many colonies exposed to imperial exploitation of its natural resources. Similarly to the coerced labor of African slaves in the antebellum south, Boricuas taxingly worked on plantations as wage laborers. The increased need for work subjected many Puerto Rican immigrants to arduous labor and poor working conditions in exchange for poverty-level wages. By 1904, Puerto Rican labor became an essential part of the American plantation economy. However, they remained unrecognized, disenfranchised, and widely confused on their legal status in the States. In *Gonzales v. Williams* (1904), the Supreme Court decided their legal status: ambiguous. The case

<sup>&</sup>lt;sup>1</sup> Stanley I Kutler, ed, *Puerto Ricans in the United States; Dictionary of American History, 6:3* (New York: Charles Scribner's Sons, 2003), 542.

<sup>&</sup>lt;sup>2</sup> Ibid

<sup>&</sup>lt;sup>3</sup> Ruben Berrios Martinez, "Puerto Rico's Decolonization" *Foreign Affairs*. (Washington, D.C.: Council on Foreign Relations), 1997.

<sup>&</sup>lt;sup>4</sup>Kutler, Puerto Ricans in the United States; Dictionary of American History, 6:3, 542.

<sup>&</sup>lt;sup>5</sup> Ibid.

<sup>&</sup>lt;sup>6</sup> Gonzales v. Williams, 192 U.S. 1 (1904). Isabella Gonzales was a Puerto Rican immigrant who was held by immigration officers at the port of New York. She was a long resident of Puerto Rico during the American conquest. She sued arguing that she should not have to be considered an alien based on United States' ownership of Puerto Rico.

declared Boricuas to be fully Puerto Rican citizens while simultaneously benefiting from U.S. protection and allowed unrestricted entry to the States. Years later in 1917 under the Jones-Shafroth Act, Puerto Ricans on the island and residing in the United States were officially recognized as American citizens.<sup>8</sup> A prima facie victory for Puerto Ricans, their naturalization secured Puerto Rico as an American colony with no autonomy or possibility for self-determination. Furthermore, the Jones-Shafroth Act allowed Congress to block any legislative measures the Puerto Rican government sought to take and allowed for control of its economic, foreign, and domestic policies. In addition, "all federal laws applied to Puerto Rico except when declared by the United States to be locally inapplicable." <sup>10</sup>

This was a significant hindrance to the people's autonomy of *Borikén*. The lack of authority over their own nation reminded many Puerto Ricans of the fight for independence under Spanish rule before its subjection to that of the United States. The fight for Puerto Rican independence was first seen in the *Grito de Lares* uprising of 1868. 11 Though this uprising paved the way for the rhetoric on independence, its efforts proved to be futile after American conquest of the island.

Puerto Rican life under American imperialism came in the form of cultural erasure and constant economic instability. Boricuas were exposed to American education that essentially assimilated them to America's white culture. 12 Focusing on Puerto Rican assimilation to white culture materialized the American concept of non-White nations being backwards, unmodern,

<sup>&</sup>lt;sup>7</sup>Kutler, "Puerto Ricans in the United States," *Dictionary of American History*, (2003): 542.

<sup>&</sup>lt;sup>8</sup> Library of Congress, "Jones Act," The World of 1898: The Spanish-American War, (2011).

<sup>&</sup>lt;sup>9</sup> Ibid.

<sup>&</sup>lt;sup>10</sup> Ruben Berrios Martinez, "Independence for Puerto Rico: The Only Solution," Foreign Affairs, (1977).

<sup>&</sup>lt;sup>11</sup> Ibid.

<sup>&</sup>lt;sup>12</sup> Ibid.

and needing American assistance to function in the global economy. English was taught in schools and speaking Spanish was widely frowned upon. <sup>13</sup>

While simultaneously being stripped of their culture, Puerto Ricans continued to face economic hardship under American control. Throughout the 1930s during the Great Depression, a wave of immigration back to the island was witnessed as Boricuas flocked from a suffering American economy to one in relatively less financial ruin. However, back on the island agricultural jobs were slowly fading into nonexistence leaving many rural Puerto Ricans jobless and in dire need for employment. The urbanization during the mid-twentieth century called for migration from these rural areas to more populated cities on the island and back in the States. He Puerto Rican labor movement of the 1940's soon took shape and its socialist policies allowed for a reintroduction of the rhetoric on independence. Though Congress had authority over its legislation, Puerto Ricans were able to elect a non-voting member to Congress as a manifestation of some democracy. During the beginnings of the Boricua labor movement, the Liberal Party of Puerto Rico, known for its strong stance on independence and a return to a pure Boricua culture, gained notable popularity, reaching 46% of the vote in 1936.

At the same time, hyper-nationalist movements gained popularity and soon, the Nationalist Party of Puerto Rico reigned its dominance on electoral politics.<sup>20</sup> Fearing a nationalist uprising that may threaten U.S. economic interests on the island a pro-American

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<sup>&</sup>lt;sup>13</sup> Berrios Martinez, (1977).

<sup>&</sup>lt;sup>14</sup> Kutler, 543.

<sup>15</sup> Ibid.

<sup>&</sup>lt;sup>16</sup> Berrios Martinez, (1977).

<sup>&</sup>lt;sup>17</sup> Ibid.

<sup>&</sup>lt;sup>18</sup> Library of Congress, (2011).

<sup>&</sup>lt;sup>19</sup> Berrios Martinez, (1977).

<sup>&</sup>lt;sup>20</sup> Ibid.

police force assassinated unarmed nationalists in the Ponce Massacre of 1937.<sup>21</sup> This seems to be a trend in the Caribbean during this period. Years earlier in the Dominican Republic, for example, pro-American forces massacred nationalists attempting to remove all American influence from the country. Years later, the United States Marine Corps would engage in a military coup to overthrow an anti-American strongarm-dictator, Rafael Leónidas Trujillo.

Shortly after the massacre, political parties fighting for Puerto Rican independence soon emerged, promising sovereignty in a matter of years. This proved to be moot, for in 1952 the United States granted Puerto Rico commonwealth status under the Spanish name, El Estado Libre Asociado de Puerto Rico, as a way to reintegrate its original culture to the new legal status of the island.<sup>22</sup> The word "new" is used very loosely given that there is nothing truly new about its position. Translated, El Estado Libre Asociado de Puerto Rico, means "The Freely Associated State of Puerto Rico;" however, there was little which was regarded as truly free about it. As a commonwealth, Puerto Rico was still not fully independent; it had very limited authority over economic and political matters, could not construct their own foreign policy, nor could they directly impact American legislation. As Ruben Berrios Martinez states in his 1977 article, "Independence for Puerto Rico: The Only Solution," its establishment as a commonwealth created nothing but a myth that Puerto Ricans were on their way to democratic representation in the United States.<sup>23</sup> According to Berrios Martinez, the document characterized the Puerto Rican people as "freely self-determined against self-determination" and understood that Boricuas actively desired colony status in the American empire.<sup>24</sup>

<sup>&</sup>lt;sup>21</sup> Berrios Martinez, (1977).

<sup>&</sup>lt;sup>22</sup> Ibid.

<sup>&</sup>lt;sup>23</sup> Ibid.

<sup>&</sup>lt;sup>24</sup> Ibid.

While other Caribbean and Latin American countries gained independence, Puerto Rico would never be one of them; democratic enough to elect its own governor and (non-voting) members to Congress yet heavily unrepresented and lacking political autonomy, *Borikén* has yet to escape from the firm grip of American imperialism.<sup>25</sup> In 1960, the United Nations released the U.N. General Assembly Resolution on the Granting of Independence to Colonial Countries and Peoples. According to Ruben Berrios Martinez, the resolution "[recognizes] that national self-determination is an inalienable right, and that colonialism is not a normal condition to which human beings can voluntarily consent." <sup>26</sup> The introduction of the New International Economic Order (NIEO) in the 1960s and 1970s allowed these Third World nations to fight for "permanent sovereignty over natural resources" and "sought to harness the power of the state in controlling key industries, trade regimes, and multinational corporations engaged in what they viewed as the plundering of their wealth and resources." <sup>27</sup> NEIO also respected self-determination through political and economic means as a human right of former colonies. The decolonization of former colonies allowed international expression of what were considered Third World nations. Puerto Rico's status as a commonwealth (which is in fact a euphemism for a modern-day colony) did not, and will not, allow them to demand the economic reparations demanded by former colonies during the height of the NIEO.

The idea of Puerto Rico being an American colony brings up many interesting questions of and concerns on the status of Boricuas' human rights. The human right to complete economic

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<sup>&</sup>lt;sup>25</sup> Jay Kinsbruner and Erick D. Langer, eds, "Democracy," *Encyclopedia of Latin American History and Culture*, (2008), 777.

<sup>&</sup>lt;sup>26</sup> Berrios Martinez, "Puerto Rico's Decolonization," Foreign Affairs, (1997).

<sup>&</sup>lt;sup>27</sup> Vanessa Ogle, "State Rights against Private Capital: The 'New International Economic Order' and the Struggle over Aid, Trade, and Foreign Investment, 1962-1981." *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, (2014), 211.

sovereignty is one the NIEO tried to address with respect to newly-formed countries. However, a country's economic status is just one of the many angles to approach human rights. The United States' push to assimilate the Puerto Rican people to American culture serves as an outward erasure of culture that is notable in white empires. However, its efforts proved to have little impact. As Ruben Berrios Martinez notes, "Puerto Rico's heart is not American. It is Puerto Rican." <sup>29</sup> Regardless of forced assimilation and attempts to push an Anglo-American public education on its youth, Puerto Rico remains prideful in its homeland, culture, and traditions. Puerto Rico, as it has always been, exists as its own nation, presenting yet another complication in the push for U.S. annexation. Puerto Ricans will forever consider themselves Puerto Rican--not American. <sup>30</sup> Spanish is still widely spoken on the island and English remains a language for the more educated Boricuas. <sup>31</sup> The fight for independence, as noted earlier, has been alive and well since Spanish imperialism despite having taken a hiatus in the early 1990s due to fears of treason imposed by authorities. <sup>32</sup>

Puerto Rico should be able to revel in independence and remove any colonial association from its current status. The argument against independence is rooted in imperial thought and the notion of a white nation saving one of color because they cannot save themselves; they must in some way be inherently flawed. Carlos Romero-Barcelo, a prominent activist for Puerto Rican statehood, in his work, "Puerto Rico, U.S.A: The Case for Statehood," rests his argument for annexation solely on the economic benefit Puerto Rico would have on the American economy.

<sup>&</sup>lt;sup>28</sup> Ogle, 212.

<sup>&</sup>lt;sup>29</sup> Berrios Martinez, (1997).

<sup>&</sup>lt;sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>&</sup>lt;sup>32</sup> Ibid.

Disregarding the significance of culture and nationalism in Puerto Rican life, Romero-Barcelo's piece is frankly a work promoting the continual exploitation of the island and its natural resources. Although statehood would allow the federal government to financially aid *Borikén* during this turbulent economic time, there is more the United States would gain from annexing Puerto Rico than Boricuas would gain from annexation.<sup>33</sup> Granting statehood would not reverse the century of failed investments and unemployment, as he would argue. Romero-Barcelo is engaging in the concept that Puerto Rico will fail on its own because its inhabitants are unproductive, fiscally irresponsible, and are at the mercy of the United States for any possibility of future fiscal success.<sup>34</sup> This same dated logic is similar to that used to describe former colonies categorized as Third World. The legal status of Puerto Rico would not merit Third World status, so the theory of *desarrollismo* would not apply, but his argument implies that there is a mutual dependency that would be lost if Puerto Rico were to be given independence.<sup>35 36</sup>

Under the United States Constitution, territory not officially annexed to the country is legally not supposed to be permanent.<sup>37</sup> Puerto Rico seems to be the exception. In 1976 President Gerald Ford proposed giving Puerto Rico official status as a U.S. state.<sup>38</sup> Present-day rhetoric on statehood has produced no legislative advances--only debates and intriguing opinion pieces. Puerto Rican independence is long overdue. Congressional support for statehood has been on the decline as many legislators now understand the commonwealth as a remnant of an American empire struggling to hold on to relevance and power.<sup>39</sup> Puerto Rico has long suffered (and

<sup>&</sup>lt;sup>33</sup> Carlos Romero-Barcelo, "Puerto Rico, U.S.A: The Case for Statehood," Foreign Affairs, (1980).

<sup>&</sup>lt;sup>34</sup> Ibid.

<sup>&</sup>lt;sup>35</sup> Samir Amin, "Re-Reading the Postwar Period: An Intellectual Itinerary." (1994).

<sup>&</sup>lt;sup>36</sup> Romero-Barcelo, (1980).

<sup>&</sup>lt;sup>37</sup> Berrios Martinez, (1997).

<sup>&</sup>lt;sup>38</sup> Romero-Barcelo, (1980).

<sup>&</sup>lt;sup>39</sup> Berrios Martinez, (1997).

continues to suffer) from economic and cultural losses under U.S. hegemonic power. The Puerto Rican economy has been deteriorating since coming under conquest by the United States; this is most evident in the current crisis. Over a century of exploitation and labor abuses left Boricuas in grave economic instability which can only be salvaged under full independence.

The inception of and destruction caused by Hurricane Maria further highlights the need for an independent Puerto Rico. The Trump Administration's response to Hurricane Maria compared to that of Hurricane Harvey in Texas was disheartening. According to a March 2018 Politico report,

"Within six days of Hurricane Harvey, U.S. Northern Command had deployed 73 helicopters over Houston, which are critical for saving victims and delivering emergency supplies. It took at least three weeks after Maria before it had more than 70 helicopters flying above Puerto Rico. Nine days after the respective hurricanes, FEMA had approved \$141.8 million in individual assistance to Harvey victims, versus just \$6.2 million for Maria victims. During the first nine days after Harvey, FEMA provided 5.1 million meals, 4.5 million liters of water and over 20,000 tarps to Houston; but in the same period, it delivered just 1.6 million meals, 2.8 million liters of water and roughly 5,000 tarps to Puerto Rico." <sup>40</sup>

The lack of initiative presented by the Trump Administration to assist Puerto Ricans and remedy the island proved the United States's indifference to its Caribbean colony. By lacking statehood, Puerto Rico is subjected to additional bureaucratic red tape; providing relief to the island has mutated into a deeply politicized topic, caused only by American political party differences--a factor that would be eliminated in vital decisions if Puerto Rico were granted independence.

Puerto Ricans today slightly benefit from its limited fiscal authority; with statehood it will be subject to America's flawed and highly politicized economic policies that will have an

<sup>&</sup>lt;sup>40</sup> Danny Vinik, "How Trump favored Texas over Puerto Rico," *Politico*, (2018).

even more adverse effect on the island's finances. <sup>41</sup> The state of Puerto Rico "would be the poorest state, pay the least in federal taxes, and receive the most in per capita federal transfers" due to subjection to American economic policies that will not adequately reflect the needs of the island's inhabitants. <sup>42</sup> <sup>43</sup>

From plantation laborers to the façade of American inclusion, the United States has deeply failed Puerto Rico and continues to do so. The current financial crisis in *Borikén* should be enough proof to argue that the United States has lost all its empirical need for the nation. Puerto Rico's current economic state is admittedly completely due to its lack of financial responsibility; it's over spending and borrowing monies it cannot repay have led to its blatant economic decline. However, the fault does not rest solely on the Puerto Rican government's irresponsibility. If granted independence during the late nineteenth century, *Borikén* would have advanced in its growing capitalist economy at the time. However, its young capitalist economy never had the chance to flourish. American interests and investments "had an important part to play in the process of [its economic] development." <sup>44</sup>

Today, Puerto Rico is still considered an American commonwealth and remains one of the few colonies to exist in the twenty-first century. The existence of Puerto Rico as a commonwealth and its suppressed right to independence only strengthens the theory that the American empire was never truly vanquished. However, existing as part of the world's richest empire proves to be pointless for Puerto Rico's current economic situation. Defaulted twice on

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<sup>&</sup>lt;sup>41</sup> Berrios Martinez, (1997).

<sup>&</sup>lt;sup>42</sup> Ibid.

<sup>&</sup>lt;sup>43</sup> Jay Kinsbruner, and Erick D. Langer, eds, "Imperialism," *Encyclopedia of Latin American History and Culture*, (2008), 790.

<sup>&</sup>lt;sup>44</sup> Ogle, 214.

its debts, the Boricua economy has been failing for nearly a decade. The financial situation on the island has many native Puerto Ricans fleeing to the continental United States in search for labor and a higher standard of living as they once did in the early twentieth century. Articles titled, "Fix Puerto Rico's Economy Now" and "Puerto Rico is the Canary in the US Debt Mine" have widely appeared in the media since the government declared a failed economic state. Puerto Rican legislators engaged in a tug of war with the American government to receive Chapter 9 benefits, normally given to U.S. states declared bankrupt in order to protect it from entities it owes money to. Barren as these efforts may be, notable U.S. politicians have vowed to provide economic support for the struggling island. According to the Supreme Court in 1980, the United States is "under no constitutional obligation" to provide safety-net services or introduce welfare programs to Puerto Rico. The fact that the Boricua economy has not been provided the financial help necessary as American states would have under similar circumstances epitomizes the need for an independent Puerto Rican state; relying on the United States brings no benefit.

History notes that the introduction of American industries and investment to the island ruined its economy and pushed many Boricuas out of jobs, negating two-thirds of Romero-Barcelo's economic justification for annexation, but Boricuas gain little from annexation to the United States, though some, like Carlos Romero-Barcelo, would argue otherwise. Regarding the current economic crisis, annexation would prove to have a positive effect through the reception of Chapter 9 benefits. However, this is just one of the few benefits

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<sup>&</sup>lt;sup>45</sup> Both articles taken from the Washington Post.

<sup>&</sup>lt;sup>46</sup> Heather Long, Puerto Rico's debt crisis just got worse, CNN, (2016).

<sup>&</sup>lt;sup>47</sup> Berrios Martinez, (1997).

Boricuas would gain from remaining associated with the United States. Romero-Barcelo does make a valid point when addressing the question of tourism, though profits made would add to the U.S. gross domestic product--profits that would be better distributed to an independent Puerto Rican economy.<sup>48</sup>

Puerto Rico exists today as a commonwealth; it has a considerable amount of autonomy in political and economic affairs but remains disenfranchised and unable to adequately cater to the needs of its inhabitants. American citizenship means nothing to Puerto Ricans for their national pride trumps the prospect of American citizenship. If granted independence, *Borikén* would be able to meet its economic and political needs without having to be subjected to highly politicized American policies that do not reflect their own political beliefs. Puerto Rico is a remnant of American imperialism struggling to prove its longevity. The twenty-first century is no place for the global racist and oppressive system that is imperialism. The decolonization of Puerto Rico by way of self-determination would prove to the world that one of the few remaining global hegemonic powers will soon face its finale.

<sup>&</sup>lt;sup>48</sup> Romero-Barcelo, (1980).

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# Kaleidoscopic Vertigo and Social Death

#### CAMERON WONG

Newly graduated historians suffer from a kaleidoscopic vertigo. It's an innate occupational hazard of the historian: the query of how and from which perspective one should study history. The usual suspects are the social, political, economic, legal, or cultural lenses, and top-down or bottom-up approaches, respectively. Certain lenses have advantages in complementary fields: Marxist historians might tend toward the economic lens, while panimperial historians benefit from both the political and cultural lens, and so on. Typically, lenses are relatively interchangeable enough to where bringing new lenses to a topic is often encouraged, potentially revealing what the other lenses could not. However, there is one lens which is unequivocally the best suited for studying the concept of social death, and transatlantic slavery as a whole: the social lens. Characterized by examining individual persons, interactions, or events and extracting broad trends from these microcosms, the social lens favors the concomitant bottom-up approach. A bottom-up perspective with a social emphasis paints an experientially accurate portrait of social death, situating the reader to where they are afforded a ground-level, distinctly personal glimpse into the life of a slave.

Upon its publication in 1982, Orlando Patterson's *Slavery and Social Death: A Comparative Study* received widespread critical acclaim for its creation of the revolutionary, catch-all term, "social death." The book's eponymous conceit presented a new angle to study slavery, as Patterson took a decisively sociological approach toward examining the history of slavery and its victims. Comparatively studying most of history's major slaveholding societies, Patterson sought to better understand slavery in the Atlantic by studying its predecessors. Out of this rigorous comparative examination, Patterson hoped to compile a ubiquitous definition of slavery that was universally applicable to any of the aforementioned slaveholding societies. He

came to the conclusion that social death was the basic condition of slavery, defining the institution as "the permanent, violent domination of natally alienated and generally dishonored persons." Sculpting a slave out of a free man first necessitated chipping the marble around him, i.e. his society, family, and individuality. This process of dehumanization stripped slaves of their position and their sense of belonging within their former community, importing them into an entirely new and foreign community within which they were decisively situated at the bottom.<sup>2</sup> Patterson grated against convention by refusing to view the institution of slavery through the traditional economic lens of the slaveholder, i.e. the typical narrative of purchasing a slave, transporting across the Middle Passage, seasoning or selling the slave, and the slave settling into their strata. Instead, Patterson fixated on the social dimension of enslavement: the process of a slave being extracted from their society, stripped of their societal ranking, imported into a new society, and assigned a new, basal ranking therein.

Although Patterson rightfully utilizes the social lens, he negates all benefit by approaching slavery from the top-down, an approach which runs converse to many of the hallmarks of the social lens (an emphasis on case studies or extrapolation of broad trends from microcosms, for example.) He begins by examining the concept of power, then domination (a type of power), then slavery (a type of domination), and so on. Patterson unfurls a descending conceptual cascade, creating a neat and orderly delineation, but one which lacks multidimensionality or boots-on-the-ground substantiation. Patterson's linearity not only leans on abstraction, but it suggests that slavery can be traced back to a single, conceptual source (power), when in truth slavery comes from an extensive lineage of tangible, sublunary factors. Patterson sees slavery and its predecessors as a neat and singular delineation, sprouting from the

<sup>&</sup>lt;sup>1</sup> Vincent Brown, "Social Death and Political Life in the Study of Slavery," *American Historical Review* 114, No. 5 (December 2009), 1233.

<sup>&</sup>lt;sup>2</sup> Ibid., 1233.

imprecise, yet universally acknowledged, abstraction of "power." Yet slavery and its forebears are best understood not as an narrow lineage, but rather as an expansive family tree: a panoply of differing shoots and branches, all exerting various degrees of influence on the character of slavery.

Furthermore, these family trees are regionally unique. While Patterson rigorously studied and compared the various slaveholding societies throughout history, his ultimate goal was to generate a term capable of accurately describing any form of slavery in any part of the world. In Patterson's mind, there was some basal common thread throughout all iterations of slavery which tied them together despite disparities in space and time. This attempt to coalesce every variation of slavery and reduce them to a mere formula is an inherently impossible task, as these different iterations of slavery owe elements of their character to climate, geography, contemporary political and economic conditions, cultural milieu, and individual idiosyncrasies. The utilization of a catch-all term like "social death" is a pernicious tool which cuts both ways, in that it helpfully condenses the complexities of slavery but, in doing so, flattens dimension and reduces unique experiences to large-scale trends with singular explanations. The term simplifies an intricate field of study, but at the cost of much of the nuance which the subject not only deserves, but demands.

Vincent Brown, a Harvard professor of history and African and African-American studies, complicates the concept of social death by questioning the notion that the socially dead cannot be socially resurrected, so to speak. His marvelously thorough exploration and critique of social death, "Social Death and Political Life in the Study of Slavery," opens with a depiction of an unusually ceremonious and respectful funeral being given aboard the *Hudibras* in 1786. The departed woman was "universally esteemed" as the "soul of sociality" below decks, and her

passing engendered widespread mourning and grief amongst the captives and also inspired brief vet pernicious insurrection.<sup>3</sup> The protests of the slaves after being herded below deck before concluding the funeral ensured the departed was respectfully lowered into the water, surrounded by her newfound community. Similarly, in his first book *The Reaper's Garden: Death and* Power in the World of Atlantic Slavery, Brown challenges conventional understandings of death by suggesting that in many ways, "the dead are active participants in the living world." Even down to its name, the book complicates the traditional understanding of life as being bookended by birth and decay, instead hinting at a potential symbiosis or even hybridization between generative life and repossessive death. In this sense, Vincent Brown argues, the slaves resisted succumbing to social death through the creation of a patchwork community oriented, ironically, around death, writing that the funeral on the *Hudibras* "typifies the way that people who have been pronounced socially dead...have often made a social world out of death itself." Given that the fundamental process of enslavement is dehumanization, funerary services such as those performed on the *Hudibras* stand in direct opposition to the dehumanization which slavery prescribes. Bound together by struggle and mutual suffering, the enslaved resisted their transubstantiation from human to commodity by forming a new kind of community, created not on a foundation of shared background or common culture, but shared experience and collective humanity.

The central contention Brown deploys against Patterson's concept of social death is its supposed permanence. Brown maintains that social death is a repairable condition through his repeated depictions of funeral services creating community between slaves, ushering in a degree

<sup>&</sup>lt;sup>3</sup> Ibid., 1231.

<sup>&</sup>lt;sup>4</sup> Vincent Brown, *The Reaper's Garden: Death and Power in the World of Atlantic Slavery* (Cambridge: Harvard University Press, 2008), 4.

<sup>&</sup>lt;sup>5</sup> Brown, "Social Death," 1232-1233.

of social resurrection in the slaves' reclamation of their social bonds. As the originator of the theory of social death, the clout that Patterson wields in determining the term's trajectory is understandable. However, Brown believes that people have become too entrenched in Patterson's definition, and the academy's obsession with the term engenders myopia in studying slavery. The term's purpose (as Patterson uses it) is not to explore the lives and experiences of slaves nor offer any meaningful insight into the effect slavery had on the trajectory of history, but rather to condense the experience of enslavement into a catch-all term that in Brown's mind "ultimately does little to illuminate the social and political experience of enslavement and the struggles that produce historic transformations." This eschewing of individual case study and experiential nuance is perpetrated in favor of conveniently encapsulatory concepts. Patterson disregards the slaves as individuals by corralling every slave experience under the singular umbrella of social death, in a way stripping the slaves of their identity and individuality once more.

While Brown admits that "social death may be largely unproblematic as a matter of theory" it is when rubber meets the road where "the concept becomes a general description of actual social life in slavery." This misappropriation of the term, not as a lens through which to study slavery but as an encapsulation of what slavery was as an experience, is the crux of Brown's contention. Furthermore, Patterson neglects to abide by one of the most unforgivingly rigid tenants of studying history: unlike physics, chemistry, mathematics and other empirically consistent subjects, there are no universal constants which bind and guide the trajectory of human history. Being that Patterson's background is in sociology and not history, it follows that he would be more preoccupied with "discover[ing] universal laws of operation that would be true

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<sup>&</sup>lt;sup>6</sup> Ibid., 1233.

<sup>&</sup>lt;sup>7</sup> Ibid., 1236.

regardless of time and place." This pursuit of constants and universalities is innately antithetical to the study of history, as Patterson's attempt to derive a set of universal laws is rendered fruitless in the face of history's uniquely variable and episodic nature.

Another point of contention in Brown's mind is the context from which the term spawned. Beyond being coined by a sociologist, the term emerged out of a historical zeitgeist obsessed with synchronism and establishing orderly, all-encompassing chronologies, within which slavery was neatly situated and, most importantly, static. Brown emphasizes the necessity of studying history as a continuum, not as a series of apportioned, segregated events which when compiled form a mosaicked, linear timeline. Brown goes on to describe how the study of slavery is now typically bisected between "works that emphasize the overwhelming power of the institution and scholarship that focuses on the resistant efforts of the enslaved.... hopeful stories of heroic subalterns versus anatomies of doom." Situating those two discussions alongside one another, Brown implies that the study of slavery, like the study of history, should be examined as a totality, not as a series of interconnected events nor even a bifurcated division of thought.

Although Brown thoroughly criticizes the term's malleability, citing its misappropriation and misapplication as a catch-all for the experience of slavery as a whole, he unexpectedly lauds historian Stephanie Smallwood for her augmentation of the concept in her book *Saltwater Slavery: A Middle Passage from Africa to American Diaspora*. Smallwood takes an intriguingly bifurcated approach to social death: on one hand, she aligns herself with Patterson in agreeing that social death is a condition of forceful displacement. Naturally, she admits that literal captivity aboard a slave ship bound for the Americas subjected the captives to a form of social death. However, she complicates the notion by also suggesting that social death was not

<sup>&</sup>lt;sup>8</sup> Ibid., 1234.

<sup>&</sup>lt;sup>9</sup> Ibid., 1235.

necessarily a static condition slaves endured, but rather a vacillating struggle between master and slave in which the master threatened social death upon the slave, writing that, "we find a stark contest between slave traders and slaves, between the traders' will to commodify people and the captives' will to remain fully recognizable as human subjects."10

Drawing from the documents of slaveholders, slave traders, and slave forts off the West African coast, Smallwood accomplishes a comprehensive and insightful account of the process of being rendered socially dead, positing that the process's completion hinges on two things: industrialized replicability and maintaining a balance between social death and physical death. Smallwood opens chapter two, nominally concerned with "turning African captives into Atlantic commodities," with the antithesis of this transubstantiation: a successful and self-liberating slave mutiny aboard the Cape Coast. 11 The official reports which Smallwood includes explain the troubling success of the revolt by pointing to the captain's deviation from procedure. This emphasis on infrastructural rigidity highlights a basic condition which the success of transubstantiating captive to commodity hinges on: strict adherence to procedure. In order to successfully transform a person into a product, the process must be seamlessly industrialized, perfectly replicable, and brutally dehumanizing so as to break their will and self-recognition as an individual, but not so brutal as to render them unsellable, unusable, or dead. It is in this crepuscular zone between untamed life and physical death "where human commodification was possible." Slave owners and traders exerted disturbingly precise degrees of physical violence so as not to physically kill their captives but to render them socially and emotionally dead, thereby obliterating social bonds as well as one's will to reclaim them. Smallwood denotes this

<sup>&</sup>lt;sup>10</sup> Ibid., 1241.

<sup>&</sup>lt;sup>11</sup> Stephanie E. Smallwood, Saltwater Slavery: A Middle Passage from Africa to American Diaspora (Cambridge: Harvard University Press, 2007), 33. <sup>12</sup> Ibid., 34.

as a "watershed in what would become an enduring project in the modern Western world: probing the limits up to which it is possible to discipline the body without extinguishing the life within." The crux of social death in Smallwood's mind, then, is this Goldilocks zone between untethered and extinguished life, wherein slave and master ferociously compete to opposite ends and human commodification thrives.

The precariousness of this balance necessitates that the process of enslavement be as efficient and cleanly replicable as possible. Smallwood emphasizes the streamlined industrialization of the institution, referring to trade forts and coastal slave ships as "shore-based and floating factories." Furthermore, this industrialization manifested itself monumentally in the linear progression from interior forts to coastal forts to ships, but also microcosmically, as Smallwood references the "unabashedly precise lexicon" officials of the Royal African Company used to distinguish between different types of slaves. This insistence on exactness shaped every aspect of a slave's life, from the vernacular which surrounded them to their own nourishment, which was in the hands of their owners who provided "meals whose content and size reflected a calculation balancing the cost of the slaves' maintenance against their purchase price." Stripped of their variability and uniqueness, the slaves suffered under a calculated poverty, characterized by strategic starvation and mandated misery.

Similar to Smallwood's focus on reanimated social bonds through budding slave communities, Jennifer Morgan's "Some Could Suckle Over Their Shoulder" examines social death through a hybridized social and gendered lens. However, Morgan applies these historical bifocals not in examination of the development of black communities, but rather in exploring

<sup>13</sup> Ibid., 36.

<sup>&</sup>lt;sup>14</sup> Ibid., 36.

<sup>&</sup>lt;sup>15</sup> Ibid., 37.

<sup>&</sup>lt;sup>16</sup> Ibid., 43-44.

emerging notions of "blackness" and "otherness" as a whole in the Western world. She contends that blackness and gender are symbiotically linked, writing that because women have by and large suffered the status of the "other" gender throughout history, gender has therefore played a formative role in evolving notions of otherness within the Atlantic world. Furthermore, non-European women in particular have been subjected to a uniquely symbolically significant discrimination, representing in the minds of Europeans the best and worst caricatures of "others": orientalist fascination, eroticized exoticism, subjugation, disenfranchisement, and subhuman status.

Exploring the developing notions of savagery, blackness, gender, and overarching otherness, Morgan highlights the intercepts between them and emphasizes both their inextricability and their influence on the trajectories of one another. Morgan denotes "savagery" as the unifying term which bridges the gap between gender and race, substantiating her claim with writings which reveal that Europe had already maintained unfavorable and conflated images of gender and savagery for hundreds of years prior. Morgan references Pliny the Elder's *Historia Naturalis* as well as *The Travels of Sir John Mandeville* to evidence a cultural history in which "the shape of [a woman's] body marked her deviant sexuality; both shape and sexuality evidenced her savagery." Within these accounts, non-European women are depicted as having low-hanging breasts, an image which represented and subsequently engendered connotations of savagery, incivility, and ultimately subhuman beastliness.

Connotations and conceptions regarding the world of "savages" and the worlds of "others" as a whole were shaped according to and in contrast against European society, as Morgan posits that European writers "relied on gendered notions of European social order to

<sup>17</sup> Jennifer L. Morgan, "Some Could Suckle Over Their Shoulder: Male Travelers, Female Bodies, and the Gendering of Racial Ideology, 1500-1770," *The William and Mary Quarterly* 54, no. 1 (1997): 170.

project African cultural disorder." Perhaps because many West African societies, such as the Akans of Ghana and the Serer of Senegal, are matrilineal and/or matrilocal, many Europeans considered black women to be representative of "a deep threat to patriarchy." Black women in European society were characterized as a destabilizing force within a social order which heavily depended upon social stratification and complacency. It is through this matrilineality as well as other differences between West African society and their own that Europeans characterized the former as disorderly and savage, instead lauding their own society. This European project of shaping the national identities of others by tracing them against their own marks a cultural trend which outlined the form racism took in European society, as Morgan contests that "the development of racialist discourse...was deeply implicated by gendered notions of difference and human hierarchy." This "racialist discourse" is an absolutely crucial societal component to the process of dehumanizing and rendering another socially dead. Cultural insularity and the division of people between in-groups and out-groups maintains stratified and unilaterally-led societies, which are reciprocally necessary for exerting the process of social death on another.

The ascription of otherness along gendered and racial lines was not an exclusively African experience. European descriptions of native women cemented the characterization of Amerindians as, at best, "other," as indigenous women bore "an enormous symbolic burden, as writers…employed them to mark metaphorically the symbiotic boundaries of European national identities and white supremacy." Amerigo Vespucci gives an (initially) flattering account of Amerindian women, praising their work ethic in spite of their pregnancy and admiring their breasts, which are not drooping or sagging as European cultural "icons of difference" prescribe

<sup>&</sup>lt;sup>18</sup> Ibid., 169.

<sup>&</sup>lt;sup>19</sup> Ibid., 168.

<sup>&</sup>lt;sup>20</sup> Ibid., 170.

<sup>&</sup>lt;sup>21</sup> Ibid., 169.

the breasts of a native woman to be. Yet, Vespucci goes on to write concerning native "women biting off the penises of their sexual partners, thus linking cannibalism—an absolute indicator of savagery and distance from European norms—to female sexual insatiability." Savagery and womanhood were effectively conflated and complemented by the other, the latter (low-hanging breasts) substantiating their savagery, the former (being non-European) compromising their womanhood because blackness, as evidenced by the writings of Sir Thomas Browne, was viewed as antithetical to beauty. <sup>23</sup>

By the mid 17<sup>th</sup> century, there were already numerous "New World and African narratives that relied on gender to convey an emergent notion of racialized difference" in publication in Europe.<sup>24</sup> Already, the literary zeitgeist of 17<sup>th</sup> century Europe demanded that beauty be evaluated according to a hybridized metric of gender and race. Morgan fixates on this conflation of "icons of difference"—race, religion, and class—with gender, utilizing gender's innate dichotomous otherness to contribute to overarching otherness of peoples who have their foot in multiple camps, namely black women. Morgan captures European conceptions about the female African body as "a body both desirable and repulsive, available and untouchable, productive and reproductive, beautiful and black," so as to underscore both conflicting notions of beauty and otherness as well as to highlight thematic dualities throughout.<sup>25</sup> Morgan depicts both the process of forming one's personal racial prejudices as well as the dissonance within as commonplace, socially-prescribed opinions by citing an account of Englishman Richard Ligon. Upon his arrival in Barbados, Ligon reveled in a black woman's beauty, going so far as to compare her to the monarchy, the ultimate symbol of beauty, class, and civility in his mind.

<sup>&</sup>lt;sup>22</sup> Ibid., 173.

<sup>&</sup>lt;sup>23</sup> Ibid., 168.

<sup>&</sup>lt;sup>24</sup> Ibid., 168.

<sup>&</sup>lt;sup>25</sup> Ibid., 170.

However, later in his account after spending more time in Barbados, Ligon comes across a group of black women laboring in the fields and instead remarks upon how their low-hanging breasts give them the appearance of a six-legged beast. Perhaps due to his increased exposure to and indoctrination with Atlantic racial prejudice or simply due to their environment the women were working in, Ligon ascribes dehumanizing, almost bestial qualities to the women, "their monstrous bodies symbolized their sole utility—their ability to produce both crops and other laborers." Europeans wrapped and warped notions of difference along gendered lines so as to dehumanize black women and justify racial prejudices in a "process through which the familiar became the unfamiliar as beauty became beastliness and mothers became monstrous, all ultimately in the service of racial distinctions." Indeed, in order to render someone socially dead, one must target their race as well as their gender, as Morgan argues that the "White men who laid the discursive groundwork on which the 'theft of bodies' could be justified relied on mutually constitutive ideologies of race and gender to affirm Europe's legitimate access to Affican labor." <sup>28</sup>

Converse to the accumulating argument the previous three authors have been contributing to, University of California Irvine professor of law Christopher Tomlins maintains that the history of slavery is best viewed through not a social or socio-gendered lens, but rather through a legal lens. Tomlins' *Freedom Bound: Law, and Labor and Civic Identity in Colonizing America* 1580-1865 marks a distinct departure from Brown, Smallwood, and Morgan's social-lensed, bottom-up approaches. *Freedom Bound* explores the creation and regulation of labor in America which, Tomlins contends, is the result of a British economic emphasis on forced labor, an

<sup>&</sup>lt;sup>26</sup> Ibid., 168.

<sup>&</sup>lt;sup>27</sup> Ibid., 169-170.

<sup>&</sup>lt;sup>28</sup> Ibid., 169.

emphasis which in the formative years of the colonies proved fundamentally determinative for the character of slavery in America. Studying history through this legal lens affords Tomlins a number of advantages over social slavery historians like Brown and Smallwood, such as access to more large-scale evidence for determining broader trends, an appreciable understanding of the opposition that slaves faced, and further empirical substantiation for historical debate. Tomlins draws from a wealth of primary and secondary sources such as legal codes, charters, and other historians of slavery to compile a comprehensive legal-lensed understanding of slavery in America. Studying contemporary legal documents affords Tomlins a top-down perspective which is obviously inverse to the bottom-up approach Brown, Smallwood, and Morgan all espouse. From this perspective Tomlins is better equipped to explore and explain the actions of the slave masters, such as when he contextualizes, complicates, then augments slavery's role in the penning of Article IV, Section 2, Clause 3 of the Constitution. <sup>29</sup> Finally, his legal background situates Tomlins in a strong position for rigorous empirically substantiated debate, as he rebukes a school of thought, championed by Gordon Wood, which supposedly contends that chattel slavery in America was "not all that different from white servitude and white labor." Wielding large-scale economic statistics, slave demographics, and cultural trends, Tomlins empirically eviscerates Wood's school of thought, one which Tomlins and many other historians consider a perniciously downplayed depiction of slavery. Fortunately, his legal background equips him well for the neutralization of such historical revisionism.

Where Tomlins' account falls short, however, is in the experiential understanding of slaves' lives, a problem largely representative of the shortcomings the term "social death" suffers from as a whole. Studying history through a legal lens offers a wealth of evidence for

<sup>&</sup>lt;sup>29</sup> Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865,* (Cambridge: Cambridge University Press, 2006), 412.
<sup>30</sup> Ibid., 410.

substantiating large-scale chronological trends, but at the cost of the microcosmicallyemblematic experiences which can often be more telling of social trends than legal evidence.

Similarly, the legal lens trades understanding the lives of the slaves for understanding the lives of the slaveholders, the latter of which may actually enjoy more certain veracity due to the written documents and codified evidence one can draw on, compared to oral histories and personal accounts of slaves. However, the question is not whether it is *possible* to study slavery from the top-down, but whether it *should* be studied from the top-down. The experience of social death, cultural/geographic displacement, and the creation of communities between slaves are all fundamental aspects absolutely necessary for studying the history of slavery, and the social lens affords the reader a fuller understanding of all three than the legal lens. Social death is a distinctly individualized process, and a true understanding of it can only be accomplished by studying the sufferer, not the inflictor.

Certainly, there is a place at the historian's table for the political, economic, and legal-lensed top-down historians. In fact, the notion that a top-down approach affords one a more complete understanding of some topics in history is certainly a defensible stance. However, in the realm of slavery, the social lens enjoys a particular and exclusive quality which perfectly suits it for studying the institution's history. The Lazarus of lenses, a socially-lensed bottom-up perspective affords the observer an intimate understanding of the life of a slave. And it is the act of observation, studying them not as long-term trends but as individuals, which resurrects the socially dead, affording them a reclaimed identity and an inalienable connection to the past, present, and future.

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