ARCHIVE

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DEDICATION

This edition of ARCHIVE is dedicated to the memory of Colin Rohm, an editor for ARCHIVE in 2013. Colin passed away on November 21, 2017 at the age of 26. Colin earned his bachelor's degree in 2013, triple-majoring in history, mathematics, and economics. He was pursuing a master's degree in public affairs at the Robert M. La Follette School of Public Affairs and a master's degree in educational policy studies at the School of Education. He also worked as an academic advisor in many units, including the history department. We remember Colin for touching so many lives across campus and encouraging students to find joy and intellectual curiosity in their work.

Cover Image

This photo shows Memorial UnionTerrace chairs in the rain.
Image courtesy of
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A NOTE FROM THE EDITORS

The 2018 Editorial Board is proud to present the 21st edition of ARCHIVE. Created as a platform for and by undergraduates, ARCHIVE has served as an annual collaboration of history students who have used skills from the major to highlight their peer's work. For over two decades, ARCHIVE have showcased undergraduate historical research in a student-run journal. This edition continues that tradition.

We would like to thank our faculty advisor, Nan Enstad, for her encouragement and guidance throughout the process, as well as the University of Wisconsin Department of History for its support.

The more than fifty submissions we received were of incredibly high quality, which made our selection process competitive and difficult. After weeks of review, we chose nine articles that represent the highest quality of undergraduate research. This Spring edition showcases authors from across North America who represent a diverse set of academic fields and address timely topics, many of which are underrepresented in historical scholarship.

This journal begins with Molly Harris' discussion on desegregation in the late 1950s. Coursed through her narrative are personal testimonies that reveal the harsh backlash against the integration of Boston's public schools and the enduring racial tensions in the city. Noah Cicurel builds on the discourse on marginalized groups by examining the Kurdish struggle for independence during the Operation Provide Comfort missions of the late 20th century. Closer to home, Emma Wathen's piece on Wisconsin's Eugenic Marriage Law embeds state policy in the context of a broad national conversation. Avi Bukhbinder's article furthers the theme of human rights by exploring the mistreatment of individuals with mental disabilities in the United States during the 1900s.

This edition of ARCHIVE not only investigates the disadvantages that people face before the law, but also those that are deeply rooted in social and cultural norms. Maren Harris assesses the peripheral treatment of American female sports reporters in the late 20th century, demonstrating that a small group can have a massive effect in changing the way people think of one another. This theme is also central to Sebastian Van Bastelaer's narrative of Jane (Jenny) McCrea, who was a victim in the American Revolutionary War and later scribed in the Patriot's hagiography for propaganda. His piece explores how McCrea's seemingly futile death exacerbated Americans' hostility towards Native Americans and their British allies in the early national era.

The remaining articles have in common an exploration of the wide-ranging influences of European imperialism. Mary Evelyn Melton's research investigates how the cultural exchange between France and Egypt during the Napoleonic era influenced French national identity. Nathan Simon's essay delves into the vexed relationship between Japan, Christianity and trade in the 17th century by analyzing the Tokugawa government's campaign to absolve foreign-introduced religion. Jefferey Williamson examines anti-imperialism in his article on the Mau Mau uprising in mid-20th century Kenya, exploring the perspectives of both Kikuyu insurgents and British colonists.

The Editorial Board is excited to present these pieces in the 21st edition of ARCHIVE. We hope that they illuminate moments in history that are often overlooked and inspire new ways of understanding difficult issues that people still confront. The diversity of topics and regional scope of this edition make for a compelling read. For more information about the history of ARCHIVE and how to submit academic work to future volumes, please visit our website at uwarchive.wordpress.com.

The Making of the "Deep North": An Examination of the Backlash to School Desegregation in Boston

Molly Harris

Molly Harris is a senior at McGill University, in Montreal, Canada, where she is double majoring in history and North American studies. In addition to populism in recent American history, Molly's interests include American drug policy, the history of social services in the United States, and the American Jewish experience. Molly is endlessly grateful to Professor Leonard Moore for the guidance he provided during the process of writing this paper.

Photo: Mayor Kevin White photographs, Collection # 0245.002, Subject file, Box 214, Folder 55, Boston City Archives, Boston

In 1996, political sociologist Seymour Martin Lipset noted that the American emphasis on meritocracy, a key part of "American Exceptionalism," was manifested with particular vigor in the ideology of the American school system, which emerged early in the republic's history. In Lipset's words, "the United States has led the world in the proportion of young people attending different levels of education (elementary, high school, and college)."[1] Lipset goes on to quote Martin Trow, who stated that "the great, unique feature of American...education is surely its diversity. It is this diversity – both resulting from and making possible the system's phenomenal growth – that has enabled our colleges and universities to appeal to so many different functions."[2] Lipset deemed the American educational system to be "competitive" and uniquely abundant with resources for faculty and students.[3] Although Lipset maintained that this competitiveness, diversity, and accessibility has characterized the American educational system since its beginning, access to the system has been historically uneven, if not intentionally exclusionary. It was not until the years following the end of the Civil War that African American children were accepted into public schools. Even the schools that did serve black students were massively inferior to schools attended by white children. In 1896, the United States Supreme Court ruled in *Plessy v. Ferguson* that segregated facilities were permissible, so long as they were "equal." However, visual evidence, school records, and written descriptions of the school's black children attended for nearly sixty years indicate that separate facilities remained substandard well into the twentieth century. As articulated in an October 1934 NAACP memorandum, "At the present time the issue of discrimination in education is far more acute than that of transportation. All education, white and Negro, is feeling the pinch of the depression; but in the South common rumor is that Negro education is being sacrificed so as to save white education from being curtailed."[4]

As a powerful response to the decades-long institutional separation of black and white students, school desegregation is a widely discussed phenomenon in American history. When tracing the trajectory of American civil rights, placing children – regardless of the color of their skin – in the same schools has proven to be a pivotal moment in history. This paper will explore the history of desegregating public schools in Boston, Massachusetts, with a primary focus on the "Boston busing crisis," which officially began in 1974 and lasted until 1976. Full control of the school system was returned to the Boston School Committee in 1988. While not necessarily as a means of achieving racial parity, the busing

mechanism was used until 2013, when the School Committee adopted a system that matches students with a unique list of six to ten schools that meet their geographical and educational needs.[5]

This paper will examine the backlash to desegregating public schools. Specifically, it will assess the rhetorical, tactical, and political devices employed by those opposed to desegregation, and the relationship between opposition to desegregation and minority status. As noted by Matthew Delmont in the introductory remarks of his 2016 *Why Busing Failed*, the Boston busing crisis resonates with so many because "it serves as a convenient end point for the history of civil rights, where it is juxtaposed with *Brown v. Board of Education* (1954) or the Little Rock school integration crisis of 1957."[6] However, as Delmont goes on to note, this narrative is incomplete and oversimplified. The civil rights movement did not simply take a "wrong turn" in the supposedly liberal North in the 1960s and 1970s, and the struggle did not end in 1988 when control of the desegregation plan was turned over to the Boston School Committee. The backlash that emerged in response to the beginnings of integration in Boston in the 1960s grew so enormous and so tenacious that it still exists to this day. The conclusion of the crisis was by no means the end of the battle for equal rights in Boston, given the reactionary, populist nature of the antibusing movement.[7] It is through this lens that this paper will argue that the "conservative backlash" that has come to characterize the battle over school desegregation was a response defined by race and social status, two determinants that are inherently intertwined and nearly impossible to separate.

I will contextualize the state of the field before beginning my discussion of school desegregation in Boston. Various works, such as Ronald Formisano's 2004 *Boston Against Busing*, Jennifer Hochschild's 1984 *The New American Dilemma: Liberal Democracy and School Desegregation*, and Anthony J. Lukas's 1985 *Common Ground: A Turbulent Decade in the Lives of Three American Families* have been lauded as some of the most influential works on the Boston busing crisis and the history of school desegregation. Each book provides valuable information about the events that occurred in Boston from the 1960s onward. Other texts, including Matthew Delmont's 2016 *Why Busing Failed* and Jeanne Theoharis and Komozi Woodard's 2005 *Groundwork: Local Black Freedom Movements in America* take the conversation one step further by raising questions about how this history is approached. In addition to a wide array of journal articles and newspaper clippings published between 1963 and present, archive collections at the University of Massachusetts: Boston and Suffolk Uni-

versity provide invaluable insight into many of the events and characters that shaped the Boston busing crisis.

Following a brief overview of the lead up to the crisis in 1974, I will examine the demographic and ethnic makeup of the protestors. Then, I will move into a discussion of why these protesters so ardently opposed busing as a means of desegregating schools. This portion of the paper will include an examination of rhetorical, tactical, and political devices to show what fueled the antagonistic attitudes of Bostonians toward school integration. I will conclude with a brief discussion of the current educational landscape in Boston, mentioning the progress that has been made since 1988 and touching on gaps that remain in ensuring equitable and accessible public education.

Boston, 1965-1974

On September 12th, 1974, Boston, the "graceful, cosmopolitan city known for the excellence of its educational, cultural, and scientific institutions," underwent a racial conflict that was unprecedented in the northern city's long history.[8] Educational scholar Jane Hornburger noted that in 1976 "frightening scenes [were] observed in streets and schools...Stones and bottles thrown at buses broke the windows and cut [black] children's skin. High school students beat each other with fists and clubs. A black man who happened to be parked near a gang of white youths was dragged from his car, kicked and beaten until rescued – and only because he was black."[9] Hornburger's observations about the violence aimed at black communities in Boston shed light on the acrimonious milieu in which the busing crisis unfolded.

The dissension stemmed from a June 1974 court order that desegregated the city's esteemed public schools through the busing apparatus: black and white students were driven across the city each morning and afternoon, often far outside of their neighborhoods, to attend racially heterogeneous schools. The Racial Imbalance Act of 1965, a body of laws passed by the Massachusetts legislature, made segregated schools illegal. When it passed, 46 Boston schools were perceived to be "imbalanced," or comprised of a student body that was more than 50% white.[10] The time was ripe for school desegregation. The May 1954 *Brown v. Board of Education* decision, which held that segregated public schools are a constitutional violation of the Equal Protection Clause of the Fourteenth Amendment, the integration of Little Rock Central High School in Arkansas between 1957 and 1959, and the implantation of desegregation

measures in Memphis, Tennessee, in 1961 all pointed to a climate conducive to integrating schools. Particularly given the supposed liberal political culture in the American Northeast, taken in complement the North's general support for the civil rights movement and Boston's particular academic, pluralist tradition, the city would appear to be a likely target for what many considered the desegregation "experiment." However, the nine-year protest following the Racial Imbalance Act that led to Judge W. Arthur Garrity's June 1974 ruling in *Morgan v. Hennigan* – and the backlash that followed – indicated otherwise. In the years that followed the passage of the Act, the number of imbalanced schools only increased: by the 1972-1973 school year, 75 public schools in Massachusetts were considered imbalanced.[11] Following its enactment, the Boston School Committee refused to commit to small, straightforward acts that would have facilitated school integration. These included "redistricting or locating new schools on the borders of neighborhoods, thereby creating mixed schools without needing to transport students," among others.[12]

The Committee's opposition to complying with the parameters set out by the Racial Imbalance Act was multifaceted and warrants an explanation. Louise Day Hicks served as the chair of the School Board before, during, and after the Act was passed. Hicks had a deep commitment to serving the heavily Irish and Catholic neighborhood of South Boston, which ardently opposed the integration of public schools. Following her tenure as chairwoman, she served on the Boston City Council and was elected a United States Representative. In each of these roles, antibusing was consistently at the forefront of her agenda.[13] Hicks led the School Committee's refusal to implement any of the parameters set by the Racial Imbalance Act. Since her election as chair of the committee in 1963, she exhibited an uncompromising attitude toward improving conditions for black students: at an August 1963 meeting with the local chapter of the NAACP that addressed the de facto segregation in schools, Hicks "abruptly gaveled adjournment and the meeting ended in less than fifteen minutes."[14] While the demands of the NAACP were moderate – they focused on little more than recognizing de facto discrimination, training white teachers to remove prejudices against children of color, ending hiring discrimination, and acting to improve facilities, materials, and teaching at primarily black schools – Hicks and the Committee refused to admit that a segregation problem existed.[15] Hicks was first elected to the School Committee as a member in 1961 after a "take politics out of the schools" campaign that appealed to the white residents of South Boston.[16] However, her actions as Chair were inherently political: refusing to acknowledge inequality because "de facto segregation is an

inflammatory term," taken in complement with a firmly held belief that the primary issue in the education of black children was not a lack of resources, but poor preparation by their families and communities to learn, undoubtedly constitutes a political position.[17] The Boston School Committee consistently stymied the goals of the Racial Imbalance Act in the period between 1965 and 1974, if not for explicitly political – or racial – reasons to keep their seats as trustees.[18] Though Hicks only served as Chairwoman until 1967, her Committee became a symbol in the national media of "the deep North," as articulated by a black Roxbury mother in 1964.[19] The ardent opposition to integrating schools that she had championed would persist beyond the end of her tenure.

It is also worth noting the discrepancy that the passage of the Act provokes: if it could be passed in the first place, surely a group of voters had lobbied for it. The decision handed down in *Brown v. Board* eleven years prior had encouraged a coalition of civil rights activists around the country to fight for the desegregation of public schools, and Boston was no exception. A large voting coalition advocated relentlessly for the passage of the Massachusetts law, resulting in a piece of legislation that was considered one of the most progressive in the country.[20] However, the white portion of the coalition, which primarily included p of middle-class liberals living in areas outside of the Boston school district such as Cambridge, Brookline, and Newton, dissolved following the passage of the Act, leaving all initiative to adopt policy and rectify well-established *de facto* segregation to the local school committees.[21] Accordingly, Hicks declared in 1965 that "If the suburbs are so interested in solving the problems of the Negro," their residents should "build subsidized housing for [African Americans]."[22] Even if these white individuals wished to continue their activism to integrate Boston's schools, their distance from Boston diminished the effect of their cause.

At the point of the Act's passage, busing students in and out of their neighborhoods each day was not a viable option: none of the NAACP, black parents, or the government suggested it as a solution to the problem of imbalanced schools. However, the Boston School Committee perceived that those in favor of civil rights favored busing as a first resort, and feared that if action were taken to ameliorate the unequal situation at hand, an extensive busing plan would immediately follow.[23] As such, almost a decade passed and the situation worsened, as evidenced by the increasing number of racially identifiable public schools in the city. These nine years went directly against Chapter 641 of the Racial Imbalance Act, which states that "The deferred operation of

this act would tend to defeat its purpose, which is to eliminate forthwith racial imbalance in the public schools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."[24] By the early 1970s, the situation had dramatically worsened. Boston had been labeled a "less bloody Selma" because of the injustices that had come to characterize Boston public schools.[25]

To ameliorate the situation, the Boston chapter of the NAACP filed *Morgan v. Hennigan* against the Boston School Committee in 1972, on behalf of fourteen black parents and their forty-four children.[26] The case was pursued as a violation of the Constitution, and the Committee was charged with violating its Fourteenth and Fifteenth Amendments, as well as the Civil Rights Act of 1964; the plaintiffs "alleged that the...defendants [had] intentionally brought about and maintained racial segregation in Boston public schools, [which] have resulted in denying black school children the equal protection of the laws." District Judge Garrity, who wrote the opinion, held that even though the defendants denied both the allegations of the plaintiffs and any constitutional wrongdoing, the disparate conditions for both students and teachers in the Boston Public School system were such that the system was "characterized by racial segregation."[27] The defendants did not dispute the racial disparities in Boston public schools, but rather the question of if segregation was intentional. They claimed it was not, but Garrity maintained the school system was in violation of the Fourteenth Amendment. He wrote that "the rights of the plaintiff class of black students and parents under the Fourteenth Amendment to the Constitution of the United States have been and are being violated by the defendants in their management and operation of the public schools of the City of Boston."[28] The opinion came to a close with an order for the Committee to comply with the state court plan to bus children and to redistrict, thereby reducing the number of majority black schools from 68 to 44, and the number of black children attending imbalanced schools from approximately 30,000 to approximately 10,000, beginning on the first day of the 1974-1975 academic year.[29]

As aforementioned, the judge's order sparked almost immediate protest. While a *Boston Globe* editorial released on the morning of June 25th, 1974, one day after *Morgan v. Hennigan* was decided, stated that "Judge W. Arthur Garrity's ruling on Boston school segregation comes like an operation to cure a long and crippling illness. The procedure may be painful but at least it is definite, and the chances of healing are great," the popular response was nowhere near as positive.[30] National

Photo: South Boston High School - Exterior View 3, Thomas Park, South Boston, MA. School building photographs circa 1920-1960 (Collection # 0403.002), City of Boston Archives

and municipal survey data taken from the mid 1960s to the early 1980s show that both white parents of public school students and non-parents were "equally hostile to busing."[31] As articulated by Elliot Weinbaum, a professor of public policy, meaningful debate disappeared from the discourse on busing following Judge Garrity's desegregation plan, which was set to take effect in September 1974.[32] Between June 1974 and the first day of schools in September, antibusing forces worked "feverishly" in the hope of overturning the decree.[33] Over the course of the summer, white protesters led by Elvira "Pixie" Palladino, a representative of the Boston Home and School Association in East Boston, whose children would not be affected by the plan, organized a school boycott to resist the program's implementation. South Boston High School received just 124 of 1,300 enrolled students on its opening day. Palladino had been overheard "justifying" the boycott by describing African Americans as "jungle bunnies" and "pickannanies."[34] Louise Day Hicks, by 1974 a City Councilwoman, told officials and press that "it is against our children's interest to send them to school in crime-infested Roxbury."[35] Roxbury, located near South Boston, has long been considered the "cultural heart" of Boston's African American community.[36] Clearly, by the first day of school in September 1974, the situation had devolved.

The white parents who took to the streets and kept their children out of school "[sparked] some of the largest, most violent protests of de-

segregation in the nation's history."[37] This violence would not dissipate until the conclusion of the crisis in 1976. In September 1974, on the first day of school, hundreds of white protestors hurled rocks at the procession of buses carrying black students from Roxbury to South Boston, where they would be integrated into almost all-white classes.[38] Police in riot gear were stationed at public schools all around the city, and the most militant opponents of busing quickly developed animus toward these officers. Later that month, then-Ku Klux Klan leader David Duke addressed a white crowd in the Boston Common, encouraging them to continue their violent actions as a means of "doing their duty" for the white race.[39] Antibusing advocates who opposed the way *The Boston Globe* covered Garrity's order fired shots through the windows of one of its offices and dumped the contents of one of its delivery trucks into the Boston Harbor.[40] In October 1974, a group of white adults beat a Haitian resident of Roxbury who happened to be driving through South Boston. In November of the same year, several black students stabbed a white classmate at South Boston High, which led to a month-long school closure.[41] Judge Garrity received bomb threats.[42] Over the course of the next two years, violent protests and physical attacks would become the norm. The charged climate reveals the inherently polarized and dangerous setting that Boston's children, parents, and activists were forced to navigate in the hope of achieving racial equality.

THE ETHNIC IDENTITIES THAT FUELED OPPOSITION TO BUSING INTERSECTED WITH CLASS IDENTITY, IN PARTICULAR THE NEED OF WORKING CLASS "ETHNIC WHITES" TO REMAIN SOCIALLY SUPERIOR TO NON-WHITE AMERICANS.

The Opponents

The epicenter of the opposition to the desegregation of public schools through busing was in South Boston, a neighborhood that had historically been composed of "white ethnic" immigrants. South Boston has typically been perceived as an Irish American neighborhood organized around Catholicism. This understanding is largely, but not entirely, accurate. Irish Catholic immigrants dominated South Boston through the 19th century and built Catholic institutions that have lasted until present day. However, by the early 20th century, South Boston's Irish community began to shrink.[43] Canadians, Lithuanians, Poles, and Germans migrated to South Boston in increasing numbers, and a portion

of its Irish residents began to leave the area. By 1970, Irish Americans comprised just 36% of the total South Boston population. Irish Americans were still a plurality, but no longer a majority.[44] However, South Boston remained almost entirely "white," in the shallowest sense of the word: the African American population of South Boston peaked at just 1% in 1970, and Hispanics never comprised more than 0.5% of the South Boston population. The ethnic makeup of the neighborhood was never homogeneously white in the Anglo-Saxon, Protestant sense, however. South Boston, described as "working class," "ethnic," and "socially traditionalist" became Louise Day Hicks' base.[45] The confluence of these demographics made opposition to busing, and the concomitant integration of schools much more complex than a simple black and white dichotomy may suggest. Many white Bostonians often claimed their opposition to busing was rooted in concerns about their child's safety, distaste for the time spent on buses, or "anxiety about diminished property values." However, as I will describe in the coming pages, their resistance also tended to be ethnically based.[46] The ethnic identities that fueled opposition to busing intersected with class identity, in particular, the need of working class "ethnic whites" to remain socially superior to non-white Americans. Such became glaringly evident through the rhetoric of Boston's ethnic white community.

Telling the story of school desegregation in Boston as one of lower class whites against poor blacks has been called into question in recent years, particularly by scholars such as Jeanne Theoharis and Komozi Woodard. Theoharis and Woodard contend that this telling of history glosses over the two and a half decades of civil rights organizing that preceded Garrity's ruling, the affluent interests that had upheld segregation for decades, and the voices of white Bostonians who supported integration. However, there is merit in examining the behaviors of white antibusers, both in and out of South Boston.[47] "Liberal" social scientists and politicians advanced theories of "cultures of poverty" and "ghetto behaviors" through the 1960s and 1970s, and contended that whites of all backgrounds stood to gain from opposing busing. They argued that the problems in Boston's education system had more to do with inferior schools than inferior students, who largely belonged to black communities.[48] Claiming that black culture underpinned Boston's turmoil and encouraging opposition to busing on the grounds that it would give an underclass access to superior resources made the busing conflict one that intertwined social standing and race. This notion is substantiated by the events that unfolded over the course of the crisis.

Perhaps in part because of its geography and the clear definition between its neighborhoods, Boston has long been a city that has made distinctions between classes and ethnicities. The city has, since the founding, been a popular destination for immigrants. The upper and middle classes of whites in Boston had – until the civil rights activism of the 1950s and 1960s – ascendancy over not one, but two groups of people. As noted by Douglas Massey and Nancy Denton in *American Apartheid*, northern cities in the 1900s were filled with "immigrant enclaves" that could be identified as Polish or Jewish or, in the case of South Boston, Irish. However, these working class enclaves were fundamentally different from black neighborhoods because they always contained a wide variety of ethnic identities, whereas black "ghettos" were almost entirely black.[49] Though Massey and Denton invoke the example of Chicago's ethnic enclaves in their work, this notion holds true in Boston's case, and is supported by the aforementioned demographics of South Boston in the 1970s. While this enclave was very much an ethnic one, it had a degree of heterogeneity, unlike Roxbury and sections of Mattapan, where African Americans comprised the majority of the population.[50] By 1970, Boston's population of 600,000 consisted largely of "ethnic whites" and people of color, whereas the "suburban noose" that surrounded it was 98% white and had recently tripled in size.[51] These residential patterns offer support for the two-tiered system of supremacy that existed in Boston throughout the 20th century. While upper-middle class whites may have been perceived as more "American" than the children of immigrants who lived in Boston's ethnic enclaves, the groups shared physical characteristics at a time when such traits mattered immensely. Both upper-middle and lower-middle class whites, however, were perceived to have little in common with the black Americans who lived in segregated neighborhoods and whose children attended separate and inferior schools.

The hypothesis that white Bostonians existed in a system of oppression in which lower class "ethnic whites" were both subjugators and subjugated is substantiated by Professor William Domhoff's class-domination theory of power. To simplify a complex theory, Domhoff argues that since the founding, those with money have held undue power in the United States. The business- and land-owning class divided the working class into factions that opposed one another: free and slave, white and black, as well as "ethnic" and authentically American. These lines of cleavage created barriers amongst America's lower class that made it difficult for the groups to unite in support of policy that would benefit all of them. The fractious nature of the American working class also allows

for the business class, which was consistently better organized and better equipped with resources, to set the terms of how policy battles are fought, thereby giving the business class a distinct advantage.[52] This situation held true in Boston through the 1980s. In addition to its spatial layout, which, as previously mentioned , physically separated races and classes, the city has long been a site of unequally distributed income in both white and black communities.[53] Catholic Bostonians in particular were left behind when other white-skinned ethnic groups gained substantial upward mobility through the 1950s and 1960s.[54] Whereas other immigrant groups "fled the scene" as they got richer, Catholic Bostonians and other members of Boston's working class largely stayed put in neighborhoods that continued to be characterized as "ethnic," which was articulated in a 1976 "Open Letter to Massachusetts Liberals."[55]

The multi-tiered inequality that characterized the city is at the core of why Judge Garrity's order triggered such a hostile response from working class whites, many of whom had intersecting immigrant identities. As noted by Formisano, Boston's geography exacerbated the problem, as "any school desegregation plan applied only to Boston [was] highly biased in terms of class."[56] The caste system that had existed in Boston for so long seemed to be crashing down, not least because of newly equitable access to Boston's public schools. Education has long been touted as the key to social mobility, and offering access to a quality education – and subsequent entry into the middle class – to a group that had consistently comprised the bottom rung of America's social ladder seemed to ring alarm bells for the group that had generally existed one rung above it. Whites were terrified that African Americans, the nation's most oppressed group, could attain the education necessary to compete with them for jobs.

This is not to say that all white Bostonians opposed busing because of their concerns over race or class. Undoubtedly, many parents did worry about the hours that students would spend on buses, or that their children would be transferred from a high to a low quality school. Others worried about the impact of attending schools located far from home. As articulated in a 2011 interview with a former staffer of Congressman Joe Moakley's, the people of South Boston "felt their community was being torn up. In South Boston at the time, attending high school in South Boston was often the peak of someone's life. It was playing on the school teams, the high school proms. Being unable to participate in something like that within the community because of busing was something that was causing great unhappiness."[57] The staffer's testimony

lends credence to the notion that white opposition to busing was, to an extent, heterogenous. Additionally, this argument does not discount the efforts of the white activists who pushed for the implementation of the Racial Imbalance Act alongside the black advocates who played a key role in school desegregation.[58] However, as noted by Matthew Delmont, "the battle over busing was never primarily a debate over which policy would lead to the best educational outcomes," but rather one over the end of de facto segregation and the extent to which schools would actually be integrated.[59] Issues of race, class, and socioeconomic status were inherent in the opposition.

It is also worth noting that black Bostonians' views of busing were not uniform. To characterize all African Americans as members of the staunchly pro-busing crowd would be wrong, and would play into the black-white dichotomy promoted by the media, politicians, and school officials.[60] Many African Americans opposed busing for similar reasons to whites – because it took their children far from home and did not necessarily offer improved access to high quality education. However, the debate was taken further as "black people argued that white opposition to busing was simply a new way of expressing anti-black racism, that busing was a phony issue which had obscured the causes of educational inequality, and that busing had long been used to maintain segregated schools."[61] Black teachers were often the first to be terminated when schools closed, and black students who attended newly desegregated schools often faced worse outcomes than their white peers – educationally and behaviorally. They were "disproportionately suspended and pushed out of school."[62] This is substantiated by the overwhelming number of police reports from the 1970s that make note of assaults by black students on white students. There are very few that chronicle crimes by white students on black students, despite several informal accounts of white-on-black assault and the ubiquitous racial tension that characterized the era.[63] While members of black communities in Boston and across the country undoubtedly opposed busing for a variety of reasons, they labeled traditional activism against the program a means of perpetuating anti-black racism. This speaks to the race and class based opposition that this paper has discussed thus far. As much as Louise Day Hicks and her supporters could claim their "open-mindedness" to all, if "black critics described busing as an early example of dog-whistle politics," it is worth considering the notion that opposition to busing was inherently related to race.[64]

Chauvinist Activism

Between 1974 and 1976, opponents of busing employed several rhetorical and political tactics as a means of ending the program. As noted by Ronald Formisano, the model used by opponents of busing was, most ironically, a replica of the one used by the civil rights activists of the 1960s. [65] Most applicable to this paper are the protests and rhetorical devices anti-busing activists relied on, which ranged from covertly racist to markedly bigoted. The devices that anti-busing advocates used varied, but are telling of the race- and class-based fear that fuelled opposition to busing as a way of integrating schools. The creation of a group called Restore Our Alienated Rights (ROAR), which would fundamentally alter Boston's busing landscape, and the rhetoric ROAR used is key to understanding this opposition. Louise Day Hicks created ROAR in the weeks following Judge Garrity's 1974 order. It began under the name of the "Save Boston Committee" as a small, informal group of antibusers, most of whom were women. Within a few months, however, ROAR was "arguably the most popular anti-busing group during the movement to integrate Boston public schools in the 1970s."[66] It was, undoubtedly, also the loudest and most militant. While the Save Boston Committee abandoned its original name in favor of the catchier acronym, it did not move past the "us and them," white savior narrative that "Save Boston" alluded to. When considering their rhetoric alongside Hicks' "you know where I stand" campaign slogan, it is clear that even the earliest manifestations of ROAR aimed to play into the city's racial, physical, socioeconomic, and ideological divisions.

With the assistance of the aforementioned Elvira Palladino, as well as Fran Johnnene, a Hyde Park mother of three, and the hundreds of "militant mothers" who joined ROAR, Hicks led the organization by encouraging acts of civil disobedience. She spearheaded protests, disrupted public events, and implemented sit-in demonstrations. As noted by historian Kathleen Banks Nutter, ROAR used confrontational tactics inspired by the activism of the 1960s to "make [its] case for segregation in a most virulently racist and class-specific way."[67] At their most combative, antibusers engaged in protests that often turned violent, pickets in which mothers used their bodies to block school buses full of children from traveling, and rallies at Boston schools and politicians' speeches. These tactics employed militant language about the "battle" between Boston's "little people" and "suburban liberals" and the perceived dangers of sending white and black children to school together. However, much of ROAR's internal discourse was steeped in racism, shedding

light on the group's true intentions. As stated in a 1974 report by the Weather Underground Organization, an activist group that aimed to expose ROAR's unfeigned sentiments, a South Boston ROAR office had a poster in the window emblazoned with "Stop the Black Terror From Roxbury." The discussion used at ROAR meetings was equally offensive: at an October 1974 meeting, then-School Committee chairman John Kerrigan likened school integration in Boston to the "true picture of school integration in Charlotte: Black students attacking whites with knives, white girls being molested in the school bathrooms."[68] ROAR's candor clearly shows the deeply entrenched racism that permeated every aspect of the organization.

Another invocation of harmful racial stereotypes comes from a 1974 statement by Hicks. She claimed that over one hundred black Bostonians had murdered as many whites in the past several months, despite the fact that there were just 223 murders in Boston that year, and black men were only implicated in two dozen or fewer.[69] In the same document, Hicks wrote, "Any well-informed white suburban woman does not pass through [Roxbury]," further arguing that even paid professionals called to the area "have refused at one time or another to do what Judge Garrity demands of our children on an everyday basis."[70] Bostonians feared black crime immensely through the seventies, and much of their resistance to busing was rooted in an unfounded idea that black Bostonians were intent on "pillaging" any whites they interacted with.[71] Hicks, then, was politically perceptive to encourage these anxieties as a means of protesting busing. Her harmful racial generalizations were embraced by her constituents: one female high school student from Charlestown, an area demographically similar to South Boston, articulated "that most black boys were out to molest and rape white girls, that black girls would attack white girls in the ladies' room, and that blacks of both sexes carried knives, razors, scissors, stickpins, and other weapons."[72] Capitalizing on South Boston's rudimentary misconceptions about black crime, Hicks was able to create a panic that mobilized thousands. As noted by political scientists Theda Skocpol and Vanessa Williamson in 2012, "fear punctuated by hope is a potent brew in politics."[73] Though more abjectly racist than other tactics encouraged by anti-busing leaders, equipping the white Bostonian masses with political and organizational tools while playing into their anxieties was savvy of Hicks. Because of the voice her supporters felt she gave them, Hicks was granted significant political capital that made organizing easy.[74]

On December 11th, 1974, the violence in Boston "reached a crescen-

do."[75] ROAR's overt racism paralleled it. A black student stabbed a white student at South Boston High after weeks of mounting racial tension. Rightfully, parents of all races were concerned and upset. However, a mob of ROAR mothers, who had a proclivity to flock to the school lawn on a frequent basis for sit-ins and "mothers' prayer vigils," amassed in greater numbers than usual. As school officials and police attempted to usher black students out of the building and onto buses that would take them home, the mothers hurled rocks and racial epithets at the students. Police cars were overturned and their windows were shattered. While, according to the *Boston Globe*, Louise Day Hicks looked "distraught" standing on the steps of South Boston High with a bullhorn, she did little to calm the crowd. The mob chanted for the 125 black students at the school to be "bused back to Africa," making the motivations behind ROAR's activism clear.[76]

In March 1975, ROAR took to the Washington Mall to demonstrate their opposition to busing. ROAR's attempt to emulate the monumental 1963 March on Washington for Jobs and Freedom fell short, however. Twelve hundred antibusing activists, some ROAR members and others not, expected to be joined antibusers from around the country when they arrived to the capital. However, just fewer than three hundred sympathizers from Maryland met them.[77] The march was far more covertly racist than ROAR's local activism had been. The rhetoric used in Washington had more to do with government overreach, parental freedom to choose, and the democratic notion that interest groups were free to make demands of government by public demonstration.[78] While the demonstration itself was underwhelming, the more temperate language used is worthy of exploration, given its great effect and use by both moderates and militants.

One example of covertly racist language comes from a May 1975 letter Hicks received from a Mrs. Berry, a woman from Fayetteville, North Carolina. Berry served as the Co-Chair of the United Citizens for Constitutional Rights, a regional antibusing group. She wrote "Our level of achievement has dropped, quality doesn't seem to count for anything. Many club activities have ended, social events are almost nil and even sports suffered because of violence at school games. All in all, forced busing has brought nothing but trouble all the way down the line. It is a tragedy which will come full view in the next rising generation and there will be a terrible price to be paid."[79] Berry's concern about the "next generation" and levels of involvement, considered in complement with grievances aired earlier in the letter about black teachers being hired at

the expense of white teachers, suggests that she was more concerned about the "price" white children would have to pay than the burden that black children already shouldered. Hicks affirmed her support for Berry's sentiments in a brief but thoughtful reply. The fear that Hicks and Berry shared of white students losing access – or, rather, losing exclusive access – to quality education emulates both the race and class tensions that fuelled opposition to busing. While some antibusing activists may have opposed the program because it put black and white students in the same room, which was made clear by their overtly racist language, other activists' racism, as evidenced in Berry's letter, was more covert or unintentional, and was largely manifested in anxiety over status. The academic opportunities presented by private, parochial, and select public schools in Boston played an important role in lifting certain "ethnic white" groups out of the working class in the 1950s and 1960s; high quality education provided them a greater potential for future educational or economic advancement. Several scholars, such as Formisano, Weinbaum, Theoharis, and Woodard, hold that many white opponents of busing in Boston from working class, "ethnic" communities were attuned to this pathology, and so their fear of losing social standing motivated their activism.

Racially charged sentiments were often expressed with even greater discretion than Mrs. Berry used. In 1973, Hicks gave a radio interview and stated, "What I think is the sad part about the Racial Imbalance Law is that it has become so divisive in [Boston] that it has polarized [the] city to such an extent... I just wish that in some way we could bring quality education to every child....And these so-called neighborhood schools should be community schools...[they] should be an integral part of the community....It could be such a wonderful means of bringing people together."[80] Hicks employed this argument consistently throughout her years as an advocate against busing.

However, given the spatial layout and racial demographics of Boston, if people really did stay within the confines of their neighborhoods, black and white Bostonians would have barely any interaction. As much as schools could have served the purpose that Hicks advanced, if her suggestions had become policy, schools would surely remain separate because of the de facto segregation that had shaped Boston's map. Coupled with the more abjectly racist rhetoric that Hicks and other antibusing advocates employed on many occasions, and the assumption that Hicks knew the basic geography of the city, it is likely that Hicks and many of her supporters, opposed busing because they opposed

integration. While high quality education may have sincerely been her goal, Hicks preferred that it be administered to black and white children separately. If the status quo of the distribution of educational resources was maintained in Boston, black children would generally be unable to access the same educational opportunities as white students.

Even further down on the scale of covert racism were the "government overreach" arguments. Building on the self-described conservatism that ROAR championed as a means of expanding its membership, antibusers complained that they lacked voice and that their freedom was in the hands of a federal judge with "arbitrary whims."[81] Although ROAR utilized such rhetoric often and to an extreme degree, members of organizations less militant than ROAR, such as the Massachusetts Citizens Against Forced Busing (MCAFB) and the Citywide Educational Coalition, also championed these views. Akin to the mix of anticommunism, the fear of radicalism, and the ideal of states' rights that characterized the less explicitly racist elements of the opposition to the civil rights movement of the 1960s, antibusing Bostonians bemoaned the federal government for stripping them of their freedoms and misusing their tax dollars. From the passage of the Racial Imbalance Act onwards, anti-government discourse became increasingly fervent. In 1973, Hicks stated that busing would open "a Pandora's box of new, unlimited government powers."[82] In 1974, Peg Smith, a Charlestown mother, lamented that she wanted her freedom back from the government which, by determining where her kids went to school, made living in the United States seem "like living in Russia."[83] Opposition to perceived federal interference was often conflated with communism: Rita Tomasini, an MCAFB board member, claimed in 1975 that if one made an effort to work with pro-busing forces in forums like the Racial-Ethnic Parent Councils mandated by Judge Garrity, they would be labeled "a pinkie, a communist," or a variety of racial slurs.[84] While Tomasini herself deemed it necessary to join a racial council so as to improve her son's experience in school, the sentiment was clear nonetheless. Moderate antibusers had to consistently qualify their positions, claiming that their participation in councils and other bodies did not represent a tacit approval of busing, and that they too resented being told where to send their children to school. This proves the extent to which moderate antibusers internalized and accepted the anti-government, anticommunist, and often anti-black narrative that more militant activists imposed on them.

While not all moderates were necessarily racist, even the most prominent and embattled among them had a difficult time voicing their

opinions because of how few people for whom they spoke.[85] Individuals such as Peggy Coughlin, a South Boston mother of one, or Jim O'Sullivan, who ran a South Boston homeless shelter and halfway house for alcoholics, genuinely believed that their antibusing positions were far from bigoted: they felt that the federal government was overstepping its boundaries by forcing their children to board buses each morning, and did not like to see them taken so far from home . They also opposed the violence and intimidation tactics of the militant antibusers. However, activists with voices louder and more bigoted than theirs silenced them.[86] As such, from 1974 to 1976, it was fervent anticommunist and anti-government rhetoric that came to be associated with even the moderate wing of the antibusing movement.

The impact of both the radical demonstrations and the more subtle rhetoric was twofold. The militancy that some opponents of busing employed drew significant press attention to the cause. As noted by Delmont, Boston's busing crisis played out on the nation's television screens and in the pages of its newspapers. Much like the civil rights movement of the 1960s, coverage of busing created a national conversation. However, unlike the civil rights movement that the opponents of busing had so carefully studied, busing was presented with far less "moral clarity."[87] Whereas the visual footage coming out of the American South in the 1960s painted a fairly clear picture of right and wrong, the way that northern desegregation was framed enabled Americans to talk about racial integration as an issue of putting children on school buses and sending them to distant neighborhoods. It allowed them to skirt the issue at hand: that African Americans, because of deeply rooted racism that manifested itself in nearly every aspect of society, were not afforded the same opportunities as white Americans.[88] This speaks to the importance of prominent antibusers employing coded "us and them" language, invoking tropes about black crime, and lamenting supposed government overreach and fiscal mismanagement in the antibusing movement. While many white parents in Boston and beyond may have been less openly racist than their more militant counterparts, their use of subtly provocative language to discuss and describe an array of issues that countless Americans cared about broadened their base. Doing so allowed antibusers in Boston to project an image of unity and unanimity, which garnered even more support for their cause.

The antibusers' rhetoric – both radical and tempered – also reveals the populist nature of the antibusing movement. Busing in Boston was an inherently populist movement because of its roots in the working

class and its anti-elitist nature.[89] That the movement against busing appealed to individuals with such a variety of ideological standpoints and heterogeneity in background shows the extent to which busing took its cues from various American populist movements. It shared both its adaptability and its reactionary nature with, for example, the grassroots mobilization to elect Ronald Reagan as California's governor in 1965 and 1966. Reagan capitalized on "campus upheaval," race riots, and the fear of "rising criminality" throughout his gubernatorial campaign, employing coded language to appeal to a factious electorate.[90] Reagan was skilled at "packaging himself for his public" and creating a brand of conservatism attractive both to loyal supporters and undecided voters.[91] In the same vein, the leaders of the antibusing movement were able to uphold their newfound conservatism by packing their anti-integration agenda into appeals that, depending on their audience, ranged from coded to outright racist, thereby attracting masses of resentful Bostonians to their grassroots movement.

Restore Our Alienated Rights dissipated between the latter part of 1976 and early 1977. In 1975, as a means of expanding its reach, ROAR included other issues in its agenda. It lobbied against the Equal Rights Amendment, championed the right of the individual to bear arms, and fought sex education, all of which its members saw as linked to protecting the "fundamental freedom" of parents to choose where their children went to school. By this point, both pro-busing and moderate anti-busing forces in Boston had painted ROAR as racist, despite its leaders' denial of their bigotry at every turn. The racism and radicalism that fuelled the organization became too great for many prominent members, including Fran Johnnene and close friends of Elvira Palladino's.[92] In March 1976, Palladino herself created a new organization called "United ROAR" because of a tiff that stemmed from her perception that Hicks was "corruptive."[93] At the same time, Hicks became president of the Boston City Council, and Palladino's followers felt that she could no longer be trusted, as Hicks had seemingly joined the political establishment that had "oppressed" the original antibusers. The factionalism within ROAR, coupled with a growing disinterest in organizing and the desire of many white parents to shift their efforts to working within the apparently long-term busing system to improve conditions for their children, brought ROAR's demise. In 1977, the Racial-Ethnic Parent Councils that had been established in each of Boston's public schools three years prior began to "operate as effective vehicles of parental participation" for the first time.[94] The white parents who had long been painted as communists for their willingness to work with black and white pro-busing par-

ents were finally able to do so without fear of ridicule or harassment, at least to an extent. By the end of the 1970s, attempts to repeal the Racial Imbalance Act had failed, a campaign to pass a Constitutional Amendment that barred busing entirely had been rendered unsuccessful, and Congress seemed incapable of passing meaningful legislation that would offer alternatives to busing. Boston's antibusing activists had no choice but to retreat. Even Louise Day Hicks, the "Mother Superior" of the movement, retired from politics and advocacy between 1979 and 1981.[95]

Additionally, white enrollment in Boston's public schools declined because of migration patterns and the overwhelming number of white parents who removed their children from the system in favor of private or parochial schools. The "white flight" that opponents of busing feared occurred as an increasing number of white families acquired more wealth and with it moved to Boston's affluent suburbs, leaving working class whites and people of color behind.[96] As the second phase of Garrity's two-part plan was implemented in 1976 and more students were set to be bused, many of the parents who had opted to try busing their children during the first phase of the plan removed their children from the system entirely.[97] Public school enrollment dropped from 82,000 to 71,000 between 1974 and 1976.[98] Whereas the public school system was comprised of 60% white students when Garrity first heard the NAACP's testimony in 1972, by 1976, just 44% of students in the system were white. To be sure, parents moving their children to private and parochial schools, or leaving Boston altogether, were trends from over a decade before Garrity heard *Morgan v. Hennigan*. But, it did accelerate with the onset of busing.[99] As such, the overarching racial makeup of Boston's school system became more diverse simply because of the declining white population. By the end of the decade, if not by the end of 1976, there was little left for antibusing activists to fight for: the program remained rigidly in place, the militants were written off as racists and radicals, and the system as a whole became more diverse because of demographic changes. Those who could afford to pull their children from public schools did, and those who were unable found ways to work within the existing system in order to make their child's educational experience more positive. When the program ended, individual schools were still largely "racially identifiable" in that more than 80% of the students enrolled in them belonged to one race. However, each of the thirteen obviously imbalanced schools complied with Garrity's order, as their demographic makeup was not intentional, but rather the result of de facto segregation, largely related to housing, that the court could not solve.[100] In that vein, busing is largely considered to have been a failure.

Busing's End

The failure of busing in Boston had much to do with the historically fragmented relations "among Yankee Protestants, lower-class Irish Catholic immigrants, and small black populations," which "exacerbated an already hostile relationship between the two low status groups."[101] This historical racial interplay was such that Irish Catholics and African-Americans comprised two "pariah groups [who] shared competition for jobs at the bottom, as well as symbolic status" as the lowest of the low in white society.[102] Bostonians of Irish descent adopted an "unforgiving attitude toward the African Americans" that was exacerbated in the 1950s by generalizing black behavior as "anathema to Irish-American culture."[103] Additionally, in the nine years between the passage of the Racial Imbalance Act and Garrity's ruling, "Boston's racial climate was poisoned, especially by local political leaders who were entrepreneurs of the white backlash."[104] The civil disobedience, lobbying, and pure racism that occurred between 1974 and 1976 unfolded against this toxic backdrop. Given this virulence, busing can be perceived of as doomed from the start.

The long history of race and class conflicts in Boston weakened the potential for civil discourse and rational collaboration between communities and the government. When taken in complement with the "white flight" of upper-middle and middle class families from neighborhoods within Boston's school district to its suburbs, and parents placing their children in parochial or private schools, both of which decimated the number of white school children in Boston's public school system, it was obvious by 1983 that busing had failed.[105] Boston's public schools were more diverse than they had been before the program was implemented, but not because children of all colors traveled on school buses to diverse campuses each morning. South Boston High School, a special case, was 42% black, 30% white, 15% Hispanic, and 13% Asian in 1986.[106] However, increased diversity in schools across the city generally had more to do with the phenomena mentioned above than with busing. Regardless, the racial diversity that had been achieved by 1983 was significant enough for control over desegregation to be transferred out of the hands of Judge Garrity. First, the Massachusetts Board of Education took over. In 1985, partial oversight was transferred to the Boston School Committee; finally, following a ruling by a federal appeals court in September 1987 that the desegregation plan had been successful, the Boston School Committee regained full control of the system.[107]

"White flight" out of Boston and its public schools, coupled with

the fraught racial dynamics in the city in 1988, explain the ascendancy of the white backlash to busing over well-intentioned efforts to provide equal educational opportunities to all children, regardless of their race. In 1985, newspaper columnist Ian Menzies wrote, "the dream of integration is gone...burned on the crucible of one of Boston's greatest traumas, school busing."[108] Even though that by 1987 64% of South Boston residents believed that race relations had improved since the start of the decade, the high prevalence of "ugly racial incidents" like firebombings and harassment by individuals dressed in Ku Klux Klan robes,, suggests otherwise.[109] Despite their intensity, these episodes declined throughout the 1980s. However, African Americans were still being harassed, which reveals the fraught racial dynamics that outlived active opposition to busing. In that vein, busing was inherently unsuccessful.

The Remnants of Racial Animus & Conclusion

In retrospect, race relations in Boston have improved dramatically. Six people of color serve on City Council; four are women. Another six people of color serve on the School Committee. Boston's neighborhoods are substantially more integrated than they once were, despite particular ethnic enclaves that have endured for decades. The city is widely regarded as one of the most diverse in the country, particularly because of its academic and liberal character, which attracts countless immigrants each year. However, there is still significant progress to be made. Without straying too far from the historical nature of this paper, it is worth noting that remnants of the racial tension that characterized the sixties, seventies, and eighties in Boston still exist.

While the notion that history repeats itself can be an overdone trope, there are parallels between Boston in the 1970s and Boston today. South Boston is still an area with a large number of Irish American residents: data from the 2010 census show that South Boston is comprised of 32.7% Irish Americans, making it the second largest Irish American neighborhood in the city. The area with the highest concentration of Irish Americans, at 34.8% of the population, is now West Roxbury, which is separated from the primarily black and Hispanic Roxbury and Mattapan by Roslindale and the rapidly gentrifying Jamaica Plain.[110] West Roxbury is one of the whitest neighborhoods in Boston at present, topped only by the affluent Back Bay-Beacon Hill, South Boston, and Charlestown, respectively. The border of West Roxbury and Roslindale is currently the site of much controversy about the establishment of a new campus of Roxbury Preparatory School, a charter school that serves

98% black and Hispanic students. While the viability and benefits of charter schools are beyond the scope of this paper, the racial tension that has surrounded the construction of Roxbury Prep's high school campus is exceedingly relevant, largely because of the rhetoric used by its opponents.

Led by a group of homeowners in an affluent enclave of Roslindale, the opposition to Roxbury Prep has been steadfast since January 2017. Over the course of the year, as the push for a building permit intensified, white activists mobilized once again to dictate who could be educated where. Whereas Louise Day Hicks and ROAR activists were careful to state that they would not mind if black students attended their neighborhood schools, space permitting, residents of Roslindale and West Roxbury today insist that students who do not live in the neighborhood should not be educated in their community. Citing traffic and ambivalence about the suitability of the physical site for a school as key concerns, members of the ostensibly liberal Roslindale and West Roxbury communities also use coded language to express their opposition to black students entering their neighborhood. Much like their predecessors, they have revealed more racially based sentiments than their core arguments suggest on paper. At an informational March 2017 community meeting, one Roslindale resident stated that "she just knew the students would start congregating in the neighborhood, buying and doing drugs and spray painting graffiti all over. It's going to change the whole fabric of the neighborhood."[111] Other residents asked why they, as taxpayers, were being forced to bear the burden of educating students who come from other neighborhoods and "do not care" about the Roslindale community. A Roxbury Prep parent from Roslindale attended the meeting and expressed her disappointment to hear her neighbors employ racial dog-whistles by speaking of "those people" and exclaimed that the school should be built in one of "their neighborhoods."[112] While some attendees did express their appreciation of the long-term benefits of a neighborhood high school, such as the presence of "well educated, community-minded students," rising property values, and increased diversity, they were hugely outnumbered at the March 2017 meeting by those who claimed they had "nothing against the children," but painted them with a broad, racially stereotyping brush in the same breath.[113] Much like the shocking nature of Boston's betrayal of its generally liberal character in the 1970s, the racial animus felt by so many liberal Roslindale and West Roxbury residents is surprising, though not unprecedented. The organizing tactics and sentiments of those who oppose the construction of Roxbury Prep are eerily comparable to those of the antibusers in the

1970s. They are similarly rooted in anxieties about race and class, despite all empirical evidence pointing to the social and economic benefits of diverse, high-quality schools, just as so much of it did through the busing crisis.

In 1985, J. Anthony Lukas wrote, "As so often with Louise Day Hicks, a listener could take his choice. Was she the woman whom Virgil Wood likened to Adolf Hitler...Or was she, as her disciples contended, Boston's...mother, a bighearted Lady Bountiful, a dedicated laborer for better schools, a humble woman who never lost touch with her Irish heritage, her working-class neighborhood, or the 'little people' who supported her so fervently?"[114] The question Lukas posed is one that can be reframed and applied to the threads of modern racial animus that exist in Boston's public education system today. Just as race and class differences compelled various populations to perceive Hicks dissimilarly, with some going so far as to liken her to Hitler, and others hailing her as a working class hero, various Boston communities today perceive the ongoing struggle in totally different ways. While white Bostonians may not consider themselves racist, and may genuinely believe in their arguments about traffic, tax dollars, and the suitability of the proposed school's physical location, dipping into tropes about drugs, loitering, the fabric of the neighborhood, and "their" communities and "our" community shows that race is central to their opposition. The resemblance between the rhetoric employed to oppose black and Hispanic students' access to a good education today and in the 1970s is remarkable.

While, as noted by Weinbaum, the "goal of desegregated schools has almost vanished from public discourse," the challenges of integration faced by advocates in the 1970s have not been entirely resolved.[115] Busing allowed those who opposed desegregation to express their racist attitudes through coded language and demonstrations against government overreach, thereby normalizing their problematic beliefs and making them accessible to the broader public. The structures that helped anti-busers indirectly win their fight – de facto segregation and increasing white affluence – are still largely in place today, and underpin the wave of covert racism that at least one pocket of Boston is currently facing. For some, perhaps this is unsurprising given the complex, deep-seated nature of the racism that fuelled opposition to busing. But, for others, or perhaps it comes as a shock because of Boston's reputation for liberal politics. Four decades after the Boston busing crisis fizzled out, the forces that drove it still seem to be largely intact, even if they have been lying dormant since the city's public school system was stamped as equitable

and just.

Endnotes:

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3. Lipset, American Exceptionalism, 53.
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6. Matthew Delmont, *Why Busing Failed* (University of California Press, 2016), 4.
7. Ronald P. Formisano, "Not Little Rock But New Orleans," *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: The University of North Carolina Press, 2012), 3.
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9. Jane. M Hornburger, "Deep Are The Roots: Busing in Boston," in *The Journal of Negro Education* Vol. 45, No. 3 (Summer, 1976), 235.
10. Frank Levy, *Northern Schools and Civil Rights: The Racial Imbalance Act of Massachusetts* (Chicago: Markham Publishing Co., 1971), 55.
11. Ronald P. Formisano, "Democracy and Segregation Part Two: The School Committee Holds the Line," *Boston Against Busing*, 46.
12. Formisano, *Boston Against Busing*, 45.
13. Elliot Weinbaum, "Looking for Leadership: Battles Over Busing in Boston," in *Perspectives on Urban Education* (2017), 1-2.
14. Formisano, *Boston Against Busing*, 22.
15. Ibid, 29.
16. Ibid, 30.
17. Ira Mothner, "Boston's Louise Day Hicks: Storm Center of the Busing Battle," *Look* (February 22nd, 1966), 77.
18. As articulated by political scientist Jennifer Hochschild, elected school representatives had worse voting records for desegregation than their appointed counterparts in other cities, as those who voted to integrate tended not to get reelected. Hicks' base, which came out in huge numbers in the September 1963 election that elevated her to Chairwoman, deeply opposed the integration of public schools. See Jennifer L. Hochschild, *The New American Dilemma: Liberal Democracy and School Desegregation* (New Haven: Yale University Press, 1984), 144.
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20. J.M. Ross and W.M. Berg, "*I Respectfully Disagree With the Judge's Order*": *The Boston Desegregation Controversy* (Washington, DC: University Press of America, 1981).
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24. Racial Imbalance Act, 1965.
25. Jonathan Kozol, *Death at an Early Age: The Destruction of the Hearts and Minds of Negro Children in the Boston Public Schools* (New York: Bantam Books, 1968), 123.

26. Hornburger, "Deep are the Roots: Busing in Boston," 237.
27. *Morgan v. Hennigan*, 379 F. Supp. 410 (D.C. Mass., June, 1974).
28. Ibid.
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30. "A Balanced Ruling for Boston," *Boston Globe* (June 25, 1974), 18.
31. Donald Philip Green and Jonathan A. Cowden, "Who Protests: Self-Interest and White Opposition to Busing," in *The Journal of Politics*, Vol. 54, No. 2 (May 1992), 472.
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The Role of Egyptology in Nineteenth Century French National Identity

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Photo: Cogniet, Léon. The Egyptian Exhibition Under the Command of Bonaparte, 1835. Paris, Palais de Louvre. Accessed March 23, 2018. http://thejadesphinx.blogspot.com/2013/05/the-egyptian-expedition-under-command.html.

Throughout the nineteenth century, French national identity was contentious. Following the turmoil of the French Revolution, in which a movement intended to be the realization of Enlightenment ideals dissolved into chaos, French society was fractured along political lines. The chaos of the Revolution was followed by Napoleon Bonaparte's republic-turned-military empire, which was followed by the reinstitution of the monarchy under Louis XVIII. French society was deeply divided between republicans and monarchists, and in the first half of the nineteenth century, as the French nation reeled from regime change, a sense of unified national identity was hard to come by. In the nation which had led the Enlightenment and produced some of the greatest intellectuals of the eighteenth century, there was a need to reassert France's reputation as the pinnacle of Western Civilization. With the terror of the French Revolution and the ensuing political turbulence France needed to forget this dark past; only through rebirth as a nation could the rest of the world once again recognize France as the vanguard of Enlightenment values and Western Civilization. The answer to this identity crisis came in the study of ancient Egypt, or Egyptology as it came be known.

The discipline of Egyptology was created after Napoleon's campaign in Egypt in 1798. Napoleon travelled with a contingent of scholars, whose two primary goals were to investigate the development potential of Egypt as a French colony and illustrate and document the monuments of ancient Egypt. The latter goal, which reintroduced Europe to the splendors of ancient Egypt, led to an obsession with all things ancient Egyptian as well as an increased interest in scholarship. The French had opened up a door where scholars could discover a whole civilization, and this soon became a source of pride for Napoleon and his savants. Advancements in the field of Egyptology continued throughout the nineteenth century with impetus from the French, first with the publication of seminal works by the Commission of the Sciences and Arts and its members, then using information discovered on the first expedition. The French continued to entrench their position as leaders in Egyptology when Jean-François Champollion became the first scholar to decipher Egyptian hieroglyphs. Champollion's accomplishment became an accomplishment of the French nation; soon thereafter, Champollion saw his work institutionalized in the founding of the Egyptian department in the Louvre, the Musée d'Egypte.

At this point, the Restoration monarchy of Charles X championed the newly-founded field of Egyptology, carrying-forth the field promoted

by Napoleon. Since both Napoleon and the Restoration monarchy recognized Egyptology as a worthy cause to promote, there is a testament to the field's ability to ignite public enthusiasm and pride in French accomplishments. Nineteenth century French political leaders recognized that ancient Egypt was in a sense apolitical: French people of all political ideologies could have interest in ancient Egypt and feel a sense of patriotic pride when French scholars accomplished something in the field of Egyptology. Cognizant of Egyptology's apolitical nature, French leaders made politically savvy calculations to move past the turmoil of the Revolution and the incessant regime changes. They were trying to unify the French nation, and they recognized the value of promoting an intellectual and cultural endeavor like the study of ancient Egypt. The support by the French government for Egyptology continued throughout the nineteenth century. French hegemony in Egyptology and public enthusiasm for ancient Egypt became a stapled used by nineteenth century French leaders to foster a sense of French national identity which transcended political divisions.

Napoleon's Egyptian Campaign: Conquest and Scholarship

When Napoleon Bonaparte undertook the Egyptian campaign in 1798, he saw the potential for expanding his empire into Egypt, as well as the perfect opportunity to block Britain's passage to their prized colony, India. Napoleon's choice of Egypt had been strategic: he knew he had no chance of striking at Britain itself. France lacked the naval power to challenge Britain's naval superiority through an attack via the English Channel, so impeding passage to India seemed to be the best option. The Directory, which needed an outlet for the ambitious General Bonaparte, agreed to his proposition to invade Egypt. In a decree which was not intended for the public to view, the Directory also disguised their intentions. Article 4 stated that Napoleon "shall improve by all the means at his disposal the position of the natives of Egypt.[1]

That the Directory commissioned Napoleon's campaign for a strategic as well as a scientific reason is apparent in this statement. The campaign was an opportunity for development in Egypt. Napoleon wanted an empire in Egypt that could provide passage to India. To do this, it would be necessary to develop irrigation systems and canals. Napoleon sold this concept to the commission as a venture which could bring "enlightenment and happiness" to Egypt.[2] This perceived "noble" Enlightenment mission was eagerly endorsed by the Directory, members of whom professed to the endorsements to revolutionaries bent on seeing

the realization of Enlightenment values.

Napoleon continued this Enlightenment rhetoric even in Egypt. In his Proclamation to the Egyptians he said, "All Egyptians will be called to fill all positions; the wisest, the best educated, the most virtuous will govern, and the people will be happy."[3] Napoleon's Enlightenment rhetoric was a strategic way to justify a campaign ultimately bent on conquest. Often portrayed as harbingers of civilization, France's campaign was undertaken for a justifiable purpose instead of conquest. In this enthusiasm for the Egyptian campaign, French political endorsement of an intellectual endeavor became visible. A campaign in Egypt was justifiable and provided as a distraction from the political turmoil, and the Directory could point to the Egyptian campaign and the propagation of Enlightenment values as a success for the French Revolution, which had failed to accomplish those principles at home.

Napoleon recruited a contingent of scholars to travel with him. These men were engineers, mechanics, cartographers, architects, and scientists who could survey Egypt and its potential for development. Napoleon established the Institute of Egypt, which was chartered to promote "the progress and propagation of the sciences in Egypt; research, study, and publication of natural, industrial, and historical data on Egypt."[4] Through examining the French concept of civilization infused with Enlightenment values, Napoleon's desire to establish the Institute of Egypt becomes far more apparent and clear. Stuart Woolf, a historian of the Napoleonic Empire, has argued that Napoleon's conception of civilization can be described as steeped in Enlightenment spirit, which "took the form of a search for verifiable facts, whose classification could offer a key towards understanding the progress of civilization."[5] The evolution of civilization was believed to lead toward progress, and by studying ancient Egypt it would be possible to trace an important step in mankind's progression toward enlightened reason. However, the inclusion of the savants on the campaign can also be understood as idiosyncratic. The holistic approach to documentation and scholarship during a military campaign was unique. Though Napoleon and the Directory used Enlightenment rhetoric to explain their motivations, the work of the Commission of the Sciences and the Arts was an innovation.

The savants numbered 165 and included in their number scientists, along with those with technical skills needed to ascertain Egypt's development potential. However, among the group were also chemists, physicists, poets, artists, naturalists, zoologists, astronomers, musicians, and other intellectuals whose purpose was to study Egypt for the sake

of intellectual curiosity.[6] Little was known about ancient Egypt, due to the fact that no one knew how to read hieroglyphs.[7] Napoleon's savants were also included in the Egyptian campaign to record all they could about ancient Egypt, especially to copy down hieroglyphs and sketch the ancient monuments.[8] Tallien, one of the savants on the campaign, articulated the savants' purpose when he wrote, "The aim we propose to ourselves is to make Egypt known not only to the Frenchmen who happen to be here now but also to France and to all Europe."[9] The savants saw themselves as a force which would illuminate the mysterious land of Egypt. They possessed an immense appreciation for the accomplishments of ancient Egyptian civilization, as well as an intense devotion toward scholarship.

One of the savants named Geoffroy Saint-Hilaire articulated the savants' attitude well when he wrote, "Here I once again find men who think of nothing but science...We busy ourselves enthusiastically with all the questions that are of concern to the government and with the sciences."[10] The savants possessed dedication towards furthering the body of scientific knowledge, yet they were also bent on serving the French government. In what would become a recurring theme throughout the nineteenth century, scholarship and discovery in Egypt was conflated with an agenda to serve the French state. Discoveries regarding ancient Egypt were often perceived as accomplishments of the French nation and a source of pride. The savants' work culminated in the publication of the ten volume *Description de l'Égypte*, which contained the engravings of antiquities, architecture, art, and natural history of Egypt. The magnificent intellectual achievement of the *Description de l'Égypte* served as an authoritative source of information about Egypt, and a more affordable shorter version contributed to the public's knowledge and appreciation of Egypt.[11]

Napoleon as Pharaoh: Creating Posterity

Napoleon's impetus for the Commission of the Sciences and Arts was primarily attributed to his recognition of the value of posterity. J.C Herold, a prominent Napoleonic scholar, implies that Napoleon was not personally interested in the study of ancient Egypt, but that he recognized the strategic value of his name being attached to the savants' work. Herold writes that Napoleon was aware that "science leaves more lasting monuments than war."[12] In a letter, Napoleon wrote that "the true conquests, the only ones that leave no regret, are those that have been wrested from ignorance."[13] Napoleon's desire to associate his name with

ancient Egypt proved beneficial early in the Egyptian Campaign. Herold wrote of the publicity Napoleon gained after the Battle of the Pyramids.[14] The association that resulted from "coupling Bonaparte's name with the magic of the pyramids produced an impression worth several great victories. Almost overnight in Europe, and ultimately in America, all things Egyptian became the rage and Bonaparte's prestige rose to new heights"[15] The method of using ancient Egyptian culture to generate positive feelings about a political regime or certain leader often occurred numerous times throughout nineteenth century France.

Additionally, Napoleon's interest in Egypt derives from his self-image. Napoleon, who fashioned himself as an Alexander the Great figure, became drawn to Egypt due to his own delusions of grandeur. Conquest in Egypt was an opportunity for Napoleon to fulfil his desire to follow in the footsteps of Alexander.[16] In a confession to his friend Madame de Rémusat following his return from Egypt, Napoleon said, "In Egypt, I found myself freed from the obstacles of an irksome civilization. I was full of dreams... In my undertakings I would have combined the experiences of the two worlds, exploiting for my own profit the theatre of all history"[17] This statement reveals what Egypt meant to Napoleon. He was full of ambition and used both his idealistic self-image and the legacy of ancient Egypt as a means of promoting his image and building his reputation. Whether or not Napoleon knew that the Egyptian Campaign would realistically succeed, he did know that it could improve his standing in French public opinion. Ancient Egypt was a means to shoring up support, a unifier for a French population reeling from the Revolution.

Napoleon also used imagery and symbolism to improve his public image in the Egyptian campaign in addition to the publicity garnered from scholarship and a favorable reputation from military victories. Paintings of the Egyptian Campaign reveal a conscious effort to portray the French as inheritors of ancient Egyptian history.[18] The French are portrayed as the ones capable of restoring Egypt to its former grandeur. In Lejeune's *Battle of the Pyramids*, the French are "heirs to the ancients" who, in their victory, "inherit the Pyramids as emblems of their own grandeur."[19] Through art, the French, and by extension Napoleon, were legitimizing their right to conquer Egypt and bring the culture of ancient Egypt out of obscurity. Napoleon, too, portrayed himself as bringing elements of the pharaohs' rule to France. Todd Porterfield, an art historian of nineteenth century French empire, argues that the painting *Allegory of the Condition of France before the Return from Egypt* uses associations with Pharaonic stability to depict Napoleon as being called to return from

Denon, Dominique Vivant Baron. Voyage dans la Basse et la Haute Égypte, 1802. Etching, 22 by 30.5 centimeters, London, Victoria and Albert Museum. Accessed March 23, 2018. http://collections.vam.ac.uk/item/O515034/voyage-dans-la-basse-et-print-denon-dominique-vivant/#

Egypt and impose order in France.[20]

When Napoleon returned to France and crowned Emperor in 1804, he continued to incorporate Egyptian elements into the Empire architectural and artistic style. For example, he used the currently indecipherable hieroglyphs in architecture, which Wittkower argues were "speaking emblems symbolizing his imperial majesty."[21] Napoleon commissioned the construction of an obelisk on the Pont Neuf in 1809 to commemorate the victories of the Grande Armée, but it was never constructed.[22] Being that Napoleon wanted an obelisk constructed reveals the potency of Egyptian motifs. Francois-Jean Bralle commissioned the Fontaine de La Victoire to glorify Napoleon and the Egyptian campaign. It had an Egyptian pal-capital. In its original construction, the Egyptian elements were subtle, but sphinxes were eventually added to the base in 1858.[23] Egyptian motifs were believed to symbolize durability and stability, as well as old secrets and knowledge.[24] Napoleon was aware of the power of Egyptian motifs and the associations with knowledge, stability, and martial conquest that come out of its use in monuments.

The French were to associate Napoleon's rule with that of the pharaohs: impressive and magnificent. In addition to architecture, artistic depictions of the Egyptian Campaign depicted the French as heirs to ancient Egypt by image association between the grandeur of Egyptian monuments and Napoleon as a pharaoh-figure. As mentioned previously, Napoleon also knew the value of associating his name with the study of

ancient Egypt, as demonstrated by the inclusion of the savants on the Egyptian campaign. Napoleon's opportunistic use of ancient Egypt is the first example of an attempt to shape nineteenth century French national identity through employing measures to make the French nation's relationship with Egypt seem unique. Though Napoleon's goal was engendering loyalty to the emperor, it was an attempt to foster French patriotism concerning ancient Egypt and its "discovery."

Dominique-Vivant Denon and the Beginnings of French Scholastic Hegemony

In order to describe the enthusiasm for ancient Egypt possessed by French scholars, it is necessary to focus on the man who has been described as the "first Egyptologist."[25] Dominique-Vivant Denon was a member of Napoleon's Egyptian campaign. Commissioned to sketch the ancient monuments and serve as Napoleon's adviser on artistic matters, Denon published *Voyage dans la Basse et la Haute-*Égypte *pendant les campagnes du Général Bonaparte* in 1802. The book included an account of his travels and included Denon's sketches of Egyptian antiquities. It was translated into many languages and sparked public interest in ancient Egypt throughout Europe. His work inspired much of the later work of the Commission of the Sciences and Arts and the publication of the *Description de l'Égypte*.[26] Furthermore, his copies of hieroglyphic symbols were instrumental in Champollion's decipherment. Porterfield argues that what animates Denon's work is his belief that "the grandeur of ancient Egypt could be rescued by modern France."[27] In Denon's accounts of his travels with Napoleon's army there is a palpable enthusiasm for everything relating to ancient Egypt and an intense sense of patriotism and pride that the French are advancing human knowledge by documenting ancient Egypt.

According to Russell, a historian of the Napoleonic survey of Egypt, the value of Denon's work is in the fact that he was the first to combine documentation of ancient monuments with anthropological observations of Egyptian culture and customs of its people.[28] This was the first scholarly survey of Egypt, and it sparked a field of scholarship in the subject that became known as Egyptology. His work was very systematic; he would sketch monuments with laborious detail and label his drawings carefully. His work provided scholars with an invaluable source when travel to Egypt was not possible.[29]

Denon's enthusiasm and admiration for ancient Egypt is evident in

his account. When visiting the ruins of Tentyris he wrote:

> I felt I was in the sanctuary of arts and sciences. How many periods presented themselves to my imagination at the site of such an edifice! How many ages of creative ingenuity were required to bring a nation to such a degree of perfection and sublimity in the arts!...What superfluity of means must a government possess that could erect such an edifice and find within itself artists capable of conceiving and executing the design, of decorating and enriching it with everything that speaks to the eye and the understanding! Never did the labour of man show me the human race in such a splendid light. In the ruins of Tentyris, the Egyptians appeared to me to be {a race of} giants![30]

Denon believes the Egyptian monuments to be the pinnacle of artistic and scientific accomplishment in the ancient world, and the accomplishments he attributes to them make them seem to be of extraordinary ability. He believes the Egyptians provided enlightenment and civilization to all other societies. To Denon, the city of Thebes had been a "focus of vision and knowledge which, for so many ages, enlightened every nation that wished to emerge from barbarism."[31] Denon, like other French scholars, associated ancient Egypt with knowledge and a prowess in science and arts in the form of architectural accomplishment.

Denon's writing also reveals a sense of patriotism when travelling with Napoleon's army. When the French soldiers spontaneously burst into applause at the sight of the temples of Luxor and Karnak, they began to eagerly offer Denon shade or their backs to prop up his drawing pad.[32] They wanted Denon to properly illustrate the splendor which they were seeing. Denon writes that in that moment the soldiers' "refined sensibility made me rejoice in being their companion and proud of being a Frenchman."[33] Denon, who was immensely proud of his work and the work of the savants, felt a sense of compatriotism with the soldiers. Denon felt that the ability to appreciate the splendors of ancient Egypt was a refined trait shared by all Frenchmen.

Upon leaving Egypt, Denon wrote, "But even if my researches have no other effect than assisting the future labours of those who may succeed me...I shall rejoice that my zeal has been thus at least serviceable to the arts."[34] Denon saw his documentation of Egyptian monuments as an endeavor to increase the knowledge available to European scholars. The study of ancient Egypt to further scholarship was coupled with a

desire to contribute to the French nation. In Denon's book, he inscribed a dedication to Napoleon: "To combine the lustre of your name with the splendour of the monuments of Egypt is to associate the glorious annals of our own time with the history of the heroic age."[35] Denon, as a member of Napoleon's Egyptian campaign, wanted his work to provide a context to which the glories of Napoleon's army could be compared. Denon wanted to make French accomplishments and triumphs equitable to those of the ancient Egyptians. Denon's work reveals the patriotic element of the savants' work. The Egyptian campaign and the subsequent outpouring of scholarship were to be a source of pride for those in France. The French were the heirs to the glory of ancient Egypt, a nation of enlightened scholars worthy to study Egypt and make its secrets accessible to Europe.

Russell believes that Denon's biggest legacy was the cultural influence that resulted from an increased awareness of Egyptian culture.[36] This cultural influence had a nationalistic element. Denon's publication was presented as a remarkable accomplishment of the French nation, and a gift to the rest of the scholarly community. Similarly, in the preface of the *Description de l'Égypte*, Jean Baptiste Joseph Fourier wrote that the work would "give to Europe for the first time a just idea of the monuments of Egypt... No other country has been subjected to research so extended and varied. No other was more worthy of being the object."[37] This praise of Egypt is at once both indicative of the savants' awe and admiration for the culture of ancient Egypt, as well as a subtle boast on the superiority of the work of the Commission of the Sciences and Arts. Fourier is implying that there has never been such an extensive study encompassing so many disciplines focused on one ancient culture, and the French are primed to be able to carry out such an exhaustive undertaking. To Fourier, French scholastic hegemony cannot be contested.[38] The French have "discovered" Egypt.

An accomplishment in Egyptology was an accomplishment of the French Nation.

Denon and the savants began the process of establishing French hegemony in Egyptology. The French set off a wave of interest in ancient Egypt across Europe. Egyptian-influenced art and architecture flourished, as well as scholarship on ancient Egypt in the emerging field of Egyptology. Though the work produced by Denon and other artists and the savants of the Egyptian campaign was used to glorify Napoleon, it also had a distinctly French patriotic element to it. Napoleon used the

Egyptian campaign to shape his own image as a leader to be compared with the grandeur of the pharaohs, but the French nation was a part of this too. The French nation was capable of studying and illuminating the civilization of ancient Egypt and possessed the technical prowess to develop contemporary Egypt. The French nation was a part of a contemporary narrative and heir to the past of ancient Egypt. In developing Egyptology, the French were asserting their ascendancy in scholarship. After the Egyptian campaign, there was a conflation of French identity and national pride with Egyptology. By commissioning the work of the savants for political means, Napoleon inadvertently started the process of the a-politicization of Egyptology: as it became conflated with French national identity, it transcended political divisions and served as a unifying, patriotic endeavor.

Jean-François Champollion's Decipherment of the Hieroglyphs as an Assertion of French Genius

Jean-François Champollion became the first to decipher Egyptian hieroglyphs in 1822.[39] Champollion's accomplishment and process of decipherment illustrates many of the themes of French Egyptology in the nineteenth century: a rivalry with Britain, academic competition between French Egyptologists, a reliance on the work of the savants, a political element to Egyptology that changed during different political regimes, and finally an institutionalization of the accomplishment as a source of French national pride. Champollion's tenuous political status and then ultimate triumph and celebration by the government reveals how Egyptology became a means of transcending political divisions. An accomplishment in Egyptology was an accomplishment of the French nation.

Champollion's interest in Egypt was sparked as a young boy, when Jean-Baptiste-Joseph Fourier was appointed as the Prefect of his school in Grenoble. Fourier had been one of the foremost savants on Napoleon's Egyptian campaign. He showed Champollion some antiquities, and Champollion was so fascinated by the mysterious hieroglyphs inscribed on the objects that he decided at the age of eleven he would decipher them.[40]

Other scholars had begun to work on deciphering the hieroglyphs using the Rosetta Stone, which had been discovered on the Egyptian campaign. One such scholar was Silvestre de Sacy, a Frenchman who was Champollion's professor and later academic rival. The Rosetta

Stone contained writing in demotic script, which was a later form of Egyptian writing and believed to be the link between the Greek and hieroglyphs also on the stone. De Sacy made some headway in deciphering the demotic script, but failed to advance because he believed that it was entirely alphabetic like the Greek script.[41] At the beginning of the nineteenth century, more and more scholars entered the race to decipher the hieroglyphs, but many failed and dropped out.[42] Champollion, who was becoming increasingly obsessed with ancient languages, saw a link between the Coptic language and the language of ancient Egypt.[43] He learned Coptic and many other languages, and due to his original research on the geography of Egypt, he was admitted into the Academy of Grenoble at the age of sixteen.[44] He was appointed to a post as professor at the university in Grenoble at the age of eighteen. At this point, his former teacher de Sacy discouraged him from continuing to study hieroglyphs, because he did not want to be eclipsed by a student.[45] This developing rivalry would later lead to problems for Champollion.

As a professor, Champollion began having to deal with the political ramifications of his work that would plague his whole career. Napoleon had declared that no one was to criticize the political regime or admit imperfections in its doctrines, and Champollion's lectures on Egypt began challenging chronology which the Church asserted put the age of the earth at 6,000 years old.[46] Champollion's resistance to be censored by the Emperor speaks to his belief in intellectual freedom. Champollion, who believed a democratic republic was the only legitimate form of government, was neither a monarchist nor a supporter of Napoleon. He was prevented from promotion at the university by jealous academic rivals, who called him a Jacobin and used his political leanings against him.[47]

Champollion's politics were forced to change when Napoleon was sent into exile in 1814 and the Bourbon monarchy under Louis XVIII was restored. Champollion, resentful of the censorship of Napoleonic Era, acceded that Napoleon's empire was better than the monarchy. He began to write plays and songs in support of the Napoleonic regime, and his political associations began to further impact his career. His rival de Sacy, a staunch royalist, swayed the Academy of Inscriptions and Literature to reject his Coptic dictionary for publication.[48] This was one of many examples of Champollion's work being rejected due to the political views of his academic rivals. He ultimately lost his position at the university and was sent into internal exile in 1816 for his political views.[49]

Champollion's biggest rival in the race to decipher the hieroglyphs was the Englishman Thomas Young. Champollion's and Young's rival-

ry was made more intense by the rivalry that existed between Britain and France, and it points to the nationalistic element of French Egyptology. It was important to continue French hegemony in Egyptology, which had begun when the savants founded the discipline following the Egyptian Campaign. In a published review of Champollion's work, Young demonstrated some xenophobic views as he reflected upon the French fascination with Egypt. He wrote, "Perhaps it would be well for Europe if the French were suffered to acquire the country…the sympathetic licentiousness of French and Egyptian manners would facilitate an amalgamation of the people."[50] Young's remarks served to motivate Champollion in his studies, and they added an element of nationalistic rivalry. Champollion responded to publications of Young's with equal nationalistic fervor. In criticizing a publication of Young's and defending his own system of decipherment, Champollion wrote to his brother, "So poor Dr Young is incorrigible?…The Brit can do whatever he wants…and all of old England will learn from young France how to spell hieroglyphs using an entirely different method."[51] The rivalry between Champollion and Young reflected the greater rivalry between Britain and France in the nineteenth century, and gave impetus to Champollion to succeed in his quest. France needed a victory for the sake of its national pride.

Young made immense strides in deciphering the demotic language, determining that it was not entirely alphabetic, but a combination of symbols for Egyptian words and alphabetic sounds for foreign words.[52] Young applied this to the hieroglyphs, but his belief that alphabetic signs were only used for foreign names prevented him from moving further in his decipherment.[53]

Champollion initially assumed that the hieroglyphs were alphabetic, so in his endeavor to learn Coptic, he believed that he would be able to match up letters of Coptic script with the equivalent in hieroglyphs.[54] After mastering the Coptic language, Champollion wanted to discover the link between the hieroglyphic, hieratic, and demotic languages. He studied all of elements of the languages to look for similarities, which enabled him to see how they were related to each other.[55] He realized that that hieroglyphs contained a combination of pictograms, ideograms, and phonetic symbols.[56] This holistic approach led to a breakthrough, and Champollion was able to read names on cartouches he had never seen before.[57] Champollion had deciphered the hieroglyphs, and French hegemony in Egyptology was secure.

Champollion published his system of decipherment in a work called the *Précis*, which he presented to King Louis XVIII.[58] Though

by no means a monarchist, Champollion knew that if he received an endorsement from the king, he could pursue further study, which the king agreed to sponsor. Champollion became a national celebrity, and the French celebrated his triumph over an English rival. Louis-Philippe, then the Duke of Orleans, spoke in praise of Champollion, saying, "The brilliant discovery of the hieroglyphic alphabet is honourable not only for the savant who has made it, but for the nation! It must make one proud that a Frenchman has begun to penetrate the mysteries of the Ancients."[59] Champollion's accomplishment was a source of pride for many Frenchmen, in an era reeling from political dissension and the aftermath of the Napoleonic regime and the restoration of the monarchy. The French nation needed an accomplishment which could transcend its deep divisions, and Champollion's decipherment provided it. Champollion's accomplishment transcended political divisions, which is further underscored by his willingness to work for the monarchy despite his own political objections.

Champollion wanted to test his system of decipherment and knew that he could no longer rely on the copies of hieroglyphs from Napoleon's Egyptian campaign. He wanted to go on his own expedition to Egypt and received the financial support from King Charles X to do so in 1828.[60] Champollion's letters and diary entries from his time in Egypt reveal his desire to test and refine his system of decipherment, as well as a nationalistic pride for both his accomplishments and other French involvement in Egypt. In a letter to his brother upon his arrival in Alexandria Champollion writes, "Everything in this city breathes memories of our old power and shows how effortlessly French influence extends to the entire Egyptian population."[61] The legacy of Napoleon's campaign was still present thirty years later, and Champollion remarks on Egyptians playing French military marches on their instruments and on being addressed in a republican form of greeting by a local Egyptian.

Champollion was well received in Egypt. He reports of various dinners with local leaders and dignitaries who assured him of a strong friendship between the French and the Egyptians. One local ruler told Champollion he "resuscitated the glory of his country."[62] These encounters served to further strengthen Champollion's sense of nationalism in his expedition. His writings begin to reflect a desire to take an obelisk to France as a patriotic symbol of triumph. He wrote to his brother, "Egyptians will from now on strike a much more attractive figure in the history of art than before...Will we at last see an Egyptian obelisk on one of the squares of Paris?"[63] A month later he writes, "So I return to the idea

that, if the government wants an obelisk in Paris, it is a matter of national pride to have one of the ones in Luxor."[64] Champollion's expedition, though one of scholarship, was also one of nationalistic intentions to bring glory to France. He wanted to populate the Louvre with "statues of the richest materials and crucial importance."[65] The motivation for this was for Egyptology but also French national pride. That Champollion also entertained ideas of taking an obelisk to display in Paris demonstrates the nationalistic side of his expedition.

The British were keenly interested in Champollion's expedition. In an article in *The Times* entitled "The French Scientific Expedition to Egypt," there is an account of Champollion's acquisition of valuable antiquities for the French government, as well as a description of some excavations done by Champollion. The article reports on the hospitality the Egyptians showed the Frenchmen, and the Pasha's intention of sending more antiquities as gifts in order to maintain friendly relations with France. The article contains an undercurrent of jealousy at the accomplishments of the French expedition. The writer concedes that Champollion's expedition is unearthing a "rich mine of antiquity"[66] to be explored in Egypt. However, Britain's pride is maintained with a qualifying statement that previous work had been done by Sir Henry Salt, the British consul-general of Egypt, and other "Englishmen of refined taste and splendid fortunes."[67] British coverage of Champollion's expedition not only demonstrates the interest of the expedition in scholarly circles, but the element of nationalistic rivalry in Egyptology. Champollion's expedition was of enough importance to the British public that it eventually became printed in *The Times*.

Champollion's expedition was one of scholarship for all of Egyptology, but it was also undertaken to enrich the museums of Charles X.[68] Champollion, who was a republican and had been accused of having "Jacobin" views, was working for the monarchy. Egyptology was a source of pride for the French nation and could be endorsed by Frenchmen of all political views, from staunch republicans to Ultra-royalists. Champollion, the scholar who secured French hegemony in Egyptology, was able to transcend political divisions and become a national hero.

The Musée d'Egypte

Under King Charles X, French Egyptology became institutionalized with the establishment of the Musée d'Egypte, the first Egyptian department of the Louvre. Egyptology was supported by the Restoration

monarchy, despite its Napoleonic associations. The monarchy's support of Egyptology speaks to it as an attribute of French national character. It had transcended the political associations with the Napoleonic Empire and become embedded as a national attribute. The monarchy continued to fund the publication of the *Description de l'Égypte*, the final volume of which was published in 1829. Due to the public's interest in ancient Egypt and the continually expanding field of Egyptology, the monarchy used the growing field to their advantage. Support for Egyptology was intended to give legitimacy to the Restoration monarchy, as well as endorsing imperial aims which started with Napoleon's campaign.[69]

The monarchy also saw the value in establishing a museum for the nation's growing collection of Egyptian antiquities. Champollion was appointed as the curator of the museum, and Porterfield argues that this was because his "prestige was installed as a symbol of French national genius."[70] The monarchy desired to reinforce French national identity through exploits in Egypt and portray the French nation as a steward of the arts and civilization. Champollion's position at the new museum gave the whole project further legitimacy.

The Musée d'Egypte was part of the Musée Charles X. Consequently, ceiling paintings were commissioned which incorporated both reactionary elements of the monarchy and the continuation of Egyptian themes used in the art of Napoleon's Egyptian campaign. For example, Antoine-Jean Gros' painting, *The King Giving the Musée Charles X to the Arts* contains the usual themes of France, in particular Charles X, as the vanguard of the arts and civilization. It was the patronage of Charles X which allowed the arts to flourish. However, the painting also depicts Champollion teaching hieroglyphs to students, a further celebration of Champollion's accomplishment, as well as the suggestion that a Frenchman has made the secrets of ancient Egypt accessible.[71] Here, the continuation of themes from the Napoleonic era can be seen. The French are heirs to the civilization of Egypt. They have bestowed the gift of hieroglyphs upon the West.

This theme is further explored in another ceiling painting commissioned for the museum, painted by François-Edouard Picot and entitled *Study Crowned with Laurels and the Genius of the Arts Unveiling Ancient Egypt for Greece*. The painting reflects the belief that ancient Egypt was of the foremost antiquity and passed on its civilization to Greece. Ancient Greece was no longer considered to the originator of civilization. The painting depicts cherubim lifting a shroud to reveal to Minerva a female personification of Egypt, surrounded by pyramids, an obelisk, and other fruits of

Egyptian civilization.[72]

The debate on the authority of ancient Egyptian civilization over Greek civilization had been raging as more was discovered about Egypt. Champollion was a vociferous supporter of Egypt as the originator of civilization, and his diaries reveal his opinions. While in Egypt and writing his reflections of Egyptian monuments he addressed the scholars who "believe unshakably in the spontaneous genesis of the arts in Greece" and writes, "Ancient Egypt taught the arts to Greece who gave them their most sublime expression, but without Egypt Greece would probably not have become the cradle of the classical fine arts."[73]

In establishing the Musée d'Egypte and commissioning a painting like Picot's, the Restoration monarchy was endorsing the view of Egypt as the originator of civilization. Porterfield argues that this was done in support of the monarchical elements of ancient Egyptian civilization and its emphasis on order and authoritarian kingship.[74] Interestingly, these themes of pharaonic stability and order were also used by Napoleon. His imperial image was fashioned with allusions to the order and authority of Egyptian civilization.

The Musée d'Egypte led to the institutionalization of Egyptology. Though the museum was created for granting legitimacy to the Restoration monarchy, Egyptology became apolitical because the museum's overarching message was that the French were heirs to the civilization of ancient Egypt. Egyptology was sanitized of its associations with Napoleon, the politics of Champollion were put aside as he was established as the curator and celebrated as a national hero, and the political attempts of the Restoration monarchy to associate the pharaohs with monarchical stability were masked by the overall narrative of national unity. The study of ancient Egypt was an endeavor to be celebrated by the entire French nation, regardless of political associations. French hegemony in Egyptology was meant to unify the French nation.

The Obelisk in the Place de la Concorde and the Significance of Egyptian Scholarship

In 1833 Paris acquired the Luxor obelisk, which had been recommended by Champollion. Paris became the first city since the Roman Empire to acquire an authentic Egyptian obelisk, and its meaning was debated. Both Champollion and Denon had admired obelisks on their travels in Egypt, and lobbied for an obelisk to be sent to Paris. Both men

thought of the obelisk as a symbol of conquest.

Though undoubtedly a symbol of conquest, other meanings for the obelisk were proposed. To Jean-Pascal Angelin, the obelisk represented "the greater virtue and wisdom of modern Frenchmen than modern Egyptians."[75] To Champollion's older brother, Jacques-Joseph, the obelisk represented the triumph of his brother's decipherment. However, King Louis-Philippe wanted the obelisk to be apolitical. He said the obelisk would "recall no political event."[76]

Louis-Phillippe's desire to purge the obelisk of political associations can be understood in the context of the obelisk's location in the Place de la Concorde. Prior to the French Revolution, the Place de La Concorde had an equestrian statue of Louis XV, which was pulled down by the revolutionaries. During the Reign of Terror, it was the site of the guillotine. During Napoleon's reign, it held a triumphal column. Following the Restoration, it was renamed for Louis XVI.[77] By the time of the July Monarchy, Louis-Philippe's desire to choose an apolitical monument is understandable. The Place de la Concorde's association with changing political regimes could be ended with a neutral monument. The obelisk represented French technical prowess, and its plinth was adorned with engravings of the process by which the obelisk was transported from Luxor.[78] French engineering had triumphed, and the obelisk was seen as a symbol of French conquest through superiority in engineering. By selecting an obelisk meant to have no political associations, Louis-Philippe could transcend political divisions. This tactic- used by Napoleon, the Restoration monarchy, and the July Monarchy- conflated French national identity and associations with ancient Egypt.

In addition to expropriation of Egyptian motifs in art and architecture, French political regimes in the post-Revolutionary period all endorsed Egyptology as a patriotic endeavor. Napoleon's inclusion of the savants on his Egyptian campaign was meant to inculcate an association of French achievements with the grandeur of ancient Egyptian civilization. The savant's zeal for their studies reveals not only a fascination for Egypt and a desire to expand scholarship, but a sense of patriotism and feeling of superiority as Frenchmen "discovering" Egypt for the West. This sentiment can be seen in the accounts by Denon and Champollion, who possessed an immense patriotism and pride in the French nation's endeavors in Egypt.

The element of nationalist competition in Champollion's quest to decipher the hieroglyphs before Thomas Young further demonstrates

this patriotism. Champollion's success and subsequent institution as a national hero and symbol of French genius illustrates how French identity was conflated with hegemony in Egyptology. Triumphs in Egyptology could be celebrated by all Frenchmen, regardless of their political associations. In an era when the nation was reeling from the legacy of the French Revolution and the subsequent changes of political regimes from Napoleon to the Restoration to the July Monarchy, national unity was needed. This idea was used in the founding of the Musée d'Egypte, when Charles X emphasized French triumphs in Egyptology while subtly endorsing the monarchy through an association with Egyptian kingship.

Though state support for Egyptology may have happened for political reasons, the French nation's relationship to ancient Egypt became an apolitical, unifying factor in the nineteenth century, a source of pride and patriotism. The ability of Egyptology to shape national identity and transcend the chaos and political turmoil of the French Revolution and subsequent political regimes speaks to the power and importance of scholarship. Ancient Egypt, a source of awe in its day, had the ability to reach across millennia and inspire a nation which considered itself its heir.

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In Sickness and in Health?: Wisconsin's Eugenic marriage Law, 1913-1981

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Photo: Swartz/Stickels Wedding (Waukesha, WI), 1919-12-03.

Pregnant and vengaged to be married, a young Italian woman in early twentieth century Milwaukee waited. Her stomach was already so swollen that Juvenile Protection Association officers were concerned that a child would be born before the marriage ceremony could take place. In an effort to speed matters up, her fiancé had gone before the district attorney, seeking a marriage license. Instead, he received an order to submit to the mandatory premarital examination Wisconsin's eugenic marriage law required. This test would determine whether or not he had venereal disease—in other words, whether or not he was allowed to marry.[1]

Passed on July 23, 1913, Wisconsin's eugenic marriage law dictated that all men seeking marriage licenses had to present a physician's certificate "setting forth that such person is free from acquired venereal diseases so nearly as can be determined by physical examination and by the application of the recognized clinical and laboratory tests of scientific search." The physicians, required to be "persons of good moral character and of scientific attainments and at least 30 years of age," could charge no more than $3.00 (about $73 in 2017) for this examination.[2] Noncompliance was punished harshly. Physicians accused of knowingly signing false statements would be charged with perjury and have their medical licenses revoked. Couples who fled to another state in an attempt to evade the law would be imprisoned if they returned to the state within a year of their marriage, and any parties who disclosed information about examinations would be "guilty of a felony, and... punished by imprisonment in the state prison not less than one year nor more than five years."[3]

The young Italian woman ended up giving birth to her child out of wedlock. The physician had determined that her would-be-husband was infected with venereal disease and therefore unfit for marriage, as the disease was spread through sexual intercourse.[4] The fact that intercourse had already occurred was considered irrelevant. Until the man was cured, there would be no marriage, only an illegitimate child, an unmarried mother, and a syphilitic man who would now carry these stigmas for the rest of their lives.

To say the law was polarizing is an understatement. Immediately following its passage, it was heavily debated in government reports, medical journals, and national newspapers. A *Racine Journal News* article published on January 8, 1914, called the law "the grandest and greatest act since the Christian era began."[5] The January 9 edition of the same paper called it "a farce, perpetuated upon an already long-suffering

public by a few crank legislators who have neither ability nor sense."[6] An assistant prosecuting attorney of Milwaukee initially regarded it as "one of the best jokes of the season," then after seeing its effects, became convinced that it was "one of the most beneficial pieces of legislation ever passed in Wisconsin."[7] Some critics targeted specific problems with the law, such as the inadequate examination fee and potential for fraud. Others derided it as the latest progressive experiment conducted by "state university barons," "freak-crazed, alleged reformers," and a "nest of university cranks."[8] Ironically, a few even blamed the groups whom the law disadvantaged the most: immigrants, racial minorities, and women. One anonymous physician condemned it as "a vicious law, as are most of these anti-American laws now being foisted on the people," while another claimed it was a "farce" that was "written by one or two women."[9]

Those who opposed the law mainly did so on the grounds of it being ineffective, not unwarranted. As a leader in progressive politics, Wisconsin enacted many public health initiatives in which the state acted as a guardian, using regulation to educate and protect the masses. On one hand, physicians applauded the educational value of the law; on the other, many believed the law to be a logistical nightmare that, at best, did nothing to prevent the spread of syphilis. One author, going by the pseudonym "Eugene," humorously summed up the situation in *The Alienist and Neurologist*:

For luckless "Wiscon*sinners*" we may feel much sympathee.
But it's right, we all agree,
To protect the familiee
And safeguard posteritee.
The thing about law that fails most dismalee—
IT DEMANDS OF THE M.D. AN IMPOSSIBILITEE!
If he "try for to" comply and his honest efforts fail,
First thing he knows, a "copper" may be "campin' on this trail"
And "pinch" him in his grief,
Like any common thief,
And lug him off to jail.[10]

As such, the eugenic marriage debate was not confined to political and medical circles. It permeated popular culture. The protagonist of a short story, in which a woman contracts syphilis by using a public drinking fountain, advocated for each state to "pass and enforce stringent laws causing persons so diseased to be isolated, just as lepers are,

[so] there would be more hope in repressing the evil."[11] An advertisement for the lost silent film *Damaged Goods* (which is, appropriately, about a couple who contract syphilis) capitalized on the controversy, asking, "Are you interested in the most vital question of the day? Do you believe in eugenic marriage?"[12] Even famous satirical poet Arthur Guiterman lampooned Wisconsin's law in the *Marshfield Times*:

A glad Utopia I see.
Advanced while others lag on,
Where none may wed on any plea
Without a doctor's tag on.

Where every house is crammed with books,
Where money fills each wallet,
And every Well-born Baby looks
Like Robert M. La Follette![13]

As the law withstood the opposing annual calls for its repeal and its expansion, however, the conversation stagnated until the confluence of the AIDS crisis and the mass repeal of eugenic marriage laws in the early 1980s renewed scholarly discussion about these laws. In 1988, legal associate Robert D. Goodman posited that the recently repealed eugenic marriage laws would no longer withstand the heightened scrutiny now required for laws involving the right to marriage.[14] His article was not merely an exercise in speculation because many states were seeking to replace their eugenic marriage laws with new laws that would require premarital testing for HIV.

Those who did not reevaluate these laws in a modern context looked back to their inception in the early twentieth century, searching for the underlying causes. Allan M. Brandt, a History of Science professor at Harvard, claimed that Progressive Americans' concerns about syphilis actually stemmed from social anxieties about sexuality, gender, ethnicity, and class, and that these fears prompted legislation like Wisconsin's eugenic marriage law.[15] Conversely, in his 1998 article, historian Matthew J. Lindsay put these laws in the context of institutional changes in marriage. Whereas Victorian society viewed marriage as a beneficial economic necessity, Lindsay argued that Progressive eugenicists "believed that many marriages threatened the health of the polity" and that "equal citizenship should be awarded selectively, according to the dictates of science," or rather, eugenics.[16]

Popularized in the early twentieth century, eugenics was a branch of science that sought to improve the human race by breeding out defective traits, which often fell into racial and ethnic categories. Eugenicist Paul Popenoe, in his 1918 textbook *Applied Eugenics*, defined a eugenically superior person as one who is able "to live past maturity, to reproduce adequately, to live happily and to make contributions to the productivity, happiness, and progress of society." Syphilitics did not fit into these categories. Dr. Michael Guyer from the University of Wisconsin-Madison believed that gonorrhea decreased birth rates "no less certainly than destruction by war" and that syphilis was "as responsible for the extinction of family lines as [was] voluntary limitation of offspring."[17] Although these statements sound dire, some evidence supported his fears about depopulation. Dr. John Cunningham Jr. recounted a study of 90 women "of the better class" who became pregnant in their first year of married life after having been infected by their husbands. Fifty of them miscarried, 38 gave birth to children who died soon after, and only two had children who survived.[18]

In the thrall of the eugenics movement, the state sought to limit marriages that might produce defective offspring, one of their main targets being marriages between syphilitics. Specifically, the law aimed to protect newly married women, seen as specimens of purity who held the best hope of preventing degeneration by birthing healthy children. Like Victorian society, the law assumed that until men corrupted them, women were passive and innocent, a model which both promoted eugenic ideals and prevented women from embracing new urban temptations that could have given them more social autonomy. Supporters of the law were not entirely wrong in framing women as the prey of men when it came to marital syphilis. Dr. Lucius Bulkley recorded that 85% of married women were infected by their husbands, and Morrow himself found that 70% of the women he treated for syphilis were "respectable married women" whose husbands had infected them.[19] Of course, many women may not have even realized what was ailing them, as the "fixed rule of professional conduct" was for physicians and husbands to "conspire together to conceal the nature of the disease" from the wives.[20]

THE LAW GAVE PHYSICIANS AND GOVERNMENT OFFICIALS THE DISCRETION TO POLICE MARRIAGE IN WAYS ... THAT... DISCRIMINATED AGAINST CERTAIN POPULATIONS.

The scholarship studying the causes of eugenic marriage laws is

invaluable when examining the effects of the law, on which less work has been done. If Brandt is correct that social anxieties were partially to blame for these laws, the natural follow-up question is how the law's implementation addressed these anxieties—whether it had the effect of preventing marriages between so-called eugenically inferior couples. In 2009, economics professors Kasey S. Buckles, Melanie Guldi, and Joseph Price used the mass repeal of the nation's eugenic marriage laws to study the effect that blood test requirements (BTRs) had on the decision to marry.[21] They found that these tests were indeed a marriage deterrent, especially for lower socio-economic groups.[22]

I extrapolate that Wisconsin's eugenic marriage law had a similar effect on the marriage rate for populations considered eugenically inferior. Unlike Brandt and Lindsay, who look at broad societal change, I am focusing on a specific and significant case study: Wisconsin's eugenic marriage law. Although eight other states also barred syphilitic persons from marrying at the time, Wisconsin's law attracted the most attention because it was comparatively enforceable. Instead of relying on people self-reporting their syphilitic state, men in Wisconsin had to undergo a controversial, flawed physical examination, after which a physician would pronounce them safe for marriage. This alleged enforceability, along with the extensive public debates about Wisconsin's law, makes it an ideal candidate for studying the effects of such a law.

My thesis is less concerned with questions of effectiveness and legality except as they relate to framing this law as a screen, a law that on paper served one purpose but in practice created a discriminatory effect because of the social anxieties Brandt lists. The law gave physicians and government officials the discretion to police marriage in ways not directly mentioned in it—ways that, directly or indirectly, discriminated against certain populations. These populations, of course, tended to be the ones that were considered morally suspect and eugenically inferior. Racial biases, in particular, obscured medical professionals' understanding of venereal disease. In this way, this thesis is as much a history of race and class as it is a study in legal or medical history. Although the law's eugenic component only explicitly included people with venereal disease, different interpretations in the legal sphere and medical discourse reveal the sexually, economically, ethnically, and racially discriminatory stereotypes that were embedded in the law and acted upon in its enforcement.

Before examining the consequences of the law, it is necessary to understand the society in which the law operated. The turn of the

Photo: Dr. Michael F. Guyer, ca. 1943.

twentieth century ushered in a new Progressive Era in medicine and public health that was still intertwined with Victorian ideals about marriage and purity. In this environment, syphilis in particular was seen as a scourge to society, both because of its debilitating symptoms and because of the stigma surrounding sex. Since syphilis is primarily a sexually transmitted disease, it was associated with promiscuity and infidelity—highly undesirable characteristics in a society that above all valued "discipline, restraint, and homogeneity."[23] Lieutenant-Colonel Edward B. Vedder from the U.S. Army Medical Corps actually divided syphilis into two categories: syphilis of the innocent (syphilis insontium) and syphilis resulting from illicit intercourse (syphilis pravorum).[24] Marital syphilis where the husband infected the wife, the kind that the eugenic marriage law strove to prevent, was of course considered to be innocent. Tying disease to morality allowed physicians to deny responsibility for the societal problem of syphilis. Instead, they could claim that the system protected the good people and that only those who transgressed suffered.

As such, syphilitics who came forward were publicly shamed and ostracized under the guise of public safety. In this way, the law played into the Victorian Compromise—the idea that vice could be tolerated so long as it remained marginalized and isolated. Lawrence Friedman explains that while crusaders had given up on eliminating vice entirely, they strove to "keep it within tolerable limits, prevent it from spreading, and confine it to places where it [was] visible and easily controlled."[25] The eugenic marriage law served a similar function, banning syphilis from the marriage bed on paper while permitting married men to continue with their secret affairs. Unsurprisingly, this compromise protected respectable men at the expense of lower class women, immigrants, and racial minorities, whose reputations were slandered.

Dr. Oscar Dowling predicted that control of public health would be "the most vital function of the state" as soon as science gave "positive data as to the fit and the unfit" and the state "put forth its strong arm for race betterment."[26] In the case of syphilis, the Wassermann test provided this scientific data by which people could be deemed fit or unfit. Until the discovery of spirochetes—the specific microbes that cause syphilis—in 1905 and the subsequent development of the Wassermann test in 1906, physicians had no method of diagnosing syphilis before its symptoms manifested.[27] With the new Wassermann test, physicians could analyze a blood sample and look for the antibodies that defended the body against syphilis. The more antibodies detected, the more likely it was that the patient had syphilis.[28] The accuracy of the test, however, was questionable. As many as 25% of patients who received positive results were actually free of infection.

Although it allowed physicians to test for syphilis more accurately than they could less than a decade earlier, the Wassermann test had several flaws that cast doubt on its ability to fairly seal couples' fates. As a relatively new and expensive technique, it simply was not available to the average citizen. When a Milwaukee couple challenged the law in court after being refused a marriage license on the grounds that $3 was insufficient compensation for the Wassermann test, Judge Eschweiler found that only 25 out of 3,000 doctors in Wisconsin, and six out of 300 in Milwaukee, had the training and equipment to perform the test.[29] The *Racine Journal News* noted that physicians all over the state believed the process would take months to complete and could not be made for less than $10—about $243 in today's currency.[30] The inadequate fee, in turn, led busy practitioners to turn away prospective clients, sending them into the hands of less qualified men—sincere ones who simply could

not afford to make the necessary tests as well as quacks who exploited clients.

Surprisingly, in *Peterson v. Widule*, the Wisconsin Supreme Court handed down a 3-2 decision upholding the law based on the likely incorrect assumption that the legislature was aware of the Wassermann test's flaws. Chief Justice John Winslow concluded that because "the legislature wished to reach practical and possible results," they therefore must not have intended for the test to be required. Justice William Timlin, on the other hand, believed that the words "scientific search" in the law were chosen specifically "to require something more than a mere physical inspection of the person."[31] He also believed that the lawmakers had not intended to require an expensive and uncertain test that was only available to a few physicians. Yet he did not offer any alternatives as to what a well-known, established, and accepted test would be—likely because the Wassermann was the only reliable test at this time. This omission, despite Timlin's assurances that the law required more than a physical search, gave physicians the discretion to apply whatever standard they believed best fulfilled the law's purpose.

Such an environment, ripe with moral panic and questionable science, provided a stage where Wisconsin's eugenic marriage law could flourish. With the court-sanctioned mandate of preventing degeneracy and protecting female purity, physicians took it upon themselves to find a new and often controversial ways to enforce the law.

The Law in Practice

Despite their impassioned speeches about the dangers of venereal diseases, when it came to implementing the eugenic marriage law, many physicians were selectively lax in their examinations. Unmotivated or unequipped to give accurate results, physicians often "'[made] a bluff' of giving a thorough examination" while actually giving the patient a scant lookover. These examinations became a national joke when one groom who had been given a certificate of health was revealed to be a woman. Dr. W. J. Scollard, who had known "Ralph Kerwinieo" for years, had clearly not bothered to inspect the very place where the disease would manifest itself.

Inexplicably, some doctors did not believe these slight examinations undermined the law. One wrote, "Very few applicants realized the inadequacy of the examination, and I think the law has done a great deal of good."[32] Likely, he meant that the law raised awareness about venereal

disease even if it could not effectively combat it. Cabot argued that this attitude gave rise "to a false sense of security, protect[ing] the unscrupulous, penaliz[ing] the honest, and deceiv[ing] the community in general by which can only be described properly as fake certificates."[33] Indeed, one doctor went on record, asking, "Why should we let those $3 fees go? Why not take them, make mere physical examinations, and issue the certificates, until the people find that they are no good?"[34] In this way, the law sometimes facilitated the spread of syphilis rather than preventing it.

When Frederick Hall conducted an anonymous survey of physicians in 1921, 242 out of 1,027, or 23.6%, admitted that they did not always physically examine patients when signing health certificates. Moreover, according to the Wisconsin Conference of Social Work, 23 out of 57 newly married men reported that they had not undergone any physical inspection when receiving their certificates. One anonymous physician explained, "We used to charge $2.00 [for the exam]; then the county clerk and some doctor would go 'fifty-fifty,' and we had but a few applications; so now we do it for nothing, but you can judge how much of an examination they get. *These are facts*."[35] The fact that almost one-fourth of physicians would admit to not giving physical examinations, even anonymously, hints at the scale of the misconduct. Of course, these flawed examinations did not necessarily mean that it was easy for men to acquire health certificates. Rather, it disproportionately favored one subset of men (the white upper classes), while others (lower classes, immigrants, and racial minorities) felt the full brunt of the law. For them, the eugenic marriage law acted as an impediment to marriage rather than a shield against venereal disease.

Failing the examination was more than a temporary setback. Eugenicist Prince Morrow wrote, "Many physicians do not believe in the curability of syphilis; they hold to the dogma that a man once syphilitic is always syphilitic, and with an inflexible logic conclude that a syphilitic man should never marry."[36] Following the law's passage, Racine's Dr. Haven declared, "Syphilis is never cured permanently. The victim will always have it in his system."[37] Although Salvarsan (arsphenamine), an arsenic compound that killed the diseased organism, had been a standard treatment for syphilis since its discovery in 1909, it was more of a lesser evil than a cure, given its toxicity.[38] Even if patients had access to the drug (in short supply, thanks to the First World War), physicians did not have a standard for declaring a patient cured. Failing the test once, therefore, could permanently prevent a man from marrying unless

he relocated to a new town and started with a clean slate. If he sought treatment instead, his options were limited and costly. Wisconsin law forbade druggists from giving, selling, prescribing, or recommending "any drugs, medicine, or other substances to be used for the cure or alleviation of syphilis, gonorrheal infection, or chancroid."[39] Only licensed physicians were permitted to treat venereal disease. Although the Bureau of Venereal Diseases offered free treatment for anyone unable to pay a physician, a social worker decided who was entitled to free treatment based on a "careful investigation into the salary, size of family, [and] living conditions" of the applicant.[40] Patients who were denied this aid often turned to the advertisements that lined the daily newspapers, which promised fake remedies for "Bad Blood."[41] "Journals of the better class," according to Vedder, had "for some time closed their pages to such advertising," suggesting this problem uniquely targeted the poor.[42] It is no wonder physicians feared that men, when faced with undergoing this dubious treatment and postponing their marriages for years, would resort to fraud to obtain a certificate.

On their end, the Wisconsin State Legislature did everything in its power to ensure the law was being carried out to the fullest extent. Following the passage of the law, the number of common law marriages, which did not require marriage licenses, rose drastically from zero prior to 1914 to 87 in the law's first year. The State Bureau of Vital Statistics attributed the "comparatively large number of these marriages" to the eugenic marriage law.[43] Senator Otto Bosshard of La Crosse denounced these contracts as "marriages that do not conform with the conventions of civilized society."[44] Accordingly, the legislature passed the uniform marriage law in 1917, which stated that "any one wishing to be married by common law after Jan. 1. 1918, must first take out a marriage license."[45] Following this restriction, the Bureau of Vital Statistics reported no common law marriages for 1918.[46] Notably, Wisconsin was the only state, as of 1919, that held "no marriage [was] valid unless a license for it [had] been issued, actually or constructively, as prescribed by law."[47] It also held the honor of having the shortest period, at 30 days, from when the license was issued and to when it became invalid. In contrast, in "all but a very few states," the license, once issued, was good "at any future time for the marriage of the parties."[48] These additional restrictions bolstered the eugenic marriage law and made it even more difficult for those without health certificates to evade the law.

For these reasons, studying how the examinations were conducted is crucial because it often determined whether the patient received

a signed health certificate. Following the *Peterson v. Widule* ruling, examinations generally fell into one of two categories: oral or physical. One physician described what he believed to be a typical examination, saying the patients "have a good laugh, tell a story or two, and the doctor signs the certificate without even looking at the patient's tongue, much less making a decent physical and serological examination."[49] These oral examinations, despite their relative prevalence, were often derided as careless jokes. W. F. Lorenz, the director of the Wisconsin Psychiatric Institute, reported that only 36% of those who tested positive admitted to being infected in their oral exam, while 63% "denied infection until confronted with a positive Laboratory report when many recalled having had an infection of which they thought themselves cured." He continues:

> That is the point I wish to emphasize, they thought themselves cured. No visual evidence of their disease existed. They were in apparently good health... To rely upon the absence of clinical evidence as a criterion of cure is today almost criminal negligence.[50]

In short, oral examinations were known to be an ineffective means of diagnosing syphilis. Despite this fact, physicians persisted in using them. The most common deciding factor seemed to be character. Patients whom the physician personally knew or who were known to be upstanding citizens were expected to give honest answers in oral examinations and could get a certificate merely by saying they did not have venereal disease. Strangers and patients suspected of immoral conduct, however, were subjected to physical exams. "In my practice there isn't much chance of not knowing who need the tests," Physician 1018 from Hall's survey wrote. "With people of character and those whom I know their word goes." Another physician insisted he was "acquainted with the moral conduct of everybody" and therefore knew when to examine and when not.[51] By selectively decreasing the rigor of the exam, physicians used the law to make perceived moral conduct a prerequisite for marriage in many cases. Charles H. Nims, a doctor from Oshkosh, stated, "The average physician can tell at once by the conduct of an applicant whether he is entitled to a health certificate," suggesting that physicians made decisions based on perceived moral conduct rather than physical health.[52]

Perhaps the most damning fact about the examinations is that all physicians had access to a state-run laboratory that would perform

the Wassermann test for free. On July 1, 1915, the Wisconsin Psychiatric Institute began offering a free Wassermann service through which any practicing physicians could apply for a test "on behalf of a citizen of Wisconsin."[53] Physicians were clearly aware that the service existed since 65% of active practitioners in Wisconsin used it extensively in their general practice. Yet less than 5% of the total Wassermann tests made at the Psychiatric Institute were requested for the sake of medical certification for marriage.[54] Instead, physicians relied on indirect metrics such as moral conduct and racial stereotypes.

One of these indirect metrics was economic status. While some physicians saw the law as "a chance to make $2.00 in a half criminal way," others increased the fee, creating more of a burden on the lower classes.[55] Out of 169 physicians who responded to Hall's survey about the fee, 155 believed it to be inadequate, and 33 reported that they sometimes or always charged more than the required fee. Three of these admitted to charging $5, one $7, two $8, and one $10.[56] To put that in perspective, raising the fee from $3 to $10 would be as if a modern doctor charged $243 for a $73 service.[57] In other instances, doctors pocketed the required fee "for [their] trouble" and demanded the patient pay for an additional laboratory test in spite of the *Peterson v. Widule* ruling and the Psychiatric Institute's offer to perform free tests.

Naturally, physicians wanted to recoup costs from what they perceived to be an unfair law. Although imposing these extra fees may have been in their best interest, some of their comments suggest they were using the law to create an economic barrier to entry for marriage. Dr. Haven stated that "it would have been better for the state to ask that every prospective bridegroom have $300 in his possession and every prospective bride, $100." In doing so, he equated a law that was supposed to be about health to one about wealth. Likewise, Dr. S. C. Sorenson said, "Another thing that I have against the law is that it requires the county physicians to examine the indigent free. Does the county want it [sic] paupers to marry? I believe not."[58] Upper class men, if they did fall under suspicion, paid the inflated fees and devised schemes to get around the law.

Physicians were more reluctant to grant health certificates to lower class men because poverty was associated with sexual indulgence and therefore disease. In 1920, Dr. Loyd Thompson, a physician for the syphilis clinic in Arkansas's Government Free Bathhouse, wrote, "those low in the social scale are more prone to indulge in sexual excesses, owing to the conditions of housing, etc. than those of high degree, and further,

they do not as often employ prophylactic measures, so contract syphilis more frequently."[59] As per the Victorian Compromise, it is possible lower class men were merely less able to hide their disease than their upper class counterparts. Surgeon Jonathan Hutchinson offered a more sympathetic take, pointing out that "although, in fear of syphilis, a surgeon may forbid marriage he cannot enforce continence. In most cases the risk... is simply shifted from a wife to a concubine, from one of the richer classes, it may be, to one of the poorer."[60] As such, the law may have perpetuated the stereotype of the syphilitic pauper in more than one way.

This stereotype also intersected with nationality. Brandt explains that Progressive Americans constructed venereal disease as "a disease of the 'other,' be it the other race, the other class, the other ethnic group." Many, like Dr. Howard Kelly, blamed the rise of venereal disease on the "incessant impouring of a large foreign population with lower ideals." Notably, their ideals are presented as being responsible for their diseased state. By tying it to a character flaw, venereal disease could be viewed as an individual failing rather than a societal problem, which would have gone against the Victorian Compromise. Physicians took these stereotypes into account when conducting examinations. "It has been brought to my notice," Dr. W. Travis Gibb remarked, "many times among certain classes, especially ignorant Italians, Chinese, and Negroes, it is an accepted belief that, if a man infected with an obstinate venereal disease have intercourse with a virgin the latter will develop disease and he will be cured."[61] Myths like these were particularly harmful in the context of the eugenic marriage law, whose primary aim was to protect female purity. Because moral conduct was an important factor in examinations, these people, stereotyped as morally corrupt, fell under greater suspicion.

With these nativist beliefs, the law's eugenic component came into play. Dr. Haven claimed that the law "was amiss only in the respect that it only referred to venereal diseases gonorrhea and syphilis and did not concern one's whole pedigree."[62] He did not specify what kind of pedigree should be required for marriage, but the implication is that marriage should be reserved for the white native upper classes, who were too respectable to contract syphilis. In fact, the Wisconsin State Board of Health took measures to prevent the lower classes from marrying and spreading their alleged diseases. In 1919, the board issued a set of rules governing the prevention of venereal disease. Rule 9 stated, "No physician shall issue a certificate of freedom from venereal disease to vagrants, prostitutes, keepers, inmates, employes [sic], or frequenters of houses of

ill-fame."[63] Of course, without a health certificate, none of these people could marry. Much like syphilitics, a clear-cut test could not identify most of these categories, but tended to include lower class and immigrant populations. Doctors only needed to accuse someone of vagrancy or prostitution to justify their refusal to sign the certificate. Without explicitly banning marriages between these people with socially undesirable characteristics, health officials and physicians used the eugenic marriage law to ensure that they could not marry.

But perhaps the most insidious stereotype was the alleged correlation between race and venereal disease. Medical authorities presented black people, more than any other group, as inherently prone to syphilis. This stereotype was so prevalent that the "syphilitic black," historian James Jones argues, became "the representative black."[64] "Syphilis is undoubtedly the greatest cause of death and disability in the negro race," Vedder reported in 1918; "All who have had any extensive experience with the negro race have felt assured that the incidence of venereal diseases is much higher among them than among the white race."[65] Physicians were especially interested in comparing white health to black health because the "peculiarities of blacks" offered what Jones calls a "pseudoscientific rationale for keeping blacks in their places."[66]

Physicians at the time used the belief that immoral behavior led to venereal disease to explain why black people contracted syphilis so often. "Morality among these people is almost a joke and is only assumed as a matter of convenience," asserted Dr. Thomas Murrell, a lecturer on syphilis for Richmond's University College of Medicine. Morality, of course, meant sexual restraint, as Murrell elaborates, "I have never seen a negro virgin over eighteen years of age."[67] To back up his claims, Vedder likewise cited the "generally admitted sexual promiscuity of the majority of this race."[68] To demonstrate, Thompson told an anecdote about seeing a genital ulcer on a six-year-old black boy "who said he had had intercourse with his sister." Repurposing the stereotype about virgins curing venereal disease, he also related a tale about a sixteen-month-old child who showed signs of syphilis and gonorrhea and whose "negro nurse... gave a strongly positive Wassermann."[69]

Presenting black people as uncontrollably promiscuous was not only used to justify their health problems; it also allowed physicians to argue that black people needed to be controlled by white people for their own good. Murrell went so far as to blame emancipation for the rise in syphilis among black people. Calling emancipation "one of the world's greatest tragedies," he explained, a slave's "life was one of well-regulat-

ed sobriety… by a forced system of hygiene the negro's body, as a piece of property, was not allowed to deteriorate." Although these claims are patently untrue, Murrell's harsh accusations reflected many physicians' attitude at the time: black people were responsible for their own ruin. Murrell described the plight of a black man in 1909:

> He was free, indeed—free to get drunk with cheap political whisky and to shiver in the cold because his scanty savings went to purchase flashy and flimsy garments… absolutely free to gratify his every sexual impulse; to infect and be infected with every loathsome disease… It is my honest belief that another fifty years will find an unsyphilitic negro a freak, unless some such procedure as vaccination comes to the relief of the race, and that in the hands of a compelling law.[70]

Physicians also used these stereotypes to frame black people as biologically more susceptible to syphilis. Thompson theorized, "It is possible that the negro's well-known sexual impetuosity may account for more abrasions of the sexual organs, and therefore more frequent infections than are found in the white race." Condemning black people for having less civilized sex further separated them from the respectable, non-syphilitic upper classes. Thompson even compares black genitalia to that of a "rabbit," an animal that is infamously portrayed as sexually ravenous. Because physicians treated these assumptions as medical facts, black bridegrooms had a much more difficult time proving they were free of syphilis.

Presenting black people as being inherently syphilitic raises the question of just how common syphilis actually was in the black community. Although almost every writer, like Thompson, adhered to the "practical unanimity of opinion that this disease [was] far more common in the colored race than in the white," they admitted there had been "comparatively little work of a scientific character to determine the exact incidence of syphilis in the negro."[71] Not knowing this answer did not convince them to back down from their assertions, but it did prompt them to provide estimates based on available evidence. This evidence, because of the reluctance to report venereal disease, often stemmed from "personal observation."[72] On the high end, Dr. S. S. Hindman, a pathologist from Georgia, believed that 95% of the black population contracted syphilis at some point in their lives.[73] Thompson and Vedder cited

separate studies that said 75% of black patients were syphilitic.[74] Most estimates ranged between 50–60%, with almost none falling under 20%.

Again, reports often presented these estimates in comparison to rates among white populations. Although most studies determined that syphilis rates were much higher in black populations, a notable 1916 study of Galveston, Texas came to a more nuanced conclusion: "The occurrence of syphilis among white people of the same social class as negroes would seem to be about the same as among the negroes. In the better class of white people the occurrence is much less, while in the best classes it is almost nil."[75] This intersection of race and class reveals the hierarchy physicians operated in when diagnosing syphilis. Individual white people could relegate themselves to a lower class by falling prey to the same vices as black people, but the black population as a whole was confined to the bottom of the hierarchy—or, as Murrell put it, "The average negro is all slum."[76]

Although studies almost universally supported this hierarchy, rare exceptions contradicted this social construct. In 1911, Dr. John Cunningham Jr. wrote in Wisconsin's *State Board of Health Bulletin*, "It is generally believed that syphilis... is more frequent among the better class of men."[77] That Cunningham could make such a confident claim amidst these opposing accounts suggests that some general beliefs may have been too dangerous to discuss in most publications. Such trends may not have been reflected in the statistics because most studies gathered their evidence from public hospitals, asylums, and prisons—places that disproportionately treated lower classes, who could not hire private physicians.

Physicians also found ways to insert their prejudices into these statistics. For example, Vedder listed a survey that revealed only 13.4% of black prisoners had syphilis as compared to 20.9% of the "American-born" prisoners in an Ohio penitentiary. "This low finding among the colored prisoners," he commented, "is remarkable and unexplained." Likewise, he argued that the "lower percentage [of syphilis] in the females" in a study of black prisoners was "not to be taken seriously" owing to the small sample size. Yet he does not comment on the sample size of a non-race-related study earlier in his book, which had the same number of participants: 63. Vedder not only discredited surveys that contradicted the medical community's racist expectations but also used race to explain abnormally high results. When he revealed that 42% of children in a Virginia clinic had a positive Wassermann test, he explained, "The high persentages [sic] here given may be assumed to be due

to the inclusion of negroes in these statistics."[78] Unlike white patients, who received the benefit of the doubt, black patients were assumed to be guilty unless proven innocent—and, because of Wisconsin's law, they had to be proven innocent to marry.

Once black men did fail the test, getting treatment was difficult because physicians saw treating them as a waste of time. Jones argues that physicians believed efforts to treat black syphilitics were "doomed to failure because blacks did not care if they caught or spread the disease."[79] These depictions suggested that negligence on the part of black syphilitics not only prolonged their own suffering but also facilitated the spread of syphilis. "[T]he negro often fails to present himself for treatment for syphilis which he considers a trifling disorder," Vedder wrote, "and when he does consult a physician will only remain under treatment for a few days or weeks until the immediate symptoms have passed off."[80] Because doctors assumed black patients did not take treatment seriously, some doctors argued that they should be treated differently than white patients. Differently, of course, meant less effectively. Murrell advocated that "under no circumstances should treatment be instituted until the negro is thoroughly convinced of his having the disease," even though delaying treatment would make the disease worse.[81] If the doctor went ahead with treatment, he warned them to "do nothing that cause[d the black patient] pain—for instance, give hypodermie injections—as it [was] unlikely that he [would] ever show up for the second dose."[82] In actuality, both poverty and racial prejudice prevented many physicians from treating black patients.[83] Murrell's musings demonstrate the quality of care black patients could expect to receive: "Perhaps here, in conjunction with tuberculosis, will be the end of the negro problem. Disease will accomplish what man cannot do."[84] With the doctors rooting for the disease over the patient, it is no wonder that black people shied away from seeking treatment.

Because Wisconsin did not keep race statistics concerning marriage, it is impossible to know exactly how the eugenic marriage law impacted marriages within and between different races. What the records do show is that Progressive Americans thought the law did not go far enough in protecting virtuous white people from black people. After all, many people, such as Dr. Brunner, feared "beyond [a] doubt" there was a "contamination of the white race by the negro race" that was "both physical and moral."[85] As an example of such behavior, the *Racine Journal News* protested, "Under this law, the vilest white slaver, if he appears physically sound, may wed; but the noblest specimen of young manhood, if he

be tainted with disease, is condemned to 'single blessedness'—or cursedness."[86] A "white slaver" referred to the White Slave Traffic Act of 1910, which made the interstate traffic of "any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose" a federal crime.[87] This act, however, was commonly used to convict black men who had sexual relations with white women, even if the relationship was consensual. Invoking a phrase with such racial connotations suggested that the eugenic marriage law was a failure not because it didn't prevent syphilis, but because it didn't prevent interracial marriages.

Others, who believed that the law was insufficient at combatting syphilis, advocated for instituting racial segregation. During a Men's Club meeting, Dr. J. S. Keech of Racine "came out strongly in favor of segregation," claiming "by segregation, and segregation only, could the two dread diseases directly aimed at in this new eugenic marriage law be wiped out." Again, his suggested improvements acted as a pseudo-anti-miscegenation law. In his words, public health came second to racial purity: "For one thing, [segregation] would prevent white slavery; for another, it would wipe out the venereal diseases... we will get a lot purer races when we recognize this fact."[88]

These prejudices and stereotypes did not exist in a vacuum but rather intersected to form new stereotypes. Although the law purported to protect all women, its supporters only fashioned it to protect upper class white women. When the women were lower class or non-white, the gender roles reversed so that white men were the ones needing protection from the promiscuous women. Although more men contracted venereal disease than women overall, Physician 440 from Hall's survey remarked, "In the lower classes I believe there is an equal amount of disease in each sex."[89] When it came to race, Vedder took it a step further, claiming syphilis was "even more frequent among negro women than among negro men" because "a promiscuous woman will have intercourse with a number of males much greater than the number of women with whom a promiscuous man has relations."[90] Dr. James McIntosh agreed. Because syphilis was "so prevalent among the men," he reasoned one could only "imagine what it was like among the women, who" in stark contrast to white women "had no virtue or chastity to protect them."[91]

These portrayals of lower class and non-white women painted them as threats to white men. Murrell warned, "the worn-out prostitute may be the woman you employ as your maid to-morrow."[92] As such, medical experts depicted black women as diseased seductresses. African women, Vedder asserted, "whether married or single, practically all have

intercourse with the whites."[93] Murrell lamented, "The negro woman who believes every man of the white race a candidate for her charms... is not the same woman that the Southern child revered and loved to call 'mammy.'"[94] In this case, he was right; the stereotypes had changed with the times, but they remained white men's noxious attempts to control black women.

With these stereotypes, the medical community offered up lower classes, immigrants, and black people as the face of syphilis. In this way, the eugenic marriage law finally lived up to its name. Barring syphilitics from marrying, if the medical journals are to be believed, was equivalent to barring the eugenically inferior foreigners, blacks, and poor whites. How often physicians adhered to these stereotypes in practice is another story. Whether their desire for the fee or disdain for the law overcame these biases, the fact remains that this discourse helped sustain the Victorian social code, where the virtue of the respectable white classes made them immune to disease—at least in public. Meanwhile, because of the poor living conditions and limited access to healthcare, the classist and racist stereotypes sometimes became a self-fulfilling prophecy among poor, non-white communities.

The Law in Legacy

In 1981, the Wisconsin State Legislature repealed the eugenic marriage law. The repeal, buried in the 533-page budget bill, was conducted without fanfare, decades after the fervent calls for it had died down. As Hall explained back in 1925, the refusal of the legislature to repeal the law "cannot be explained on the ground of indifference to a dead letter law, for its provisions [were] directly felt each year by a large number of men— by all, that is, who appl[ied] for licenses to marry."[95] The timing of the repeal is especially puzzling because it came at a time where another stigmatized sexually transmitted disease was beginning to incite panic in the American public: AIDS.

Although a non-event in Wisconsin, the repeal was part of a national trend starting in the 1980s wherein states removed their premarital blood test requirements. With the emergence of penicillin in the 1940s, cases of syphilis had dropped 90% between 1946 and 1955. Spending over $80 million nationwide to reveal 456 cases was no longer seen as a cost-effective way of combating the disease, especially because these tests continued to spew a consistent stream of false positives despite technological advances.[96] Some scholars also questioned the constitu-

tionality of premarital venereal disease testing following Supreme Court rulings in the second half of the century that expanded on the right to marry. As a result, syphilis tests fell out of favor. In 1980, 34 states required blood tests to receive a marriage license; today, only Montana retains this type of law.[97]

In the nearly seven decades Wisconsin's eugenic marriage law was in effect, it did not, as some promised, allow Wisconsin to "boast of a 'pure race.'"[98] The State Board of Health's records show the cases of syphilis steadily increasing from 1914 to 1920, although the ratio of cases involving married versus single patients dropped significantly. Gonorrhea followed a similar trend, rising overall but decreasing among married patients.[99] It is possible the eugenic marriage law forced diseased individuals, who were marrying before the law, to remain single, which could explain these ratios.

In the years immediately following the law, the marriage rate noticeably slumped and, even with the spike of marriages before the First World War, did not return to the pre-law rate until after 1919. The first five months of 1914 produced 3,273 marriages against 6,707 marriages in the same months of 1913. In the State Board of Health's biannual report, Harper, a strong proponent of the law, admitted the "considerable" decline "may [have been] due in part to the operation of the eugenics marriage law" but insisted "large increase in the cost of living [was] the principal [sic] cause."[100] The changing economic conditions, however, did not explain the sudden popularity in out-of-state marriages. Just across the border, Waukegan, Illinois ran a "marriage mill," where justices conducted 300–400 marriages each month—75% of which consisted of Wisconsin couples as of 1920.[101] One critic of the law claimed 40% of the couples in Milwaukee County who married traveled to Waukegan to do so, although Hall believed the actual statistic was closer to 16%.[102]

Without complete demographic information, it is impossible to know how the marriage rates of particular minority groups fluctuated in the years following the law's passage. However, modern studies suggest that certain groups married less while the law was in effect. Economics professors Kasey S. Buckles, Melanie Guldi, and Joseph Price found that blood test requirements (BTRs) similar to Wisconsin's eugenic marriage law deter marriage, with the effect being larger "for blacks, for young women, and for mothers without a high school degree." In states with BTRs, black people were 4.4% less likely to marry. For women of lower socioeconomic status, the presence of BTRs was "both statistically and economically meaningful" as they decreased the likelihood of marriage

"by 2.8% for black women, by 3.5% for women without a high school degree, and by 1.3% for women under 25."[103] Considering that Wisconsin was included in this study, it is not a stretch to extrapolate that its eugenic marriage law could have had similar effects back in the 1910s.

Although Wisconsin's eugenic marriage law was repealed, its legacy lingers in the hospitals and legislatures of today. Even as they were repealing their eugenic marriage laws, some states, such as Illinois and Louisiana, experimented with new laws that substituted HIV for syphilis. As happened with Wisconsin's eugenic marriage law, in Illinois, "hundreds of Illinois couples decided to marry in other states or not to marry at all" in reaction to the mandatory premarital testing.[104] Although Illinois has since rescinded this law, similar laws appear in state legislatures at regular intervals. As recently as 2015, Oklahoma's Senator Anthony Sykes introduced a bill that stated marriage licenses would only be granted to those people "not infected with syphilis or other communicable or infectious diseases," as a blood test determined.[105]

As long as American society continues to debate marriage regulation, we must study laws like Wisconsin's eugenic marriage law. Understanding how a seemingly fair public health law can be used for discriminatory purposes can help us recognize modern laws that function similarly. Buckles, Guldi, and Price proved that "even small changes in the cost of marriage can have significant effects, particularly for certain populations."[106] And when it comes to love, everything is significant.

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"May This Oath Kill Me": Ethnopsychiatry, Loyalty Oaths, and the Foundations of Rehabilitation during the "Mau Mau"

Jeffrey Williamson

Jeffrey Williamson is a recent graduate of Princeton University where he studied history and African studies. As a student of colonial and postcolonial history -- particularly focusing on the geographical peripheries of the Indian Ocean -- Williamson focused on how Empires and States used the social sciences to construct and deconstruct colonial narratives. He currently works in Bangkok, Thailand as an Assistant Communications Officer for RECOFTC - The Center for People and Forests and hopes to pursue graduate school for history in the upcoming years.

Photo: [Figure 3.2. A Mau Mau oath site, Kiambu, Nairobi. KNA, AV files, Mau Mau Ritual Site in Kiambu on October 23, 1952. Courtesy of the Kenya National Archives] as cited in Mickie Mwanzia Koster, The Power of the Oath: Mau Mau Nationalism in Kenya, 1952 1960 (Rochester, NY: University of Rochester Press, 2016), 66.

In the final chapter of his 1961 book, *The Wretched of the Earth*, Frantz Fanon offers a discussion on mental disorders found in colonial wars and analyzes the notion of North African criminality generated by the French. In centering his discussion on the past theories of colonial scholars, he claims that "the few debates on the subject were so constructive that they enabled us to examine further and better identify the notion of individual and social freedom." By re-examining these theories from the colonized perspective, he deconstructs the narrative advanced by colonial social scientists. One prominent name mentioned was that of J.C. Carothers, whose analysis of the 'Mau Mau' rebellion (1952 – 1960) was representative of larger colonial trends. Fanon aptly summarized Carothers' position: "Dr. Carothers defined the Mau-Mau revolt as the expression of an unconscious frustration complex whose recurrence could be scientifically treated by radical psychologically appropriate methods." This, however, was probably the last time that Carothers would be mentioned in an academically, or politically, relevant scenario.[1]

This paper thus seeks to examine these lesser-known scholars, debates, and academic disciplines that were constructive enough to influence *British* policy during decolonization. Particularly, I will focus on how the social sciences, including the colonial science of ethnopsychiatry and sociology, were used to justify a system of political control in colonial Kenya. This manifested itself in the intricately designed rehabilitation system that prioritized psychological rehabilitation over the orthodox counter-insurgency tenets of economic and political development advocated by those who participated in the comparable Malayan Emergency. Although the theoretical model was similar to that of colonial Malaya, I argue that perceptions of the 'Mau Mau' oath fit into a pattern of European thought that allowed these interpretations and sociological understandings of the movement to be subsumed within the larger intellectual tradition of ethnopsychiatry. Once violence occurred and stories of secret oathing increased, ethnopsychiatry became politicized, completing its merger with sociological theories. The end result was an oppressive, and coercive, system of rehabilitation that aimed at restoring colonial subjects to psychological "normalcy." To document this historical progression, the paper will begin with a brief introduction to ethnopsychiatric thought, followed by a more in-depth examination of how the British interpretations of the 'Mau Mau' oath reflected these colonial theories. This essay will conclude with an analysis of the rehabilitation model created through the merging of social sciences and political mechanisms of control.

As a colonial science, ethnopsychiatry was born in the early twen-

tieth century and sought to study the psychology of colonial subjects through anthropology, history and medicine.[2] By using psychological language, the British were able to establish a narrative that often interpreted dissenting behavior "as evidence that colonial occupation and the imposition of 'civilization' was leading to outbreaks of collective psychological instability in East Africa."[3] The political ramification of such rhetoric was that psychological labels ultimately nullified legitimate grievances. By the 1930s, however, there was no normative 'East African School' of psychiatric thought.[4] The two scholars who would change this arrived in 1929. One was a senior physician, named H.L. Gordon; the other was J.C. Carothers.[5] In 1934, Gordon published his 'Psychiatry in Kenya Colony' in the prestigious *Journal of Mental Sciences*, where he commented on the difficulties for psychiatrists when working with African subjects.[6] To him, the African held no regard for "the sanctity of life," nor was the "right to live" transcribed in his moral conduct. More importantly, Gordon stated that the psychiatrist could not understand normal and abnormal mental products "without scientific survey of East African social and cultural anthropology."[7]

John Colin Carothers made a name for himself treading this same path. In 1938, despite only having six hours of academic training in psychology, Carothers accepted a position at Mathari Mental Hospital in Nairobi.[8] In the first few years of his work, Carothers apparently saw discrepancies between the textbook definitions of mental illness and the patients at Mathari Hospital. At first he attributed this to his lack of training, but after attending further schooling, Carothers was certain he was not misdiagnosing his patients.[9] To account for these discrepancies, he, like Gordon, began to focus on the cultural implications of British 'civilization.'

In 1940, Carothers published an article hoping to outline the specificities of mental disorders in his African patients and answer his previous question.[10] Similar to Gordon, Carothers postulated that culture – and the worldview produced by such culture—was important when defining mental illness. "By our standards, the primitive in general, and the African in particular, lives in a world of phantasy," he wrote.[11] Supposedly, the African's intense belief in the supernatural did not allow him to recognize guilt or responsibility; thus, all misfortunes had some external agent.[12] The absence of these cultural norms, Carothers noted, drew parallels between the normal African and the schizophrenic European: "the normal African is not schizophrenic, but the step from the primitive attitude to schizophrenia is but a short and easy one."[13] As Jock McCulloch notes, the

originality of Carothers' assertion was not the connection between cultural conflict and madness, but rather his claim that the traditional structure of African society permitted this transition to occur quite easily.[14]

After eight more years in the field, Carothers published his first article in an international journal, *Psychiatry*.[15] Based on 736 certifiably 'insane' African patients in Mathari, Carothers sought to explain the African's attitude towards life in relation to insanity.[16] According to Carothers, the African way of life was conditioned by three factors: their inherent mode of thought, their relationship to the natural environment, and their social environment. Carothers believed that African thought was "dependent on unconscious and semi-conscious impulses," and lacked criticality, leading him "from reality to phantasy and thinking in images and feelings rather than in words." In Carothers' view, these factors defined social relationships as well. Because of the uncertainties of agricultural life, East Africans had developed a complicated and large social structure designed to provide the individual with high levels of security. Because s/he associated stability with these models, the individual preserved "this modicum of power by playing most meticulously his special part in this organism."[17] This was supposedly the most important discrepancy between European and African culture. If European culture allowed people to derive their personality from their individuality, African culture left no room for intellectual or physical authenticity.[18]

According to Carothers, such cultural peculiarities resulted in different expression of mental disorders. Carothers concluded that there was supposedly an absence of guilt in "involutional" melancholia, and a distinct relationship between mania and responsibility. He additionally noted the occurrence of what he termed "frenzied anxiety," and stated that there was an absence of obsessional neuroses in African patients. Carothers believed that these observations could be explained by the nuances of African life. The African was said to express mania rather than depression due to his inability to accept responsibility. In turn, the absence of melancholia was an absence of guilt. 'Frenzied anxiety,' being culturally specific, happened when anxiety reached a breaking point and the subject was unable to cope. Carothers theorized that 'frenzied anxiety' was often expressed through outbreaks of violence.[19]

His most relevant observation, however, was that insanity is rare within the confines of traditional society, saying that, "We deduce, therefore, that the rarity of insanity in primitive life is due to the absence of problems in social, sexual and economic spheres." Once exposed to European culture, the African subject supposedly developed an admiration

for the European style of living, meaning that "the conflicts and difficulties engendered by this tendency might well be expected to be a potent source of mental breakdown."[20] As with his 1940 speculations, Carothers suggested in 1948 that these mental disorders preceded European contact and exposed themselves once the African was placed in an uncertain situation.

Carothers had by now risen to prominence in the field of ethnopsychiatry and was commissioned in 1952 to write a monograph for the World Health Organization. First published in June 1953, *The African Mind in Health and Disease: A Study in Ethnopsychiatry* brought together many of the isolated works of both ethnopsychiatry and anthropology.[21] *The African Mind*, however, did not provide any substantial additives on the subject matter. Instead, many of the themes Carothers had previously explored resurfaced, such as the problem of individuality and the apparent lack of emotional development in African society. In total, *The African Mind* was a glorified literature review that simply condensed prior research, culminating in the disciplines most damaging summary in Carothers' chapter on psychology.[22] In it, he summarizes the European (and 'academic') perception of the African personality:

> The African accordingly has been described as conventional; highly dependent on physical and emotional stimulation; lacking in spontaneity, foresight, tenacity, judgement and humility; inapt for sound abstraction and for logic; given to phantasy and fabrication; and, in general, as unstable, impulsive, unreliable, irresponsible, and living in the present without reflection or ambition, or regard for the rights of people outside his own circle.[23]

In so doing, the myth of the 'African mind,' was legitimized and soon to be politicized largely because the diagnosis of the African personality now had officially gained professional and organizational support from a scientifically 'valid' source. The only significant critique came from Thomas Lambo, a Nigerian psychiatrist, who in 1955 wrote that Carothers' work was an "abridged encyclopedias of misleading information and ingenious systems of working hypotheses ... containing so many obvious gaps and inconsistencies ... that they can no longer be seriously presented as valuable observations of scientific merit."[24] For European contemporaries, however, the inconsistencies were not so apparent.

Those who would come to dominate the official policy and narra-

tive of the unrest in Kenya throughout the early fifties phrased much of the rhetoric in similar ways to that of Carothers and his antecedents. The colonial authorities claimed that the 'Mau Mau' did indeed have real grievances, but the violence was a product of what Carothers would coin, 'the African in transition', caught between modernity and his tribal roots.[25] Indeed, Carothers was invited back to Kenya in 1954 to provide an 'official' diagnosis of the 'Mau Mau' and review Kenya's plan for rehabilitation.[26] This rhetorical linkage between the ethnopsychiatric theories of the thirties and forties, and the administrative rhetoric of the fifties, was largely a byproduct of how the British viewed the development and meaning of the "Mau Mau" loyalty oaths.

History of the Mau Mau Oath

Oaths held a prominent place in pre-colonial East African society, being deeply woven into the social, political and judicial fabric. These traditional oaths, however, did not have a codified procedure that united the different purposes and ethnic origins of each variation.[27] Consequently, as Mickie Mwanzia Koster argues, the 'Mau Mau oaths' reflected this and would develop into many different oaths that were modified but shared the same fundamental purpose of expressing unity and commitment. [28]

For the Kikuyu, the foundation for court procedures and served two purposes: to prevent against false witness and ensure impartial judgment.[29] As Jomo Kenyatta, the first president of Kenya, recorded in his 1936 book, *Facing Mount Kenya*, the Kikuyu had three variants that dealt with criminal proceedings. Since land was one of the prominent features of Kikuyu society, the three forms were tied to property, which symbolized a connection to the earth and gave oathing a religious element as well. Nature was one foundation of Kikuyu religion and all of nature was connected to Ngai, their spiritual deity.[30] Therefore, these oaths "were so terribly feared, morally and religiously, that no one dared to take them unless he was perfectly sure and beyond any doubt that he was innocent or that his claim was genuine."[31] The first was *muuma*, which was meant for minor disputes. Just like the second oath, called *koringa thenge*, the procedure focused on property and truth. The final oath, named *gethathi*, was reserved for more serious crimes. [32] If one was to break this oath, they would be inflicted with *thahu*, a state of spiritually uncleanliness, and misfortunes would occur to family members, clan members and themselves.[33]

During the 1920s and 1930s, oathing began to take on political connotations with the Kikuyu Central Association (K.C.A) as the mean-

ing evolved alongside the social, economic and political frustrations of the colonial period. As the colonial period progressed, the oath was, as Koster states, "engaged in as a dynamic and complicated response to colonial inequality, racism, and injustice."[34] However, it was not until the 1940s, with the Olenguruone squatters, that the oath began to take on substantial political, rather than judicial, significance; the oaths developed in Olenguruone are widely considered as the beginning of the 'Mau Mau oaths.'[35] This term, however, was a colonial creation, and it became increasingly radicalized in response to the colonial violence of the period. Acknowledging the potential power of the oaths, the colonial government began to criminalize the oath in an attempt to control the activiites of the developing "Mau Mau." In turn, this furthered colonial misinterpretations—interpretations that were significantly different from how the movement viewed the oaths.[36]

The Natural Expression of the People: Meanings of the 'Mau Mau Oaths'

On the night of 20 December 1953, Josiah Kariuki followed his friend, Kanyoi Githenji, along a narrow path for three hundred yards until they entered a field of maize. In the field, a woman was sitting down and a seven-foot-high arch, made from two banana stems, was erected. Kariuki was instructed to remove his shoes, his watch and any other metals he had with him in preparation for the Oath of Unity. The four young men passed through the arch seven times and faced the administrator, Biniathi. Biniathi, a man of medium build, held the lungs of a goat in his right hand and the meat in his left. He circled around the participants, whose heads were bowed, seven times. After the seventh circle, Kariuki was given the lung and told to take a bite from it.[37] He then repeated his first 'Mau Mau Oath':

> I speak the truth and vow before God
> And before this movement,
> The movement of Unity,
> The Unity which is put to the test
> The Unity that is mocked with the name of 'Mau Mau',
> That I shall go forward to fight for the land,
> The lands of Kirinyaga that we cultivated,
> The lands which were taken by the Europeans
> And if I fail to do this
> May this oath kill me,
> May this seven kill me,

May this meat kill me.

I speak the truth that I shall be working together
With the forces of the movement of Unity
And I shall help it with any contribution for which I
Am asked,
I am going to pay sixty-two shillings and fifty cents
And a ram for the movement
If I do not have them now I shall pay in the future.
And if I fail to do this
May this oath kill me,
May this seven kill me,
May this meat kill me.[38]

After the words were successfully repeated, Biniathi made three tiny scratches on the participant's left wrist, let the blood fall on a piece of meat and had the four men take a bite, saying, "The act of eating this meat with the blood of each one of you on it shows that you are now united one to the other and with us."[39] Although Kariuki's memoir was published in 1963, leaving ten years between his first oath and his recollection of the events, many primary accounts that depict the oath were often taken from court cases during the Emergency and provide skewed depicitions as many were recorded after interrogations.[40] Nonetheless, the accounts of people like Kariuki provide valuable insight into the different procedures, symbols and meanings.

In almost all accounts of the oath, the participant is brought to a secluded area. Not only was location important for secrecy once oathing became illegal, but it also acted, according to Koster, as a detachment from normal activities and social structures. Using Victor Turner's ritual model, Koster concludes that this act of detachment and seclusion was symbolic of the oath's spiritual importance: the oath candidate was spiritually polluted and had to perform the ritual for his or her spiritual rebirth.[41] This idea is reflected in Kariuki's account. After taking the Oath of Unity, Kariuki describes a transformation:

> Afterwards in the maize I felt exalted with a new spirit of power and strength. All my previous life seemed empty and meaningless. Even my education, of which I was so proud, appeared trivial beside this splendid and terrible force that had been given me. I had been born again and I sensed once more

> the feeling of opportunity and adventure that I had had on the first day my mother started teaching me to read and write. The other three in the maize were all silent and were clearly undergoing the same spiritual rebirth as myself.[42]

It is clear through Kariuki's account that participants often engaged with a higher meaning of the oath. Koster suggests that, "In tapping into that world of oaths and using symbols, Mau Mau leaders and followers were engaged in religious activity as a means of dealing with the reality of their lives."[43] By connecting contemporary politics to traditional oaths, the movement established a meaningful lineage of remembrance and hope.

The use of symbols was imperative to completing the goals of each oath and reflected the oath's intended purpose. Although the specific words were often different, the symbols provided a foundational link. Three dominant symbols appear: blood, land and sex or taboo acts. Blood was symbolic of life and death on the individual and organizational level, symbolizing rebirth and acting as a symbol of unification in pre-colonial society.[44] As noted, land held a deep social, economic, and religious meaning for the Kikuyu, and the alienation of such land was a significant feature of European colonization. Thus, by incorporating land into these rituals, which was often done by holding soil during the ceremony, the oath held an important symbolic meaning for participants. It's notable that Wachanga described the traditional solidarity oath—the one that helped the Kikuyu preserve land from outsiders—as the most influential oath.[45] These two symbols were predominately tied with the Oath of Unity, which, as the name states, was the organization's attempt to unite its members while holding them to a vow of secrecy. In so doing, the oath was meant to transcend ethnic boundaries. As Kariuki states, "It was intended to unite not only the Kikuyu, Embu and Meru, but all the other Kenya tribes. These might not give their oaths in the same way, but every tribe in Kenya had an oath for bringing together and solemnizing certain transactions."[46] Its intent was to provide a rite of passage for participants to move from a singular being to a unified front against the Colonial government.[47]

The final dominant symbol, sexual taboos, was not common during the Oath of Unity, appearing in the second 'Mau Mau Oath,' the *Batuni* oath. After being arrested and released in 1953, Karigo Muchai took the *Batuni* oath four miles outside his village at dawn. After stripping naked and having long strips of goat meat draped around his chest, neck and waist, he was instructed to hold his penis against the meat. In front of him

was the *ngata* (neck bone) and seven pieces of vine. While repeating seven vows he ran a separate piece of vine through each of the *ngata's* seven holes. Also placed in front of him was an uncastrated *kihei* (he-goat) lying on a banana leaf. After each vow was completed, the oath administrator removed one of the seven thorns that were placed near the *kihei* and stuck it into the eyes of the goat. As with the Oath of Unity, the participants blood was smeared on a piece of goat meat and each person took a bite: "This, we were told, made us blood-brothers and by creating a blood-tie between all *ihei* [pl. of *kihei*] guaranteed cooperation and brotherhood among *Gikuyu* and *Mumbi's* fighters."[48]

The reason this oath was more intense was linked to its intended purpose; sexual taboos were meant to reinforce this. The *Batuni* oath was supposedly derived from the English word 'platoon' and was taken by people who were to become active members of the movement.[49] The words of the oath reflected such. The first of seven vows of Kariuki's oath were:

> I speak the truth and vow before our God
> And by this *Batuni* oath of our movement
> Which is called the movement of fighting
> That if I am called on to kill for our soil
> If I am called on to shed my blood for it
> I shall obey and I shall never surrender
> And if I fail to go
> May this oath kill me,
> May this he-goat kill me,
> May this seven kill me,
> May this meat kill me.[50]

According to Koster's oral research, veterans of 'Mau Mau' described sexual images during the oaths as the symbolic use of the body for power, strength and spiritual circumcision (rebirth) into the movement.[51] The oath provided a certain connection along with mutual understanding. The *Batuni* oath also reflected traditional oathing practices. According to Kariuki, the purpose of the *Muma wa Thengi* (the he-goat oath and predecessor to the *Batuni* oath) was to provide further unity, create shared love and respect, and, most importantly, ensure that participants would never invoke sorcery against one another. By taking the oath, "Envy, hate and enmity would be unknown between them."[52]

Due to these factors, the oath often holds a significant place in Mau

Mau memoirs. On the organizational level, the oath provided a repetitive framework to reinforce grievances and provide direction for the movement.[53] For individuals, however, the oath was a special bond that provided unity with other Kikuyu and furthered the movement.[54] Others, such as Bildad Kaggia, saw the oath as a more powerful version of its predecessor: "Although none of this [the oath] was new to me, one aspect was new and thrilling. There was a solidarity and a closeness of all members, a confidence they had in one another, which was not evident in KAU."[55]

THE PURPOSE OF THE MUMA WA THENGI *WAS TO PROVIDE FURTHER UNITY, CREATE SHARED LOVE AND RESPECT, AND, MOST IMPORTANTLY, ENSURE THAT PARTICIPANTS WOULD NEVER INVOKE SORCERY AGAINST ONE ANOTHER. BY TAKING THE OATH, "ENVY, HATE AND ENMITY WOULD BE UNKNOWN BETWEEN THEM."*

The first oath of the movement had a profound personal impact as well, reinforcing Kaggia's own motivation. He writes, "The oath increased my confidence in myself and the justness of our cause."[56] Additionally, the connection to traditional Kikuyu society held deep meaning for many individuals. Another prominent figure, Waruhiu Itote recounts, "Participating in the ritual ceremony gave people a chance to attach their feelings and devotion to a sacred part of their own society, many people took the oath just to show how *deeply* they felt these things."[57] By connecting the movement, through important symbols, to deep-rooted beliefs, the leaders of the 'Mau Mau' were able to instill a sense of higher meaning in spite of the economic and political hardships.[58] In essence, the members of the 'Mau Mau' "looked upon all oaths as a natural expression of people who already felt a common bond of anger and hope in their lives."[59]

The Europeans, however, had a different interpretation often because of the Batuni oath. Europeans misconstrued the actions and purpose of these oaths, and in so doing, failed to acknowledge their larger meaning. This would go a long way in linking psychological and sociological diagnoses of unrest among both the settler class and the administration.

The Bestial Oath: British Perceptions of the 'Mau Mau Oaths'

In 1994, Terence Gavaghan, who in 1957 was placed in charge of the Kenyan Administration's attempt to reduce the number of detainees from twenty thousand to six thousand, finished his un-published work

of historical fiction; an allegorical account that "records a personal experience of an historical episode." In the work he traces various characters he encountered during his time in Kenya, including the fictitiously named Kimani Mugo. Within Mugo's personal narrative, Gavaghan recreates Mugo's memory of his own oath-taking experience. In a sensationalized style, Gavaghan records the traditional symbols present in oath ceremonies: banana leaves, an arch, sodom apples and the "all seeing eyes of sheep and goats. Their bulging stare was fixed in death, the agonized gargle of gaping throats still echoing in the gloom." During the ceremony, Mugo's "mind and emotions had been worked to a pitch of burning passion," and, "Revulsion and horror [became] lacerating spurs that goaded him on to frantic ecstasy." Eventually the trials of the ceremony had "hurled him into irresistible orgasm until he was glutted, sated, mute and still." Upon completion, Mugo had passed "through the inferno to eternity" to become "one of the elect."[60]

Even forty years after Europeans started to first conceptualize and develop their own interpretations, Gavaghan's fictionalized account aligns with those that surfaced during the 50s. To the British, the stories of oathing represented a reversion back into a state of primitivism and savagery: an anti-Christian, anti-European oath filled with sexual taboos and symbols of black, tribal magic; an oath that promoted violence and psychologically altered the individual, creating the most beastly of humans.

From the start, European agents had little contact with the oath and based much of their understanding on their presuppositions and forced confessions, which often followed torture.[61] Furthermore, the European narrative was largely based upon sensationalized claims of oaths following the Oath of Unity. As the stages of the oath progressed, the British narrative stressed that they became more "disgusting in character, often accompanied by the grossest acts of bestiality and indecency."[62] In one report titled, "Mau Mau Ceremonies as Described by Participants," the original oath was published in a relatively similar manner as those that appear in Kikuyu memoirs. The only difference was the additive, "If I ever fail to follow our great leader, Jomo Kenyatta, may this oath kill me." By the third oath, the report claimed that, "A piece of meat [was] placed in an old women's anus," and the participant would eat it. According to this report, to move up the ranks in the forest the soldier had to perform an additional five oaths based upon rank. Majors had to bite and eat an African brain seven times while a Brigadier General would have to do the same, but with a European brain. By the eighth oath, generals had "to drink the

urine of a women during her menstruation seven times."[63] Reports similar to this one depicted fourteen different oaths, but as Kariuki points out, the only two oaths that were legitimate were the Oath of Unity and Batuni Oath.[64]

The Batuni Oath provided the crux of settler misinterpretation. In his official history of the Mau Mau, Frank Corfield names the Batuni Oath as the fourth 'grade' in the series; however, for members of the movement, this oath represented the second.[65] One European account of the fourth claimed that, "A woman sits naked at the meeting. The initiate inserts a dead goat's penis into the vagina of the woman seven times. The goat's penis is then dipped into a vessel of blood and the initiate licks it seven times. The initiate then jumps over the prostate woman."[66] Thus, colonial observers used the sexual taboos present in the Batuni Oath to created exaggerated sexual narratives; this fit into a larger historical pattern of European fantasies and 'primitive' perceptions of the African body. [67]

Beyond emphasizing sexual perversion, anti-Christian and anti-European rhetoric was also used. In 1953, Louis Leaky, a prominent archeologist in Kenya, published an article titled "Behind the Blood Oath" in *The New York Times*, where he explicitly wrote that the, "Mau Mau is openly anti-white and anti-Christian."[68] According to Leakey, the power behind the oath, which included the line, "If I am asked to bring in the head of a European and I refuse, this oath will kill me," was that people actually believed they would be punished by supernatural beings.[69] This invoked a connection between anti-European sentiments and paganism. To the British, paganism was a central pillar of the traditional oaths, yet the 'Mau Mau' were even worse, owing "no allegiance to either Christian or Pagan ethics," and caring, "nothing for tribal law."[70] This was furthered by reports which suggested the use of prayers directed towards the "God of Kenya" or the "God of Kilimanjaro," among other fictitious gods.[71]

The British thus tried to distance the 'Mau Mau' oaths from what they perceived to be traditional Kenyan oaths. One account, published in *The Kenya Weekly Times*, made a distinction between tribal custom and the product of the "playwrights … pornographic imaginations," though it ignored the original purpose of oathing—to bind members to a higher cause through tribal custom premised on unity.[72] Regardless, it is unlikely that any of the sensationalized actions occurred; but if they did, "they must have been confined to a minute number of perverted individuals driven crazy by their isolation in the forests," according the Josiah Kariuki. Furthermore, assuming that the oaths used these grotesque procedures implied a lack of knowledge on Kikuyu society. Bodily fluids, such as men-

strual blood, were a sacred part of Kikuyu society, and abusing it was a sin. To members such as Kariuki, it was evident that, "No Kikuyu leader in his senses would make use of such an ominous substance in a movement which could in no way afford to flaunt the spirits of our ancestors."[73]

Portraying the 'Mau Mau' oaths as a reversion back to sexual and religious primitivism consequently altered how people saw the impact of the oath on both individuals and society. Europeans continuously connected the oath to increased societal and interracial violence. One reporter even compared the oath to a version of psychological warfare "as devilish as any with the Hitler regime," while another stated that, "Its effect has been to create a mass of violent minded, often bewildered people, chained by superstition and fear to the commands of their unscrupulous leaders."[74] The oath was thus, according to the same author, "driving the Kikuyu to become primitive beasts who will ultimately massacre all Europeans in Kenya."[75] The use of terms such as primitive and beastly reflects how the oaths justified contemporary stereotypes. One settler wrote to an editor of a London Newspaper saying:

> The vast majority [of Kenyans] are untruthful, untrustworthy, dirty and irresponsible. What we call 'morality' does not exist.... the African looks on his sex desires just like any other natural appetite, such as hunger, or thirst. If he has the opportunity to satisfy them he does so, just as when he is hungry or thirsty and there is something to eat and drink, he eats and drinks.[76]

Words like primitive and beastly were inextricably tied to a sense of moral degradation within the movement. Supposedly, the oath created morally degenerate individuals, altering their psychological state. Corfield believed that the Batuni oath combined magical forms and 'bestialities' that "transformed a human being into a new frame of mind," while another contemporary noted that the details of the oathing ceremonies, "reveal the appalling bestialities and depravities committed by Mau Mau. They show a complete moral collapse. They reveal the depths to which the Society is prepared to sink in order to further its wicked designs."[77] One observer asked, "Can men survive the onslaughts on their moral fibre, can the garbage of the ceremonies leave no deeper mark that that of loyalty to the killer movement?"[78] Physical depictions of the participants reinforced these views. Thomas Askwith, the theorist behind Kenya's rehabilitation program, remembered how, "They wore their hair long and matted.... Even

their eyes seemed to become elongated and yellow.... I was told on one occasion that they [Kikuyu] referred to such eyes among themselves as leopard eyes."[79] This connection was not only a product of settler views. The Provincial Commissioner in Central Province responded to one of Askwith's memoranda on Rehabilitation by saying that he was, "in entire agreement ... on the subject of the sense of shame and loss of self-respect which haunts Kikuyu who have taken the most bestial oaths."[80]

In turn, what Europeans believed the oath did to its participants influenced how they discussed the purpose of oath-taking. One author believed that the two main ideas behind oathing were: "(1) To make the initiate so ashamed that he is unable to reveal the secrets of the Society. (2) To make the initiate a social outcast, so that his tribe's loyalties are no longer binding and his sole allegiance is to Mau Mau."[81] The notion of embarrassment and 'social separation' were common threads through many European interpretations. Some believed that if members took all seven oaths, then they would become a different people, or "outcasts from decent society," unable "to revert to their old status within their tribe."[82] This claim, however, was an obvious exaggeration. Ngugi Kabiro states that it was only after he had taken the first oath that he found out his father was also a member of the movement. Only once Kabiro became a member himself did they discuss the secrets.[83] If the oaths had the effect that Europeans believed they did, then such interactions would have been impossible.

This skepticism was a reflection of the European interpretation of the movement's aims. One author commented that, "In the eyes of most people the oath is designed to ensure allegiance to a cause, yet it is becoming increasingly clear that the oaths are not merely the mumbo-jumbo of a secret society, but are part of a deliberate attempt to bring the Kikuyu nation to its knees."[84] And Leakey claimed that, "Its purpose is, by intimidation and murder, to drive all Europeans and other foreigners out of Kenya."[85] The anti-colonial rebellion had supposedly become a violently atavistic, anti-European and repulsive movement of psychological disturbed individuals.

The official narrative reinforced these fabrications. Corfield concluded that, "In the early days the ritual was primitive but not bestial," but as violence increased, "there was a corresponding increase in bestiality in the ritual of the oath, thus forcing the initiate to reach the necessary pitch of blood lust and degradation to make it possible for him to pronounce the ghastly words of the oath itself."[86] The liberal circles thought so as well. In her 1963 introduction to Kariuki's memoir, Margery Perham, a

contemporary expert on British colonialism and by then a representative of liberal thought in England, noted that, "these oaths had extraordinary psychological effect upon many of those who took them."[87] It is possible, however, that the opposite was true. These sensationalized and exaggerated accounts of the 'Mau Mau' oath reinforced an already present psychological disposition to certain perceptions of 'indigenous' populations. As we will see, the oath eventually allowed for sociological discourse on the origins of 'Mau Mau' to become subsumed within the intellectual lineage of ethnopsychiatry. Along with the colonial interpretations of the oath, this intellectual context significantly impacted the Administration's response to the 'disease' of the 'Mau Mau.'

The 'African Mind' in Revolt: Politicizing the 'African Mind'

In June 1952, Thomas Askwith, who was soon to be in charge of Kenya's rehabilitation program, wrote "The Problem of Youth," in which he noted that the problem facing the younger generation of Kenyans was not solely agricultural, but rather sociological. According to Askwith, Kenyan youth channeled their social displacement into "new cults, secret societies and similar organisations." Seemingly echoing the language of Carothers, Aswith believed that blame was transferred, for as he noted, "seldom is failure of African social and economic life to adjust itself held responsible."[88] Four months later, Askwith applied similar logic when discussing the overall unrest in the Kenya Colony. British restrictions on social, economic and political mobility had "the effect of emphasising, often unreasonably, the inferiority of the African in culture and ability," yet the European was often blamed for these misfortunes; the end result, according to Askwith, was a "defeatism and that most dangerous disease the inferiority complex." Regarding this 'disease,' his final warning would prove prescient, as the government failed to provide any direction for the disenfranchised Africans. "If no treatment is undertaken the disease will inevitably spread through the entire system and be incurable."[89]

These analyses of unrest in Kenya were indicative of two parallel trends in Askwith's thought: first, it shows from the start that he, among others, believed the problem of Kenya to be situational and distant from colonial Malaya, placing more emphasis on the psychological ramifications of British colonialism; and second, framing his conclusion as a psychological malfunction is one of many examples alluding to the influence that past intellectual discussions in Kenya had on his own 'diagnosis' and 'cure' for the 'Mau Mau' 'disease'.

Around the time Askwith published his reports in 1952, he was

asked by Governor Baring to take part in a three-man committee tasked with understanding the "unforeseen chaos" that was the 'Mau Mau.'[90] In addition to Askwith, the committee included L.S.B. Leakey and Sidney Fazan.[91] Formed as the 'Committee to Enquire into the Sociological Causes and Remedies for Mau Mau,' their conclusion was in line with Askwith's previous reports, namely that the causes of the 'Mau Mau' were rooted in both land and social grievances. These social disruptions caused disenfranchised and poor Kikuyu to become disillusioned with the colonial government. With no proper outlet to express their grievances, they became stuck in a transitional phase between their tribal past and European 'civilization'. Askwith, however, suggested an additional member for the Committee, hoping to gain outside expert advice on their findings and methods.[92] The expert he suggested was none other than J.C. Carothers.

The merging of economic and social grievances with psychological explanations needed more than a colonial committee to translate its rhetoric into policy. Furthermore, it needed a suitable link to justify this merger to authorities: the oath offered an opportune symbol. Carothers' report encapsulates this facet of social science in colonial Kenya. The Kikuyu did, according to the liberal strands of thought, possess legitimate claims, yet the expression of such discontent reflected psychologically unbalanced individuals. As we have seen, many of the reports detailing the oaths suggested that those who took the higher forms became outcasts of society, transforming into different people. This view circulated among higher members of the British community as well. General Erskine, in charge of the military operations, wrote in December 1953 that, "MPs should know the kind of people we are dealing with because they are not normal human beings."[93] The oath apparently removed the individual from both European, or 'civilized', society as well as traditional, tribal, society. For members of the liberal paternalistic view, the oath played upon the vulnerability of what Carothers would term 'the African in Transition' and generated the violent, unstable, and mentally convoluted 'Mau Mau.'[94]

On 7 April 1954, Carothers, commissioned by the Kenyan government, submitted a report titled, "The Psychology of Mau Mau." This report was in essence a culmination of his previous work placed within the context of colonial politics.[95] In so doing, Carothers's report and theories came to represent the linkage between sociological understandings and psychological interpretations. In the first chapter, Carothers once again explored the cultural scenarios that apparently left the African predisposed to violence, reiterating many of his cultural views proposed in previous publications. It was, however, the content expressed in his second

chapter, titled 'The African in Transition,' that represented the intellectual linkage between the liberal paternalists and ethnopsychiatry. The onset of colonialism had disrupted traditional patterns of life and apparently forced the collapse of the African's "whole cultural machinery." Now that the African's mental state was in a transitional state, he supposedly lacked any sense of personal security and although his "magic" modes of thought persisted, his old constraints were lost. [96] In so doing, Carothers used this transitional psychology to underplay the question of land, discrimination, and wage.[97] For Carothers, this state produced an internal conflict that could only be subdued in three ways, the last being "to produce some new solution of his own," which came to be known as 'Mau Mau.'[98]

Carothers split the movement into two stages: the first was "quite sophisticated" and second, "a stage in which it became somewhat incomprehensible by present European standards."[99] In discussing the first stage, Carothers questioned the notion of grievances, reiterating his view that regardless of whether or not they were legitimate, it was common for the African psychology to express any misfortune as the act of external agents, subsequently transferring blame to the European colonizer. What differentiated the first phase from the second was the oath. Yet before Carothers engaged with the idea of the oath, he summarized his own interpretation of how the 'Mau Mau' developed:

> It arose from the development of an anxious conflictual situation in people who, from contact with the alien culture, had lost the supportive and constraining influences of their own culture, yet had not lost their "magic" modes of thinking. It arose from the exploitation of this situation by relatively sophisticated egotists.[100]

By introducing the oath in this manner, he connected oaths with the exploitation of past magical modes of thought. And in so doing, he linked psychological explanations of violence with the oath itself.

Carothers noted that the first oath lacked brutality and utilized traditional Kikuyu magic symbols and his interpretation of it matches those of Kikuyu memoirs: "It seems that the intention of this oath was to inspire nationalistic aspirations in the people on the basis of their own traditional beliefs." The first oath seemed to have little effect upon the younger generation of Kikuyu, who were more removed from the traditional importance of oath taking, but nonetheless, their fear was rooted in 'Mau Mau' retribution. The fourth oath, however, transgressed these

traditional beliefs and left the individual as an outcast to both society and tribal custom. Carothers linked this to the hypnotic effects of the fourth oath, whose structure placed the individual in a position where, "the subject's conscious will is rather in abeyance and in which he automatically obeys the orders of his leaders." In Carothers' view, combating the fourth oath would be difficult because the Kikuyu were not weighed down by past sins or preoccupied with the future. In the present, he may be able to "cleanse his soul of any filth," but it would take adapting to new cultural modes for these predispositions to be overcome.[101] This would be reinforced in Askwith's theory on rehabilitation.

The most important aspect of Carothers' work was in legitimizing Askwith's committee by adding an authoritative, psychological view of the 'African in Transition.'[102] Beyond that, the fact that it was Askwith who had been instrumental in bringing Carothers into the political debate shows the importance he placed on the psychological effects of oathing. Not only would Carothers legitimize the 'disease theory,' he also legitimized Askwith's own rehabilitation model. In his report, Carothers stated that he had:

> read the Secret report on Rehabilitation produced by Mr. T.G. Askwith on 6.1.1954, and ... have only this to say—that I regard that report as showing a masterly psychological insight, and that I endorse unhesitatingly all the observations and recommendations it contains.[103]

By solidifying the 'African in Transition' and endorsing Askwith's initial proposal, Carothers integrated the sociological, liberal interpretation of the 'Mau Mau' with the ethnopsychiatric intellectual heritage, portraying the rebellion as a pathological response to westernization.[104] It was within this intellectual context then that Askwith was sent to Malaya to study rehabilitation, and it seems likely that Carothers' approval erased any doubts about the models effectiveness.

Conclusion: The Kenyan Model of Rehabilitation

In her forward to Josiah Kariuki's first-hand narrative of the British detention program, *'Mau Mau' Detainee*, Margery Perham wrote that the intention behind the policies were reformist, not punitive. She claimed that, "It was an attempt to accelerate release by breaking the spell of the Mau Mau oath and passing men through what was known as the 'pipeline'."[105] Although this might have been the original intent of Askwith's rehabil-

itation plan, it became synonymous with the detention program, representing the British attempt to win the 'hearts and minds' of the Kikuyu. Yet wining the 'hearts and minds' soon became a futile effort as wide scale abuses began to occur throughout the detention program.

Rehabilitation started with Askwith's visit to Malaysia, which consequently shaped how he structured Kenya's own program. This was most apparent in how they structured classifications of detainees and dealt with the topic of forced labor. In February 1953, a committee suggested that detainees should engage in productive work as part of their detention and rehabilitation, which led Baring to consider the enactment of Emergency Regulations that would provide an outline for Special Detention Camps where work was permitted. To combat any criticism from the International Convention on Forced Labor, the British Government suggested that Baring's plan should argue for the beneficial aspects of work "as part of process of rehabilitation," and provide reasonable wages.[106] By September 1953, however, this proved insufficient. As Lyttelton wrote to Baring, the International Confederation of Free Trade Unions was "not satisfied on the question of compulsory labour in Kenya."[107]

The Kenyan Administration therefore needed a program that would satisfy colonial and home authorities; their solution was, as in Malaya, a system devoted towards rehabilitation.[108] In June 1954, Baring acknowledged that having an "agreed progressive policy to take the place of the suppressive measures which the Emergency has forced upon the Government" would strength his hand in negotiating with London.[109] London officials had previously expressed this, including Hugh Fraser, the parliamentary undersecretary to Oliver Lyttleton, and Lyttleton himself. Both officials stressed the need to create a rehabilitation program, placing special emphasis on the word 'rehabilitation.' Baring had already been developing plans and thus, as noted, dispatched Askwith to Malaya to study rehabilitation and submit his own report. Although Malaya indeed influenced Askwith's structural understandings of rehabilitation, his reports reflected an interpretation specific to Kenya, as he stressed psychological and moral rehabilitation while emphasizing the importance of the oaths, confession, and cleansing.

Askwith's initial policy reflections were, as argued by Lonsdale and Berman, void of psychological rhetoric. Instead, he placed economic and political remedies above psychological ones.[110] Upon finishing his initial recommendations, however, Askwith made an important distinction that suggests otherwise:

> There is, however, the important matter of the Mau Mau oaths. Any rehabilitation process which is to succeed in Kenya must take this into account. It might be possible to attempt some form of cleansing during the last period in the Detention Camps, and prior to transfer to a Rehabilitation Centre.[111]

The oath was to take center stage in the rehabilitation of the 'Mau Mau.' Before an adherent was to be economically rehabilitated, he had to be cleansed of this 'psychological perversion'. By late December, Askwith felt comfortable submitting his first report that offered concrete policy recommendations, emphasizing constructive work, the development of technical skills, improving agricultural techniques, and education.[112]

To effectively move through the program, however, an important step was first needed. In the same report to the government on 23 December 1953, Askwith quickly defined the 'Mau Mau' as a "dangerous obsession based not on intellect, but on feeling and emotion," which developed because leaders exploited grievances "in which, whether real or imagined, they themselves genuinely believe." Because this was the root of the problem, "To overcome this obsession mere argument and persuasion is not enough, and an attack must be made on feelings and emotions."[113] With this in mind, Askwith laid out the first step to the pipe-line:

> The first step in the rehabilitation process must therefore be to get rid of the poison of Mau Mau. Confession is a great relief to those concerned, and renders them receptive to an attractive allegiance..... I am convinced that little progress will be made with rehabilitation until the people concerned have rid themselves of the poison.[114]

Without a confession and the renunciation of the oath, which implied a return to normalcy after a state of mental 'transition', Askwith believed that all aspects of rehabilitation would be futile.

There was debate over how to pursue this notion of confession, and both traditional Kikuyu culture and Christianity were brought in as potential antidotes. The administration had been previously using traditional oathing practices, which Askwith believed had some effect. Writing in 1955 in a two-part article entitled "Medicine for the Mau Mau," Askwith noted that, "the process is traditional among the Kikuyu, and is somewhat crudely known as 'vomiting.' There is no doubt whatever that these adherents of Mau Mau experience relief through getting the filth out of their

system."[115] Askwith, however, used the second part of his article to discuss 'vomiting' in terms of religion: "We find that the process of vomiting the poison of the Mau Mau oaths not unnaturally leaves a void which the Kikuyu ... are anxious to fill."[116] Many Europeans believed that this void was to be filled via Christian conversion, a direct by-product of the European perception of the 'Mau Mau' as being anti-Christian. Although Askwith was skeptical, Christian influence was kept alive in various camps, and in 1955, Reverend Church even used Carothers's 'Psychology of Mau Mau' to legitimize the need for Christianity.[117]

Following confession, the detainee was classified and separated based upon their perceived allegiance to the 'Mau Mau'. As one Press Office report noted, "The principle here is similar to that adopted in the case of those suffering from an infectious disease, who must be segregated from their fellows for the good of society."[118] What distinguished these classifications was their involvement with the movement and their prospects for rehabilitation. Nonetheless, the psychological rhetoric of cleansing was prevalent throughout the remainder of the pipeline. For example, re-education, or civic education, was an attempt to counter 'Mau Mau's' vilification of the Europeans. According to Askwith, "This has done much to encourage the growth of the mental disease, which has induced the Kikuyu to believe in the crazy notion that they would manage their own affairs without the European."[119] If the oath linked psychological and sociological interpretations of the 'Mau Mau,' then it was the emphasis on confession and cleansing that showed how influential these theories were. To Askwith, the "oath represented everything evil in Mau Mau," and caused a significant departure from the program in Malaya.[120]

These particular features, however, have a longer history, one that had previously psychologized the African population in Kenya for twenty years. The foundations of these theories rested upon a faulty assumption that the native population was prone to mental illness because of traditional culture. Although these illnesses never surfaced in traditional society, the step between normal and abnormal behavior was apparently short. When the 'Mau Mau' oath formed as a symbol of unity against the colonial regime, this ethnopsychiatric tradition became politicized. Liberal diagnoses of unrest asserted that a sociological understanding of the causes was necessary for reform, yet the underlying connection was still present: the African was in a transitional state. Consequently, it was the European perceptions of the oath that allowed these sociological and ethnopsychiatric theories to merge. The symbol of unity had become a symbol of 'primitive reversion' to the European observer. This was first

shown in how Askwith discussed the 'Mau Mau' in his initial reports on rehabilitation, and was reaffirmed through Carothers' "The Psychology of Mau Mau." Carothers' report had thus contextualized the sociological understandings within a distinct ethnopsychiatric discipline.

Kenya's model of rehabilitation was built on this merger, which reinforced a pathological interpretation of revolt. Economic and social reform would not be feasible without first 'cleansing' the 'filth' that was the Mau Mau. This was why confession played the most prominent role in rehabilitation, and why rehabilitation became so necessary for the Administration's oppressive response. If the oath was the symbolic manifestation of settler perceptions and ethnopsychiatric theories placed within the political realm, then confession was symbolic of a rehabilitation model structured around psychological interpretations. The result was a tragic pattern of colonial abuse and violence.

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Remembering Jenny McCrea: Martyrdom in the American Revolution and National Memory, 1777-1812

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Photo: John Vanderlyn's depiction of Jane McCrea's death (painted in 1804) Courtesy of strangeremains.com

Jane (Jenny) McCrea occupies a vital niche in American history, that of the martyr: dying in the way she did is the only reason she appears in its annals at all. While her stance on the American Revolution was likely at best indifferent and at worst antagonistic, she played a massive role in its trajectory and the way the new nation conducted itself toward Native Americans. McCrea became a national martyr when a Huron-Wendat (sometimes spelled Wyandot) warrior killed her during the 1777 Saratoga campaign. As a result of scant extant evidence, there is little consensus on how she died. Yet the outcry was widespread, echoing through the ranks on both sides in the conflict. The incident is viewed in retrospect as a huge propaganda victory for the Americans. Looking beyond the immediate impact on the war, it is also clear that her death was a disaster for Native-White relations. It served to reinforce the stereotype of Indians as "savages" and was often used to justify harsh policies towards them.

Although it was one of many violent incidents performed both by and against Native Americans during the Revolution, the death of Jane McCrea made a visceral impact that lasted in American memory through the mid-19th century.[1] The reasons for her legacy as a martyr and the murder's impact on American identity in the long run are threefold. First, the pervasive tension in that particular stage of the war and resentment of British usage of Native forces exacerbated existing paranoia and hatred of Indians that pervaded Americans' consciousness. Proponents of the American cause denounced the act, and the most influential documents of the era ensured that these issues were ripe for exploitation as propaganda. These made it certain that Americans would be on alert and ready to capitalize on any event that could serve as propaganda fodder against the enemy and their Indian allies. Second, the poignant story of Jane McCrea's star-crossed romance, compounded with her feminine grace and prominent status in society, made the Natives who killed her appear all the more vicious. As a result, the incident was widely publicized and portrayed in popular works of literature and art. Finally, the tragedy was later used to further conflate Indian aggression with British meddling in American affairs. Consequently it was invoked to justify harsh actions against the Natives following the war as American settlers streamed westward into the Northwest territories. As hostility between the United States and the Indians—along with their British allies—persisted (and in some cases intensified) in the 19th century, the McCrea murder retained its pertinence as it remained a cautionary tale against trusting either group. This allowed Americans to lump Natives and their British

allies together and neglect their own role in the increasingly hostile arena of Indian-White politics.

Contemporary Sources

Although they were often rife with inconsistencies, accounts of the murder abound, which help sketch an outline of the murder. Newspapers throughout the country, notably the Pennsylvania Evening Post, quickly seized on McCrea's story to help bolster the American cause. Soldiers on both sides of the conflict also left their thoughts. For example, John Stanley and Thomas Anburney, two British soldiers, and J.F. Wasmus, a German surgeon fighting as a mercenary for the Crown, showed everyday actors' reaction to McCrea's death and their varying levels of sympathy. Generals Horatio Gates and John Burgoyne, the two rivals prosecuting the campaign, also recognized the gravity of the situation and sought to control the message. Patriots were quick to disseminate the story, and as a result these accounts of McCrea's death contradict one another in many ways. The number of Indians involved varied in these reports, as does their exact tribal classification; McCrea's age and even the spelling of her name also changed from one account to the next. Some later sources even contended that it was a group of American soldiers who killed her. Despite the various discrepancies in these accounts, widespread condemnation of the "Savages" that perpetrated the murder was a constant.[2] American, British and German sources alike expressed their horror. The sources that emerged immediately following McCrea's death and shortly thereafter, despite their inconsistencies, provided an idea of how the murder was reported. Most importantly, they revealed the way that people on all sides reacted in the immediate wake of the incident. As a result, what these reports lacked in historical accuracy, they made up for in emotion.

The scene of Jane McCrea's demise became a mainstay in American culture, keeping McCrea's legacy alive despite occasional exaggerations. Paintings, specifically John Vanderlyn's The Death of Jane McCrea, helped immortalize McCrea and served as a (albeit exaggerated) reminder of the cruelty of the Natives, portraying them as savages and lending a sexual element to the account. McCrea also appeared in works of literature, including a French novel called Miss McCrea and a poem by Joel Barlow entitled The Columbiad. Fifty years after the incident, James Fennimore Cooper alluded to the murder in The Last of the Mohicans, in which a character named Cora met a similar fate to

her real-life counterpart—exemplifying the longevity of the tale.[3] These portrayals tended to hyperbolize and in some cases falsify details of the event, but were important in showing the way in which McCrea was portrayed in popular culture and the impact that these portrayals had on Americans' views. Furthermore, they exemplified the utilitarian nature of the tale as Americans used the tragedy to convey whatever message they desired. Some sources, including Samuel Y. Edgerton Jr., analyzed the significance of these depictions in popular art and how they shaped American memory by reminding people of the need to distrust Natives. This provided needed context to understand McCrea's role in shaping national identity and policy.

Scholarly Analyses

More recent sources traced both the short- and long-term impacts of the occurrence, arguing that the McCrea incident had a disproportionately large impact on the war and American ideology. Some scholars focused on the way that the course of the war itself changed after McCrea's death. In The Price of Folly, William Raymond Nester faulted John Burgoyne for not dealing with the guilty Natives harshly enough, saying his failure to do so gave the Americans a boost "while sowing doubt in the minds of countless fence-sitters and loyalists alike."[4] In the article "Our Battle Cry Will Be: 'Remember Jenny McCrea!'", authors Jeremy Engels and Greg Goodale claimed that "McCrea became a vessel for the rhetorical politics that helped Americans win their independence."[5] In The Life of Jane McCrea, David Wilson attributed the event to divine intervention, saying that "Indeed, it would seem that Providence had selected the betrothed maiden on the shore of the Hudson, as a sacrifice to the drooping spirit of Liberty."[6] These retrospective surveys of McCrea's legacy help understand how recent historians have treated the subject.

Others looked more broadly at the way that the murder changed and solidified popular views on Native Americans and how these exacerbated relations between Indians and the American people. June Namias summarized the positive traits and defects of previous accounts of the murder in her book White Captives while arguing that "the pieces of the McCrea legend, however contradictory, contributed to the construction of an ideology of womanhood in the republic which reinforced notions of Indian savagery."[7] Robert M. Owens, who focused on Indian policy in the Indiana Territory under William Henry Harrison in Mr. Jefferson's Hammer, explained how the patriots depicted the Indians and British as equally guilty and how "for the rest of the war, that brush was used

to broadly paint the British and Indians as one and the same—aliens, others, savages."[8] Owens also examined long-term treatment of Natives following the Revolution. In Native Americans in the American Revolution, historian Colin G. Calloway summed up the overall outcome for Native Americans, saying that partially as a result of the McCrea murder, "The real disaster of the American Revolution for Indian peoples lay in its outcome."[9] When synthesized, these sources can help clarify why reactions were especially strong and how McCrea helped shape American identity and policy following the war.

The Murder

Jane McCrea was born in New Jersey in 1752, though even her age was a source of controversy for a time (after her death in 1777, British Captain John Stanley referred to her as "a Young Woman about 17 Years of Age," and the German surgeon J.F. Wasmus said she "was not even 19 years old.").[10] Jane's father was a pastor of Scottish origin. Her mother died when Jane was young, and her father remarried. She then moved to Saratoga, New York to live with her brother John. As a child she had met a boy named David Jones, who grew up to be "a young man of exceeding promise…which did not fail to render him popular among his companions."[11] Historian David Wilson, albeit with little proof, claims that "a mutual affection had grown up between [the two], which neither distance nor absence was able to abate."[12] The disputable depth and longevity of their passions notwithstanding, the two did fall in love, and were engaged by 1776.

The breakout of the Revolutionary War in 1775 divided those whom Jane held dear. John McCrea and another brother left to join the Continental Army. David Jones, on the other hand, sided with the British and decamped, heading to British Canada and joining the army of General John Burgoyne. Wilson stated that "terrible was the thought indeed, that those two, nearest and dearest of all the world to [McCrea], should ever meet each other in the shock of battle."[13] This claim should be treated with skepticism, as much of Wilson's account lacks evidence. Nevertheless, this description effectively captured the internal struggle that many people faced during the war.

In the late spring of 1777, Burgoyne's forces moved south through upstate New York. The campaign had a clear goal: to cut off New England (and their recalcitrant patriot leaders) from the rest of the colony, which would have allowed them to pursue a divide-and-conquer strate-

gy. In late July, the army neared Fort Edward, New York, where McCrea was staying at the house of a woman named Sarah Fraser McNeil, who was distantly related to a British general. McCrea and Jones planned to meet up with one another behind British lines, with the hopes of being married shortly thereafter. Jones sent a group of Indians to go fetch McCrea, but "becoming over anxious he sent another band under the 'ferocious Chief Le Loup,' also known as the 'Wyandotte Panther.'"[14] The latter group found McNeil and McCrea and snatched them. McNeil, as a result of her "exceeding gravity," could not be lifted up on a horse, and the two women were separated.[15] Thomas Anburney claimed that as McCrea was carried away, "they at first treated her with every mark of civility they are capable of."[16] Racial undertones aside, this account asserted that all was going according to plan. Within a mile of the camp, however, a conflict arose. Multiple sources claimed that two Natives within the party began to argue over which of them was allowed to carry McCrea into camp. Others reported that another group of Natives (those whom Jones had sent in the beginning) arrived and claimed a right to take custody of McCrea. Nonetheless, after a heated argument, "one of the chiefs either tomahawked or shot Jane, and scalped her."[17]

Popular Reaction

The outcry over Jenny's death was immediate and uniformly critical of the Indians. Despite this strong reaction, the British failed to realize the extent to which they had aggravated the American people, and did little to limit the damage done to the Crown's image. Even some of those fighting on the British side expressed their horror. Anburney decried the Natives' conduct and concluded that the "death must be universally lamented...."[18] Wasmus exclaimed "What cruelty!" as the event served as further proof of what he had stated earlier in his account of the war: "The Savage resembles a tiger that is only moved by blood and prey."[19] These reports, which expressed regret over the death, contrast with British Captain John Stanley's account, which downplayed the importance of the murder. John Burgoyne, however, immediately understood the significance of what had happened. As historian William Seymour noted somewhat cruelly, "No one was more upset (except the fiancé) than Burgoyne."[20] Stanley, a member of His Majesty's 20th Regiment of Foot, recounted that Burgoyne called a meeting with the Natives the day after the murder and "the Guilty Savage was given up to him."[21] Burgoyne planned on hanging the warrior. The Natives, however, were outraged at the notion of this act of retribution. They "protested

Burgoyne's severity for such a common act of Indian warfare," and he relented.[22] He was forced to balance punishing his allies with the prospect of them abandoning him, and didn't renounce or prosecute them to the best of his abilities. Assuredly, failure to fully punish the guilty party did not go unnoticed.

To fully understand the impact of Jane McCrea one must also fully understand the context in which she died: it is no coincidence that an event ripe for propaganda would be fully exploited at a time when the American cause was tottering on the brink of collapse. The woefully inexperienced Continental Army had been routed and expelled from New York in 1776 and was on the verge of losing Philadelphia as well. Furthermore, Native American groups, a majority of whom sided with the British, were wreaking havoc all along the frontier. This is reflected in many accounts of the McCrea death: historian June Namias explained that "Until the 1970s almost every writer born in the United States who wrote about it interpreted McCrea's story as evidence of the political and military misuse of power by John Burgoyne's Indian allies and an act of English duplicity."[23] It is clearly apparent why British meddling weighed so heavily on the minds of Americans. According to William Seymour, during the Saratoga campaign itself Burgoyne had "hoped to use his Indians to spread terror in advance of the army, and if possible prevent the worst of the American scorched earth policy."[24] As a result, he often encouraged acts of violence in an effort to wage psychological warfare. In June 1777, a month before McCrea's death, he spoke to 400 Indian allies. As historian John Ferling described, he urged them: "Warriors, you are free—go forth and...strike at the common enemies of Great Britain and America, disturber of public order, peace and happiness."[25] While he quickly backtracked and discouraged bloodshed, this speech was widely publicized, and "boundless fury swelled in New York and New England, particularly at Burgoyne's willingness to turn loose the previously neutral Indians."[26]

This context helps to explain why patriots everywhere immediately seized the prerogative. Robert Owens claimed that they took the murder and "hyped it into a psychological missile to hurl at the British cause."[27] Partisans conveniently elected to ignore the fact that McCrea was connected to the British side—Anburney described her as a "young lady... well affected to the government."[28] In some cases, this fact was used to show that British pledges to protect loyalists were disingenuous. The Pennsylvania Evening Post announced that "Many families have fallen a sacrifice to their credulity in Burgoyne's proclamation, which promised

protection to all."[29] This helped convince many so-called "fence-sitters" that staying faithful to the Crown did not necessarily secure their own safety.

Newspapers quickly spread the word about the McCrea murder as publications throughout the colonies decried the act, helping to form public opinion. Engels and Goodale asserted that "During August and September 1777, every significant American newspaper reported on McCrea's death."[30] The Pennsylvania Evening Post, in a separate article published August 12, asked a rhetorical question that was undoubtedly on the minds of many: "Is not this sufficient to congeal the heart of humanity with horror, and even oblige a Tory of liberal sentiments to curse the cause which approves or winks at such worse than hell-like cruelties?"[31] General Horatio Gates, the commander of the patriot forces during the Saratoga campaign, published an open letter to Burgoyne in which he condemned the fact that she was "carried into the woods and there scalped and mangled in a most shocking manner."[32] The letter had its intended effect: David Wilson claimed that the it was seen as "more ornate than forcible, and abounding more in bad taste than simplicity and pathos, yet suited to the feelings of the moment."[33] These feelings were continually summoned throughout the remainder of the war, and for several decades thereafter.

NEWSPAPERS QUICKLY SPREAD THE WORD ABOUT THE MCCREA MURDER AS PUBLICATIONS THROUGHOUT THE COLONIES DECRIED THE ACT, HELPING TO FORM PUBLIC OPINION.

Contemporary Criticisms of Native Warfare

Even before the Saratoga campaign, national figures of considerable repute had castigated the British for their decision to encourage Natives to wage war against American civilians. These denunciations were widely cited and reprinted to stir up passions. Ferling cited a famous poem by Francis Hopkinson, a member of the Continental Congress, who sought to evoke fear by summarizing British military policy: "I will let loose the dogs of Hell/Ten Thousand Indians, who shall Yell/And foam and tear, and grin and roar,/And drench their mocassins [sic] in gore…/I swear by George and St. Paul,/I will exterminate you all.'"[34] This vivid imagery helped win over people to the patriot side, who were appalled at this blatant breach of the rules of war and feared for their lives.

The issue of Native American warfare permeated throughout

American political documents, including the two most influential pieces of revolutionary literature: the Declaration of Independence and Thomas Paine's Common Sense. Both were published in 1776, the year before McCrea's death, and enjoyed widespread popularity; these works were likewise applicable to the McCrea murder. The Declaration of Independence included a litany of charges against King George III, including: "[he] has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions."[35] Paine's pamphlet, which sold around 120,00 copies in 1776 alone, made a similar argument.[36] He excoriated the British government, "that barbarous and hellish power, which hath stirred up the Indians and Negroes to destroy us."[37] These writers were vanguards in the revolutionary movement, dictating the arguments for the cause and providing clear and eloquent justification for rebellion and hatred for Native warfare. In a way, however, they were also reactionary—echoing many of the views and prevailing thoughts of the time. This included disdain for the Native attacks on Americans. These writings' popularity served to further perpetuate these beliefs and bring them to the forefront. As a result, widely-read condemnations of Indian involvement in the conflict were likely on the minds of those who helped make Jane McCrea a martyr for the American cause.

A Woman from a "Very Good Family"

McCrea had a relatively wealthy background and had been raised by a main of faith, thus her place in society also helped to elevate the scandal. As a result, contemporary sources on both sides of the conflict praised her and lamented her death. Wasmus called her "a beautiful young woman…she did not live far from here and came from a very good family."[38] Stanley said she was of "of an Amicable Character."[39] The fact that these soldiers were willing to take the time to exalt her, while ignoring various other incidents throughout the campaign, underlines the importance of her standing. Unsurprisingly, Horatio Gates was most willing to extoll her: she was "a young lady lovely to the sight, of virtuous character and amiable disposition."[40] Once again, the Pennsylvania Evening Post joined in: she was "of a good family, and some share of beauty."[41] In contrast with that of many raffish frontier settlers who fell victim to Indian aggression, McCrea's role in society as a young beautiful woman from a reputable family made her the perfect propaganda tool. Her death made it all the more easy to contrast Native and white societies and further criticize the British.

The role of romance and gender also cannot be ignored when studying the incident and its effects, and they were both emphasized by sources to help shape the narrative. Almost every source at the time mentioned her fiancé, David Jones, when reporting her death. The romance between the two added a palpably tragic element to the story. As a historian in the late 19th century explained, McCrea's story reached new heights as a result of "the romance that mingled with the tragedy."[42] The romance continued to be a huge facet of the story for over a century. In a 1913 talk given to the New York Historical Society, historian James Austin Holden gave a heartrending account of Jones' reactions, saying that upon seeing McCrea's scalp, he became "semi-insane" and eventually "passed the rest of his life in Canada a moody, saddened and misanthropic man, who religiously observed the anniversary of Jane's death in seclusion."[43] Holden's account was a continuation of a trend that had been in motion even in earlier histories of the incident: exaggerating and emphasizing McCrea's romance in order to render the tale more poignant and affecting. Practically taking on a Shakespearean tone, David Wilson had also disproportionately fixated on the romance when he had discussed the "mutual affection between the two" and speculated about McCrea's unending desire to be reunited with Wilson. This emphasis on the tragic elements of the story helped serve as evidence for June Namias' appraisal of his account: "Wilson's biography was a combination of historical fact and romantic fiction. But his message was more sentimental than historical."[44] This quickly became a pattern—as McCrea's legend grew and Americans sought to tailor the story to achieve their own ends, the romance between the two was increasingly hyperbolized and emphasized, often at the expense of accuracy.

McCrea's womanhood and frailty were also widely emphasized, further demonizing her captors. Paintings in particular served this purpose. As art historian Samuel Y. Edgerton Jr. explained, 19th-century writer Mercy Otis Warren elaborated on this point. She claimed that reports and depictions of the incident "made the blooming beauty, shivering in the distress of innocence, youth, and despair, the victim of [the Natives'] fury."[45] John Vanderlyn's 1804 painting The Death of Jane McCrea, illustrated to accompany Joel Barlow's epic poem The Columbiad, is likely the most well-known depiction of the murder, as various art historians have analyzed its meaning and significance. The painting was referred to as "a classic depiction of Indian horror wreaked upon white womanhood."[46] McCrea is depicted as kneeling on the ground in a white dress, mouth agape with horror as two Indians stand over her menacingly, one raising a tomahawk. Significantly, the painting showed the

Natives scantily clad, adding a sexual connotation to the incident. Owens elaborated on this sexual aspect of the story, saying that "American printers relentlessly insisted, despite paltry evidence, that McCrea was found naked, thus implying that she had been raped by the warriors."[47] This assertion showed the efforts to underline the contrast between the two sides of the murder, which in turn represented the differences between the two societies as a whole.

McCrea as a Martyr

Another reason for the longevity of the murder in American memory is that it enabled future Americans to justify harsh actions towards Natives by lumping British meddling and Native hostility together. Because of the prominence of the McCrea legend in literature and other works, the two phenomena inexorably became linked. This also allowed Americans to abdicate responsibility for their own actions towards Natives, finding British interference everywhere they looked, even when there was none. Owens stated that future generations "had grown up with stories of Americans' Revolutionary War heroism, so had they also repeatedly imbibed tales of British and Indian perfidy."[48] As a result, Americans were paranoid toward the two groups. The treachery that had been widely publicized and censured during the Revolution was constantly on the minds of citizens, and British meddling in frontier wars and the War of 1812 only further solidified this link in the public's eyes. Therefore, Americans were convinced of the necessity of dealing with Natives in a heavy-handed manner, as they assumed that conflict with the British force was never out of the realm of possibility. This allowed acts of violence to go unpunished, as force was often seen as necessary to deter the enemy: "The American narrative for wars with Britain made no room for morally complicated characters."[49] Because of hatred toward the British, Americans could ignore their own deplorable actions and the impact that they had made on Native societies.

The political goals pursued by the new American government illustrated the nation's desire to expand and eliminate the Natives who inhabited the recently opened west. The memory of McCrea and other incidents would have been motivations for this. According to Colin G. Calloway, a historian of Native Americans, "romanticized depictions of conflict in paintings like Vanderlyn's Death of Jane McCrea… telescoped the Revolution and the colonial wars into one long chronicle."[50] He continued, saying that "Periods of peace, patterns of interdependency, and Indian efforts to remain neutral were ignored as racial war took a

dominant place in the national mythology."[51] This simplified the conflict, lumping all Indians together and painting the two sides as diametric opposites. Engels and Goodale elaborated on this, declaring that the memory of McCrea "helped to collapse the many different and competing Native American nations into a coherent 'Indian' subject that could, in turn, be used in the construction of an oppositional 'American' subject."[52] This intrinsic distrust toward Natives was rooted in the fear effected by wartime propaganda. In addition, feelings of racial superiority allowed Americans to eschew diplomacy and accommodation in policymaking.

This new ideology manifested itself in future policies, which often involved using extralegal means to ensure land purchases such as the Treaty of 1804, which helped spark the Black Hawk War. These policies also included annuities, which forced Natives to rely on the American government for survival and reduced the odds of direct conflict. This was a deliberate decision that coerced groups to be obedient, often against their will or without their knowledge. Rex M. Potterf stated in Indian Treaties as the Basis for Land Titles that "It is impossible to believe that either Indian braves or their chiefs understood the concessions and responsibilities entailed. They signed under the duress of hunger and defeat."[53] By forcing Native groups to cooperate and sign away their lands and rights peacefully, Americans sought to avoid conflict and arbitrary depredations as much as possible. They could use the memory of the McCrea murder and similar incidents to rationalize such policies even when it meant turning a blind eye towards their own citizens' contraventions. Furthermore, those who refused to cooperate were accused of treachery and collusion with the British, according to Owens. He explained that "Indians who resisted land cessions to the Americans were repeatedly dismissed as having been brainwashed by the British."[54] These strategies sought to pacify Indians and betrayed a racist ideology--that Indians weren't capable of agency and independent decision-making--that can be linked to widespread beliefs about Native savagery and British interference that trace back to the Revolution. Jane McCrea's death in particular helped to perpetuate these views and justify resulting policies.

Because of the way that her legacy was invoked by generations of Americans, Jane McCrea's role in influencing American ideology cannot be understated. Her martyrdom—which came about as a result of the circumstances in which it took place—served to mold future policies and philosophies. Opportunistic Americans fully exploited the memory of her demise, which helped to push a patriotic, often racist ideology that swept Natives aside and painted them as mere puppets in nefarious

British schemes—actions which reverberated for decades thereafter. Writers, artists and politicians could exploit her death to send a message. Significantly, despite her vital role in the first century of American history, national awareness of McCrea and her death waned over time. By the turn of the 20th century, when military conflicts with Indians had mostly concluded, she had almost disappeared from the public consciousness altogether. It would seem to many observers that she has been forever consigned to historical anonymity. Yet the influence of her death on the political and ideological development of the United States vis-à-vis Native Americans is impossible to ignore. In this regard, the legacy of this nearly-forgotten woman lives on.

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Operation Provide Comfort: An Opportunity for Kurdish Autonomy

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Photo: Courtesy of Enno Lenze. Monument established in 2014 Kurdistan of the 1988 Halabja Chemical Attack.

At the turn of the 20th century, plagued with a failing bureaucracy and numerous nationalist movement uprisings, the Ottoman Empire collapsed at the end of World War I. And upon the fall of the Ottoman Empire, as a strategic move to preserve their national identities, a number of independent nationalist groups demanded the creation of their own independent state. As with their neighbors in Armenia, Syria, and Turkey, the Kurds demanded that they, too, receive a state of their own. But after the Allied Powers' failed promise to provide statehood with Treaty of Sèvres in 1920, the Kurds realized they could no longer rely on foreign powers to grant them Kurdistan; they needed to fight for the creation of homeland.[1]

As the Gulf War ensued in 1991, the United States and Turkey ended their alliances with Iraq, and a new plan for the region's future unfolded. The plan started with Operation Provide Comfort and Operation Provide Comfort II (March 1991-December 1996)—efforts by the U.S. and its allies to supply resources to ensure the survival of oppressed minorities in Iraq, most notably, the Kurds; thus began a new chapter in the Kurdish struggle for a national homeland. Now, with U.S. and allied aid, economic and political autonomy from Iraq was feasible for the Iraqi-Kurds.[2] Operation Provide Comfort, as an about-face for American policy towards the Kurds, served to establish autonomy and answer the age-old Kurdish question. But what accounted for the change in the United States' foreign policy towards creating an Iraqi-Kurdistan region? And more importantly, how did this change in U.S. and Allied nation foreign policy manifest itself?

Persistence of the Kurdish Question

A century-old conflict, Kurdish nationalists have long fought against regional powers such as Iraq and Turkey, along with several other global superpowers for an independent Kurdish state. The Kurds are a Middle Eastern people, whose population exceeds 30 million, living in Turkey, Iran, Syria, and Iraq. In Iraq, the Kurdish population estimates to approximately 3-3.5 million people, but due to incessant conflict with the Iraqi government, millions have fled to Iraq's neighboring countries.[3]And while regional governments often promised Kurdish autonomy over the past century, the Kurds never accepted a deal due to sporadic civil unrest led by small Kurdish political factions and the Iraqi government' exclusion of key historical Kurdish cities, such as Kirkuk.

With their own language, history, culture, and native land, the Kurds are undeniably a nation. Having resided in the same region for centuries, despite the creation of states whose borders overlapped their vision of Kurdistan's borders, the Kurds have consistently been subjugated by conquering states such as the Ottoman Empire. By remaining in the same region and maintaining their unique cultural differences, regardless of incessant oppression, the Kurd's desire for an eventual independent state has not changed.[4]

While separated by artificial borders held by weak regional and national governments, the Kurds have made recent strides towards the creation and establishment of an independent Kurdish state. Without an independent Kurdish state, but a single autonomous region with Iraqi-Kurdistan, oppression against the Kurds may continue by the Iraqi government. Since the downfall of Saddam Hussein's regime, Iraqi-Kurds have established an autonomous region along with a formal bureaucracy. And in September of 2017, the Kurdish referendum to declare independence from Iraq passed with 93% of voters in support of the separation. While the Iraqi government subsequently annulled the vote, the effort came at the height of power for Iraqi-Kurds to declare an independent Kurdistan.[5] Additionally, with the Syrian Civil War to their east, the Kurds have proven time and time again that they are the most effective fighters against ISIS[6]; and because of their military success against the Islamist group, the Kurds have established a de facto autonomous region in the northeastern sector of Syria as well.

Operation Provide Comfort

At the conclusion of the Gulf War, the United States initiated Operation Provide Comfort and Operation Provide Comfort II to not only provide relief supplies to the Kurdish population of northern Iraq along with the Shi'ite communities of southern Iraq, but to also curtail Saddam Hussein's power throughout the country When first implemented, Operation Provide Comfort was the largest relief effort in U.S. history. In a letter from the George H.W. Bush administration to Congresswoman Ileana Ros-Lehtinen, officials expressed that the goal of operative mission was to provide resources, not military aid, to the Kurdish rebels.[7] In a short time, the Kurdish and Shi'ite regions of Iraq became free from reprisal by Hussein's government. During the first operation, the United States and its allies airdropped over 72,000 lbs. of emergency supplies—coats, food, and water not distributed under the Ba'athist government. These early emergency supply drops were the first steps by the United

States to loosen Hussein's economic and political grip over Iraq-Kurdistan.[8]

Upon winning the Gulf War, the United States ensured the Iraqi government could not interfere in the relief effort.[9] From 1992-1996, Operation Provide Comfort II amplified the supplies reaching Iraqi-Kurdistan by utilizing Turkish roadways, along with instituting a no-fly zone. In a letter from the Department of State, a H.W. Bush official discussed how the United States' aim was to solely provide an unprecedented relief effort to the refugees throughout Iraq.[10] Despite their open support for Hussein's removal from power, the H.W. Bush official reaffirmed that the United States would not militarily support the Kurdish rebels or attempt to change the Iraqi borders out of fear of creating further civil unrest, and potential civil war, within the country. Turkey, a U.S. ally, also felt that complete Iraqi-Kurdish independence would lead to civil unrest within their own country. It was in the best interest of both the U.S. and Turkey to avoid further war within the region; instead, they sought avenues to which would lead to peace. One of the avenues the two allies sought was implementing Operation Provide Comfort II, which advocated Kurdish autonomy by supplying resources to minority groups targeted by the Hussein regime.[11] But in order to fully understand why the United States and Turkey felt compelled to interfere in the Kurdish struggle within Iraq, we must first examine and contextualize the complex, and rather sad history of the Kurdish fight for statehood.

Kurdistan Denied

As with many nationality groups liberated from Ottoman rule, the Allies promised the Kurds statehood through the Treaty of Sèvres in 1920. However, because of the Allies' loss in the Turkish War of Independence, which concluded in 1923, they had no choice but to recognize the modern borders of Turkey; in other words, the promise for an independent Kurdistan was never fulfilled as the terms of the Treaty Sèvres did not hold precedence in negotiating for the creation of a Kurdistan at the conclusion of the Turkish War of Independence. After the failed promise to create Kurdistan, the newly created Middle Eastern countries did not wish to upset regional stability and became unwilling to support the creation of a Kurdish state. Without a state of their and marginalized by their neighbors, the Kurds had no other option but to integrate within newly-formed countries of Iraq, Syria, Iran, and Turkey.[12]

After the Treaty of Sèvres' failure to create a Kurdistan, debate over Kurdish independence did not vanquish; instead, the debate pivoted towards a discussion of creating an autonomous Kurdish region, one that allowed Iraq to maintain its national borders. In analyzing this debate, it is useful to examine how world and regional powers, especially the United States, changed their policy towards the Kurdish question over time. In the 1980s, historian Nader Entessar argued that the United States would continue to make empty promises out of fear of regional instability. According to Entessar, to the U.S. government, Kurdish autonomy was not feasible due to the fact that there was a belief that an autonomous Kurdish region could not survive in the heightened geopolitical climate of the Middle East.

One potential plan, the Autonomy Law of 1974, was unsuccessful in its attempt to create an autonomous Kurdish region since the Kurds immediately declined the deal, as it provided them with smaller borders. Then leader of the Kurdistan Democratic Party (KDP), General Mustafa Barzani famously said, "without American promises, we would not have acted the way we did. Were it not for American promises, we would never have become trapped and involved to such an extent."[13] Failing to make peace with the Iraqi government led to political divisions amongst the Kurds. With political disunity and incessant fighting amongst Kurdish political groups, negotiating for their own autonomous region became increasingly more difficult; the Kurds were often perceived as weak because of their lack of political unity and cohesion. Nader Entessar claimed that, "autonomy demands by ethnic groups in those societies have elicited complete or near rejection of such demands, followed by a period of varying degrees of repression by the dominant ethnic cultural group."[14] And due to the incessant fighting and suppression of the Kurds in Iraq, there was a recurring notion within the public and diplomatic discourse that Kurdish nationalists wanted to eliminate and restructure current Middle Eastern borders, an act that would thrust the entire region into chaos; and during this period of chaos, radical Kurdish factions would emerge where hostilities would increase, not dissipate.[15]

Turning Towards Regional Autonomy

By the early 1970s, General Mustafa Barzani united all of the Kurdish nationalists in Iraq and subverted Kurdish nationalism in Turkey, Iran, and Syria as a means to promote Kurdish autonomy within Iraq. Barzani believed that in order to one day create an independent Kurdistan, there needed to first be a single autonomous Kurdish region,

Iraqi-Kurdistan.[16] In working towards an autonomy deal with the Iraqi government, Barzani needed to ensure that Turkey and Iran would not cut off their supplies and resources to the KDP.[17] These efforts were successful, and by March 1970, Iraq presented Barzani with an encompassing peace agreement, which included a peace agreement with the KDP and nominal Kurdish autonomy.[18] Yet, the deal did not include Kirkuk, a major Kurdish city. Throughout the negotiations, Barzani felt the Americans had promised their military and political support against further Iraqi suppression and that the new Kurdish borders would include Kirkuk. But to the Kurd's dismay, the peace agreement placed the city of Kirkuk on the Iraqi side of the border. Barzani had no choice but to reject the deal, as Kirkuk was not only a major Kurdish city but it served as an integral part of Kurdish identity. With feelings of betrayal by the Americans in their lack of support during the autonomy negotiations, Barzani left politics shortly after rejecting the deal.

In 1974, with the failed deal and the absence of Mustafa Barzani, the Kurds divided into political factions, and the hopes for a potential peace agreement were once again delayed.[19] Jalal Talabani, a top official within the KDP under Barzani, split the KDP and founded the Patriotic Union of Kurdistan (PUK) to offer an alternative to the traditional party; the remaining followers of the KDP fell under the leadership of Mustafa Barzani's son, Masoud. While the KDP and PUK initially served as an alternative for Iraqi-Kurds as they decided a path forward, the political division allowed external powers, such as Iraq, to wedge themselves within the Kurdish political apparatus. Once the PUK felt they had a large enough base within the region, they accepted a ceasefire agreement with Iraq instead of making a joint deal with the KDP. While political divisions amongst the Kurds attempted to provide an alternative to the Kurdish political party system, it consistently gave the Iraqi government an advantageous negotiating position, making peace deals harder to achieve as they were often determined and met on Iraqi terms.[20]

THE U.S. POLICY WAS TO STOP IRAN FROM WINNING THE WAR AT ALL COSTS DESPITE IRAQ'S RHETORIC AND ACTIONS TO ELIMINATE THE KURDS.

Due to the Kurds repeated failures to negotiate autonomy alone, the United States found their cause futile. American foreign policy consistently worked to maintain regional stability and form alliances that would help them combat the Soviet Union during the Cold War. Throughout the Cold War, this meant an alliance with Turkey. If the United States found a new movement not in their favor, they called

them, "first communism, then fundamentalism and terrorism and now savage disregard for international law." In their struggle against Iraq, the United States labeled Kurdish groups extremists, while subsequently hindering Kurdish efforts towards autonomy.[21]

Due to the Kurds' military strength and prestige, the Americans left Iraqi-Kurdistan in the hands of the Iraqi Ba'athist Party throughout the Iran-Iraq War to prevent Saddam Hussein from losing the war.Fearful of the recently formed Islamic Republic in Iran, the war forced the United States to confirm its relationship with Hussein, regardless of his Kurdish policies.[22] Throughout the war, Hussein expanded his control over the Kurdish region by relocating and massacring whole Kurdish populations. To protect their homes, land, and lives, most of the Iraqi-Kurds actually fought on Iranian side; and as the Kurds tried to defend their land, Hussein used chemical weapons against them.[23]

During the Iran-Iraq War, the Halabja chemical attack in 1988 did little to deter the United States from continuing their relationship with Hussein. Michael Dobbs of the Washington Post wrote:

"the Reagan administration knew full well it was selling materials to Iraq that was being used for the manufacture of chemical weapons, and that Iraq was using such weapons, but U.S. officials were more concerned about whether Iran would win rather than how Iraq might eke out a victory."[24]

The U.S. policy was to stop Iran from winning the war at all costs despite Iraq's rhetoric and actions to eliminate the Kurds. Even after the U.S. government learned of Iraq's use of illegal chemical weapons, the H.W. Bush administration did not impose sanctions against the Iraqi regime to prevent another attack against the Kurds.[25] Due to the United States' indifference towards the Kurds during the Iran-Iraq War, Saddam forced over 1.5 million Kurds to flee to either Turkey and Iran; Iraqi-Kurdistan is still recovering from these attacks to this day.[26]

Saddam 1991: An American Ally No More

By 1991, three years after the Halabja attack against the Kurds, public pressure forced the George H.W. Bush administration to change its mind about dealing with the Hussein regime. Hundreds of clergymen wrote to the administration, pleading for the U.S. to aid the Kurds. Until the Gulf War, these letters were either ignored or the administration argued regional stability was their priority. Reverend Charles W.

Carpenter wrote to President H.W. Bush in March 1991 to ensure that Hussein would not repeat another chemical attack. He continued to write that the Kurds were a forgotten, terrorized people, who experienced "mass relocation, torture and even an apparent attempt at genocide in 1988 by using chemical weapons on innocent villagers." Reverend Carpenter argued that in the aftermath of the Gulf War, the U.S. must act immediately to stop future attacks.[27] In reponse to the Reverend's letter, the Director of the Office of Northern Gulf Affairs wrote that the United States' new effort, Operation Provide Comfort II, would satisfy the decades of American policy which neglected and harmed the Kurdish population. Now, the United States and its allies needed to secure a Kurdish autonomy deal through economic and political stability by mandating a no-fly zone in the region.[28]

Prior to the Gulf War, Turkey and Iraq's relationship began to turn hostile. By April 1990, both countries decided not to re-sign their mutual security pact to curtail Kurdish groups. Turkey felt the Iraqis were not providing ample support to help control and suppress Kurdish nationalist groups within their country; the Iraqis were primarily focused on their internal struggles with Kurdish movements within their own borders. To retaliate against the lack of support from their Iraqi counterparts, beginning January 1990, Turkey cut all waterways from the Euphrates river for 30 days to build a damn, plaguing the crops in southern Iraq.[29] And despite Iraq's significant oil supply, due to regional stability, the United States chose to side with Turkey in this conflict.[30] With Turkey's deteriorating relationship with Iraq, along with Saddam Hussein's continued war of aggression in the Gulf War, the United States' position to implement Operation Provide Comfort II to constrain the Ba'athist government's power became ever-more necessary.

While there is much debate on why the United States went to war with Iraq in 1991, their relationship with Turkey paired with their ultimate goal of creating stability in the region forced the United States to implement both Operation Provide Comfort I & II. By 1991, it was in the best interests of both the United States and Turkey to create an autonomous Kurdish region in northern Iraq as it limited the potential for terrorism, protected American foreign interests in Iraq and Turkey, and limited the Ba'athist Party's ability to wage another conflict in the Gulf. And in order to maintain order, raising a powerful Kurdish opposition group was the only way to achieve American goals.[31]

The Gulf War Presents A New Opportunity

With the support of United States', northern Iraqi Kurds led an uprising against Saddam Hussein to demonstrate their separation from Baghdad. From March-April 1991, the Kurds led an uprising against Hussein, who was preoccupied with the Gulf War and his losses from the military campaign; however, the uprising was largely unsuccessful, leading to the displacement of millions Kurds. The uprisings did in fact bring about a significant amount of attention to the Kurdish struggle, though.[32] Additionally, the uprising affirmed the the commitment of Iraqi-Kurdish leaders, Masoud Barzani (KDP) and Jalal Talabani (PUK), to Kurdish autonomy, not independence.

After the uprising, the Kurd's new legislature created a formal bureaucracy to govern the Kurdish people without the support of Baghdad. With a functioning bureaucracy and a standing army, the Kurds could operate without Iraqi influence. However, while the Kurdish government buildings continued to fly the Iraqi flag, the Kurdish flag stood alongside it, too.[33] Each of these efforts by the Kurds focused to further distance the Kurdish people and their own autonomy from the Hussein regime, and the United Nations sanctions to which applied to the regime. In a classified National Security Council memo, Barzani and Talabani's administrations wanted to show that "as long as Saddam remains in power the more Kurdistan drifts away from Iraq."[34] The Kurdish government wanted to show they were a separate entity from Baghdad, precluding themselves from facing the sanctions imposed onto the Iraqi regime.[35]

While Iraqi-Kurdish parties have only found success in negotiating for autonomy by first repressing Kurdish nationalism in other countries and developing regional and global allies, every negotiation deal between regional powers and Kurds was largely unsuccessful and led to immediate violence and uprising. Even in times when the Kurds accepted an autonomy plan, the negotiations ended rather quickly due to civil unrest lead by small Kurdish factions.[36] Ultimately, the Kurds have been unsuccessful because they lacked the United States support for autonomy. The United States success in the Gulf War, along with their new geopolitical strength allowed for the implementation of the Operation Provide Comfort missions, a policy change that led to Kurdish autonomy.[37]

After the Gulf War, historian Robert Olson argued in 1992 that for the first time, the United States could support Kurdish autonomy because their ally, Turkey, could support it. Since 1923, the foundation of the Turkish-Iraqi alliance, there has been a mutual understanding for

a need to squash Kurdish nationalist movements. In fact, Olson argued "Turkey and Iraq seemed to be cooperating against Kurdish nationalist organizations right up to Iraq's invasion of Kuwait."[38] With the largest Kurdish population, Turkey understood the need to control Kurdish nationalism in and outside of their borders. After Saddam Hussein's government lost control of northern Iraq, Turkey "had to seek means and develop policies that would give it more influence over the Kurdish nationalist groups in Iraq, especially the KDP and PUK (Patriotic Union of Kurdistan)," and ensure they would not seek independence.[39] In the May 1992 elections, the first free Kurdish elections in northern Iraq, the KDP and PUK emerged victorious and Turkey realized the policies of their American ally had also changed. They, too, would support Kurdish aspirations for autonomy when it became politically viable and would attempt to limit the Iraqi government's power over the Kurds.[40] No longer fighting various Kurdish nationalist groups, but rather advocating for the creation of a Kurdistan, Turkey was able to gain a new ally on its eastern border; this alliance proved to be monumental in Turkish domestic policy during the last decade of the 20th century.

In contrast to 1920, by 1991 Kurdish leadership created alliances with Turkey, the United States' greatest asset in the region. In a classified NSC memo, a federal agent discussed how the Kurds and Turkish government agreed on autonomy, not independence in northern Iraq. To seek an alliance with the United States, Masoud Barzani understood the need to make peace with Turkey.[41] In February 1992, Barzani met with Turkish leaders to make peace between the groups. The memo discussed the efforts by Barzani to distance himself from the PKK, who Turkey and the United States declared a terrorist organization. He, along with other KDP and PUK representatives promised they would not seek independence in exchange for Turkey's support in providing humanitarian aid. In exchange, Turkey gained an ally to support them in their struggles against the Kurdish nationalists in Turkey while also having peace on its southern border.[42]

Throughout Operation Provide Comfort I & II, the United States continued to reassure that Iraq's borders would maintain their shape. Even with pressure from American religious leaders, the H.W. Bush administration reaffirmed they were not joining the Gulf War to overthrow Saddam Hussein or the Baathist Party.[43] However, through the media's mass coverage of the conflict, Operation Provide Comfort solidified that Americans understood that an ethnic cleansing took place in Iraqi-Kurdistan.[44] In these ways, the Gulf War gave the Kurds another opportu-

nity for statehood that was more attainable than in the 1920 Treaty of Sèvres . The original plan was to have Kurdistan serve as a buffer state between the Kurdish nationalists in Turkey, as well as the Soviet Union forces in the Caucuses along with the unstable Iraqi and Iranian government. After 70 years of stability, the map could not change without massive conflict. However, due to the Gulf War, the United States found a need for a buffer, autonomous region against an aggressive Iraqi regime and implemented Operation Provide Comfort II.[45]

Concluding Remarks

The Operation Provide Comfort missions paved a path towards the creation of Kurdish autonomy in the Iraqi Constitution in 2003 and the eventual Kurdish referendum for independence in 2017.[46] From 1991-1996, the U.S. and its allies airdropped supplies to ensure the survival of the Iraqi-Kurds without Baghdad's support. Through the first operation, supplied resources allowed the Iraqi-Kurds to establish political and economic autonomy[47]; the second operation ensured the Iraqi government could not strike against the new autonomous region. These initial efforts to create autonomy directed the Iraqi-Kurds towards one day achieving independence and the creation of an independent Kurdistan. While this is still an ongoing discussion, and a question still unanswered, Operation Provide Comfort I & II served as the initial step in resolving the age-old Kurdish question.

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Institutional(ized) Injustice: Human Rights Abuses against Persons with Mental Disabilities in 20th-Century US

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Photo: A surgical team led by Dr. James Watts (right, under the lamp) performs a lobotomy in 1941. Watts, along with neurologist Dr. James Freedman, performed a prefrontal lobotomy on Rosemary Kennedy the same year. Harris A. Ewing. Courtesy of Wikimedia Commons and Saturday Evening Post.

At the age of twenty-three, Rosemary Kennedy underwent a lobotomy that left her "permanently incapacitated and unable to care for herself."[1] Joseph P. Kennedy Sr., Rosemary's father, worried that Rosemary's "increasingly irritable and difficult" behavior, coupled with her "intense sexuality," would blemish the Kennedy family's public image.[2] Kennedy hoped that a lobotomy, a relatively novel neurosurgical procedure at the time, would align his daughter's behavior with his own values and aspirations. Unconcerned with his daughter's desires, Kennedy deemed the procedure necessary and authorized it in 1941.[3] While the procedure may have succeeded in altering Rosemary's "difficult" behavior,[4] it did so not by actualizing Joseph Kennedy Sr.'s dreams of morphing Rosemary into a docile daughter and ideal member of the Kennedy clan, but by rendering the once-vibrant young woman permanently incapacitated and ensuring that she would require the aid of a caregiver for the rest of her life.

While Joseph P. Kennedy Sr.'s callous and abusive treatment of Rosemary may be extreme, it is indicative of the general misperception, stigma, and subsequent exploitation and abuse of those with mental disabilities throughout US history. Kennedy, in his intense desire for political clout and his consequent pursuit of the "perfect" American family, feared that Rosemary's undesirable behavior would mar the Kennedy reputation. Under the impression that such unwanted behavior was the product of a mental disability, Kennedy believed that he could medically "fix" his daughter by forcibly removing part of her brain. By attempting to permanently alter her personality through involuntary surgery, Kennedy violated his daughter's right to bodily autonomy and freedom of conscience, ultimately leading to the deprivation of her basic human dignity.

Similarly, misconceptions and fear of mental disabilities within the United States, perpetuated and exacerbated by medical associations, news sources, and political institutions, have historically resulted in the socially pervasive stigmatization of mental disabilities. Vulnerable to the unjust prejudices and discrimination promoted by such stigmas, people living with mental disabilities have suffered from several human rights violations, including political exploitation, unjust restriction of civil rights, and reduced access to adequate public resources.

The remainder of this paper will examine several of the factors that have contributed to the intense stigmatization of mental disabilities (used in this essay as a hypernym for psychiatric illnesses, such as schizophre-

nia and bipolar disorder, and developmental disorders, such as autism spectrum disorder and Down syndrome) in the United States, which will provide the contextual foundation for subsequent analysis of rights violations. Discussion will then shift to the human rights violations suffered by people with mental disabilities in the United States. Analysis is focused on violations occurring in the twentieth century, but several examples from the nineteenth and twenty-first centuries are also discussed. Evaluation of past rights violations will be followed by a brief review of several recent sociopolitical developments that have attempted to improve the conditions for individuals with mental disabilities in the United States.

Ultimately, examination of these issues through a human rights lens will provide the basis for identifying past violations and for understanding the significance of these violations to the rights and dignity of persons with mental disabilities. Furthermore, a rights-based lens will provide a framework for conceptualizing an ideal sociopolitical system that prioritizes equity and protects the rights and dignity of individuals with mental disabilities.

Factors Contributing to Stigmatization of Mental Disability in the United States

Although manifestations of mental disability stigma in American society have varied with time, two factors have consistently played an integral role in the development of these stigmas, particularly during the twentieth century: medical conceptualizations and media portrayals of mental disabilities. More specifically, medical definitions for many of these disorders lacked consistency and were shaped by sociocultural biases, while media portrayals of persons with mental disabilities were predominantly negative, sensationalized, and based on existing stereotypes. Together, the shortcomings of these factors either enabled or directly reinforced the stigmatization of mental disabilities in the United States.

The American medical profession's inconsistent definition of mental disabilities throughout the twentieth century amplified the ambiguity surrounding these disorders, thereby contributing to the susceptibility of mental disabilities to stigmatization. Within the context of American psychiatry, what constitutes a mental disorder and how to properly treat such illnesses have changed drastically over time. For example, beginning with the first edition of the *Diagnostic and Statistical*

Manual of Mental Disorders (DSM) in 1952, homosexuality was considered by the American Psychiatric Association (APA) to be a mental disorder, particularly as one of the "sexual deviations" listed within the "sociopathic personality disturbances" category.[5] Other "pathological [sexual] behaviors" present in this group are "pedophilia, fetishism and sexual sadism (including rape, sexual assault, mutilation)."[6] The second edition of the *DSM*, published in 1968, no longer categorized homosexuality as a sociopathic personality disturbance, but the manual still pathologized the sexual orientation as a "sexual deviation."[7] It was not until 1987, after years of pressure from gay rights activists, that the APA completely removed homosexuality from the *DSM*,[8] marking a shift in the predominant medical opinion of homosexuality away from being a psychiatric disorder towards being regarded as a normative sexual orientation.

Such drastic alterations in the psychiatric conception of homosexuality—initially considered a "sociopathic personality disturbance,"[9] then a "sexual deviation,"[10] and finally a non-pathological sexual orientation[11] —demonstrate the often inconsistent and fickle nature of medical interpretations concerning mental disorders. Such historical inconsistencies provide the already misinformed American public with a justification for incredulousness in regard to any psychiatric advancements, thus diminishing the potential of science to effect positive cultural change.

Furthermore, the historical progression of the popular psychiatric view of homosexuality highlights another pitfall in medicine that helps perpetuate fear and stigmatization of mental disabilities: the capacity of cultural factors to influence medical models and alter scientific "knowledge." Ideally, medical models are predicated upon empirical evidence and therefore provide an objective perspective on what is healthy and what is pathological in the context of a person's physical and mental condition. However, because of the inherent subjectivity involved in data collection and analysis, even ostensibly empirical medical beliefs and paradigms are susceptible to the inherent biases of doctors and other scientists.[12] Therefore, when coupled with strong cultural influences, the creation and development of medical models provide a means to "scientifically" validate and thereby reinforce existing sociocultural biases, evident in now-debunked scientific movements such as the eugenics movement of the early twentieth century.[13] In the context of mental illnesses, as demonstrated by the decades during which the APA pathologized homosexuality as a mental disorder, the field of American psychiatry has acted as a source of legitimacy for the prejudicial and stigmatiz-

ing cultural beliefs of what constitutes a mental abnormality.

The contributions of such medical models to the stigmatization of mental disabilities are further compounded by sensationalist and negative media portrayals of psychiatric disorders and those suffering from such illnesses.[14] A 1989 analysis of "annual week-long samples of primetime network dramatic programming," or fictional television programs, revealed a "negative and generally stigmatized image of mental illness and the mentally ill."[15] Specifically, the study notes that "mental illness has consistently appeared in one fifth of all primetime programs" and that "the mentally ill [characters] were most likely to commit violence and to be victimized" but were "less likely to be employed outside the home, and if so employed were [more] likely to be seen as failures."[16] Other studies have found that people diagnosed with a mental illness have been depicted as more unpredictable, more likely to exhibit criminal behaviors, and generally socially incompetent.[17] Such portrayals imply that people with a mental disability are not only to be feared, but that they are also untrustworthy and culpable for many of the societal issues—such as economic instability—that plague the United States.

Evidence of the negative impact that sensationalist and fraudulent depictions from the media can have on the rights of people living with mental illnesses is easily found in the rhetoric and subsequent policy decisions surrounding gun rights and restrictions, an issue that resides in the very constitutional fabric of the United States. News sources, which are ideally guided by a code of journalistic integrity and should therefore provide a more thoughtful and unprejudiced coverage of these contentious issues, are often no better than the aforementioned fictional television programs.[18] In fact, studies have found that public news sources constitute one of the most culpable institutions in perpetuating the common misconception that people diagnosed with a mental disability are disproportionately dangerous and more likely to behave violently towards others.[19]

A 2015 epidemiological meta-analysis by Swanson et al. discusses the role of mass shootings and the media in amplifying the American public's negative generalizations about people with mental illnesses, stating that "public attention to mass shootings [is] too often fueled by ill-informed and sensationalized media portrayals that overgeneralize the connection between mental illness and violence."[20] Contrary to popular media depictions, the authors of this study argue that the "Evidence is clear that the large majority of people with mental disorders do not engage in violence against others, and that most violent behavior is due

to factors other than mental illness."[21] These factors include being young, male, of a lower socioeconomic status, and "having problems involving alcohol or illicit drug use."[22]

Moreover, the authors explain that while a cursory analysis of gun violence and violence in general may indicate that people with mental illnesses are frequently involved in shooting incidents, a closer analysis reveals that "psychiatric disorders, such as depression, are strongly implicated in suicide, which accounts for more than half of gun fatalities."[23] The epidemiological study explains that when considering the data for self-directed and other-directed violence in the aggregate, it appears that people with psychiatric disorders are generally more likely to act violently. But when analyzing the data concerning these two types of violence separately, it becomes evident that the elevated prevalence of violent behavior found among people with psychiatric disorders is due to the high incidence of self-directed violence (e.g., suicide) within this population.[24] In regard to violence against others, the meta-analysis concludes that "the large majority [of people with mental illnesses] are not violent toward others" and that their "annual rates of violent behavior [are] in line with the general population without any mental illness."[25]

It is apparent, however, that the vast majority of the American public remains either ignorant of or unmoved by such scientific findings. A 2013 Gallup poll concerning the causal factors of gun violence and mass shootings found that approximately 80 percent of participants blamed the mental health system and its "failure to identify individuals who are a danger to others," a proportion that towers over the 61 percent of participants who blamed "easy access to guns" or the 66 percent who believed drug use was a major contributing factor.[26] This poll, coupled with findings from the recent epidemiological study by Swanson et al., illustrates the prevalence of negative mischaracterizations and misattributions of mental disabilities throughout the United States. American stigmatization of mental disabilities is so intense and pervasive that even advancements in medicine and other scientific fields—whose public credibility is already weakened by previous definitional inconsistencies regarding mental disabilities—have proven ineffective in reshaping public opinion.

A Rights-Based Analysis of the American Paradigm of "Us versus Them"

The synergy of factors contributing to the fear and stigmatization

of mental disability in the United States has resulted in a paradigm of the "sane versus the insane" and the subsequent marginalization of those deemed, through either medical diagnosis or nonexpert accusations, to be "mentally ill." Such a negative psychosociological paradigm has left these individuals vulnerable to political exploitation and structural inequity.

Since the inception of the American colonies, authorities have wielded mental illness and accusations of insanity as a way to delegitimize others' self-sovereignty and justify inhumane treatment. In an essay entitled "Diseases and Peculiarities of the Negro Race" published in 1851, Dr. Samuel Cartwright, a "highly respected and widely published doctor from the University of Louisiana,"[27] asserted that slaves who attempted to flee from captivity suffered from a mental disease called "Drapetomania."[28] However, Cartwright was quick to provide consolation to the slaveholders of the time, claiming that "With the advantages of proper medical advice, strictly followed, this troublesome practice that many negroes have of running away, can be almost entirely prevented, although the slaves be located on the borders of a free state, within a stone's throw of the abolitionists."[29] In order to reinstate and enforce the "position of submission [that] the negro [...] was intended to occupy" by "the Deity's will," Cartwright suggested the contemporary medical technique of "whipping the devil out of them."[30]

The use of psychiatric justifications for the blatant violations of human rights continued well after the abolition of slavery and into the twentieth century, particularly as a means to delegitimize political dissent. For example, in 1927 a demonstrator named Aurora D'Angelo was committed by authorities to a "mental health facility for psychiatric evaluation" after taking part in a protest against the judicial proceedings of the trials against Nicola Sacco and Bartolomeo Vanzetti, two Italian-born anarchists who had been convicted of first-degree murder in 1921.[31] Further, in his 2010 *book The Protest Psychosis: How Schizophrenia Became a Black Disease*, psychiatrist and American studies scholar Jonathan Metzl discusses the instrumental use of schizophrenia diagnosis, particularly in regard to the ambiguously-worded symptoms of "hostility" and "aggression" in the second edition of the *DSM*, and how this mental disorder was used by authorities in the 1960s to detain civil rights activists in mental institutions.[32]

More recently, in an attempt to delegitimize allegations from a "whistleblowing cop" within its own department, the New York Police Department "dragged [Officer Adrian] Schoolcraft from his apartment"

and committed the whistleblower in a psychiatric emergency room for three days, followed by three days in "a locked ward among seriously disturbed people, with no phone, clock or mirror," all of which occurred against Schoolcraft's will.[33] Schoolcraft, despite being described as "coherent, relevant with goal-directed speech and good eye contact" as well as "irritable [but] with appropriate affect" by hospital psychiatrists, was detained for several days because of his "impaired insight and judgment," a psychiatric description that was predicated on the "observations of the police officers" who had just committed Officer Schoolcraft.[34] Prior to this event, Schoolcraft had spent the last 17 months collecting voice recordings and other data that documents the unlawful behavior of the NYPD 81st Precinct, which included behavioral discipline for police officers if they did not meet monthly "activity" quotas, such as the requirement for "at least three seat-belts [summonses], one cell phone, and eleven others," as well as the intentional underreporting of complaints for crimes such as sexual assault and robbery.[35] These unlawful activities represented attempts by the NYPD to falsify statistics that overstated police "activity" in the community while paradoxically maintaining low reports of crime rates. Schoolcraft provided this documentation of unlawful conduct to media sources, which in turn prompted the NYPD to abduct Schoolcraft from his apartment and commit him to a psychiatric hospital unit in an attempt to silence Schoolcraft through fear and to delegitimize his allegations against the department.[36]

Cartwright's creation of the mental disorder drapetomania and the involuntary confinement of political dissenters and government whistleblowers demonstrate the historical tendency of American authorities to employ the stigma around mental disabilities as a weapon of delegitimization. In order to reduce the credibility and self-sovereignty of oppositional voices, American authorities have accused dissenters of being "insane." Such accusations associate these political opponents with the "impaired insight and judgment" assumed of the mentally disabled,[37] thereby inappropriately rationalizing the confinement of rebellious individuals and implying that they are untrustworthy. From the American Revolution to the Civil Rights Movement, the integral role of political dissent in combatting injustice and effecting sociopolitical change is evident. By unjustly exploiting the stigma surrounding mental disabilities in order to delegitimize civil protest, American authorities not only violate the rights of individuals and hinder a crucial component of the democratic process; these actions also result in the implicit governmental endorsement of stigmas surrounding mental disabilities, further institutionalizing the paradigm of "the sane versus the insane"

into American culture.

In addition to the political exploitation of mental disability stigma and the violation of the rights of those living with such conditions, individuals with mental disabilities have also suffered from statutory reductions of their civil rights. One such infringed civil right is the freedom to vote in public elections, the bedrock of a democratic society. Beginning in the nineteenth and twentieth century, many states have passed laws restricting the rights of persons with mental disabilities to vote in government elections, thereby inhibiting them from actively participating in the public sphere.[38] As of 2014, more than half of the fifty states, as well as the District of Columbia, "have laws in their constitutions that can limit people with mental disabilities from voting if they have been ruled 'mentally incapacitated,' or incompetent by a court."[39] These voting-rights restrictions "can apply to a range of mental disabilities, including bipolar disorder, schizophrenia, Down syndrome, or autism," as well as an individual with a traumatic brain injury or "an elderly person with Alzheimer's disease or dementia."[40] In several states, an individual can be excluded from the electoral process if he or she is deemed to be "insane" or an "idiot," requires legal guardianship, or—perhaps most alarmingly—if a mental health facility determines that a restriction on voting rights is needed for the "welfare of the patient."[41] Supporters of voting-rights restrictions for the "mentally incompetent" argue that these laws prevent voter fraud by stopping people from "harvesting ballots and casting votes for people who are not capable of making their own decisions."[42] However, this argument necessitates a threshold of incapacity, or a point at which someone is no longer capable of autonomous decision-making. Without such a threshold, anyone can be painted as "mentally incapacitated" and therefore incapable "of making [his or her] own decisions." Apart from vague and diminutive descriptors such as being "insane" or an "idiot," state constitutions provide limited explanations of where such a threshold lies, thereby rendering untenable the ostensibly virtuous argument that voting restrictions on people with mental disabilities help prevent voter fraud.

ONE SUCH INADEQUACY, THE HISTORICAL LACK OF ACCESSIBLE AND SUFFICIENT MENTAL HEALTHCARE, POSES A MAJOR THREAT TO THE RIGHTS AND INTEGRITY OF INDIVIDUALS WITH MENTAL DISABILITIES

In opposition to these voting-rights restrictions on people with mental disabilities, Lewis Bossing, a senior staff attorney at the Bazelon Center for Mental Health Law, asserts that such laws "are rooted in a

historical misunderstanding about people with mental disabilities, in which the consensus was that they should be institutionalized in order to be kept safe and cared for."[43] Furthermore, Bossing contends that the current trend of "mental disability rights policy" is towards "getting people [who are considered mentally disabled] into the community, living the same life experiences as everyone else and making contributions."[44] Other counterarguments to these restrictive voting laws extend beyond accusations of antiquation and into the realm of civil rights violations. Mark Salzer, chairman of Temple University's Department of Rehabilitation Sciences, asserts that such laws constitute the en masse disenfranchisements of people deemed "mentally incompetent," thereby violating their fundamental rights as citizens of the United States.[45]

The widespread disenfranchisement of people with mental disabilities illustrates the underlying willingness of American society to reduce the rights of the "insane" in order to protect the sociopolitical security of the "sane." In doing so, the American legal system devalues people with mental disabilities as members of society, relegating them to the status of second-class citizens and ultimately depriving these individuals of their human dignity. The disenfranchisement of people with mental disabilities also violates several of the principles established by the UN Convention on the Rights of Persons with Disabilities (CRPD). For example, Article 29 of the CRPD requires that States guarantee "that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected."[46] The US signed the CRPD in 2009 but has yet to ratify it.[47] Because the CRPD is a convention, States that ratify the CRPD are bound under international law to incorporate the convention's provisions into their domestic laws. Unlike ratification, signing a convention does not create a binding legal obligation, but it does indicate that the signatory State preliminarily endorses the convention's principles and provisions and intends to consider ratification.[48] Despite having signed the CRPD, the United States has transgressed the covenant's provisions by disenfranchising people with mental disabilities.

On top of voting-rights restrictions, people with mental disabilities have suffered from the reduction of several other civil rights, including the right to manage money, enter a contract, make medical decisions, or care for their children.[49] However, the explicit restrictions of legal rights are not the only violations afflicting people with mental disabilities. These individuals also frequently suffer from structural inequities,

such as inadequate access to public resources and services that are necessary for personal well-being. One such inadequacy, the historical lack of accessible and sufficient mental healthcare, poses a major threat to the rights and integrity of individuals with mental disabilities.

Prior to the enactment of the Mental Health Parity and Addiction Equity Act (MHPAEA) in October of 2008, it was "perfectly legal" in the United States for insurers "to limit care for mental health and substance abuse services and [to] require patients to pay more out-of-pocket costs for such services than they would pay for care for diabetes, heart disease, or other medical conditions."[50] The resulting exorbitant cost of mental healthcare has prevented individuals from obtaining appropriate mental health treatments. Because mental healthcare is a major component required for the effective treatment of mental disabilities, inequities in mental healthcare have remained a major obstacle in protecting the rights and well-being of individuals with mental disabilities in the United States.[51] The passage of the MHPAEA in 2008 instituted the legal requirement that large-group health plans recognize mental health conditions and substance use disorders as "equal to physical illness," thereby helping to ensure "fair and equal coverage of mental health and substance use disorders."[52]

Although seemingly earnest in its rhetoric and purpose, the MHPAEA does not affect individual and small-group plans and has continued to allow providers of large-group plans "to determine which mental health and substance use conditions they will cover, to define for what conditions coverage is 'medically necessary,' and to gain exemption from the law if providing mental health and substance use coverage increases their costs by 2 percent or more in the first year or by 1 percent or more in subsequent years."[53] Furthermore, a report entitled *Parity or Disparity: The State of Mental Health in 2015* released by Mental Health America explains that although the required coverage for mental health insurance has expanded in recent years, "access to insurance" still does not guarantee "access to care" for many Americans.[54] Individuals who require treatment for mental disabilities continue to face barriers including the "inability to pay for treatment, difficulty using or accessing the mental health benefits offered by insurance, and lack of available service [providers]."[55] Such attempts at policy reformation have therefore proven to be specious, and the historical lack of access to adequate mental healthcare has persisted throughout the United States. This continued failure to properly protect the "mental integrity of persons with disabilities" within the United States represents a clear violation of Article 17 of the Convention on the Rights of Persons with Disabilities.[56] Ultimately,

the lack of substantial progress in mental healthcare coverage has left individuals living with mental disabilities to carry the burden of these conditions without proper medical assistance.

Other structural inequities that have impinged upon the rights of individuals with mental disabilities include disproportionately high rates of unemployment,[57] homelessness,[58] and income inequality,[59] as well as the lack of equitable educational resources and access to emergency relief services.[60] The reduced access to public services experienced by individuals with mental disabilities violates several human rights principles enumerated in the CRPD and the UN's Universal Declaration of Human Rights (UDHR), which was adopted by the UN and signed by the US in 1948. For example, such inequities infringe the right of these individuals to access equal public services codified in Article 21 of the UDHR and the right to access "an inclusive, quality and free primary education and secondary education [that provide] reasonable accommodation of [an] individual's requirements" stipulated by Article 24 of the CRPD.[61] As a declaration, the UDHR was not intended to have binding force when it was adopted by the UN and signed by the US in 1948; however, given the UDHR's foundational role in shaping international human rights law since the declaration's adoption, the UDHR's provisions "have since gained binding character as customary law."[62] Therefore, although US contravention of the UDHR principles does not constitute a technical violation of binding international law, it does represent a significant deviation from some of the foundational human rights principles set forth by the UN, for which the United States is a permanent member of the Security Council and General Assembly member. Injustices such as the reduced access to public services experienced by individuals with mental disabilities thus reemphasizes the relegation of persons with mental disabilities to the status of second-class citizens in the United States, substantially depriving these individuals of their fundamental right to human dignity.

THE VICTIMIZATION OF PERSONS WITH MENTAL DISABILITIES THROUGH DIRECT SOCIOPOLITICAL EXPLOITATION, EXPLICIT REDUCTIONS OF CIVIL RIGHTS, AND PERSISTENT ABUSE AND NEGLECT HAS DEPRIVED THESE INDIVIDUALS OF THE FUNDAMENTAL DIGNITY ENTITLED TO THEM AS HUMAN BEINGS

Furthermore, the compounding effects of numerous structural inequities, coupled with the intense stigmatization and common stereo-

type of people with mental disabilities as dangerous, have contributed to the magnified criminalization of people with mental disabilities. A report from the US Justice Department's Bureau of Justice Statistics asserts that, on average, inmates in state prisons who suffer from mental disabilities are incarcerated 15 months longer than those without a mental disability; similarly, individuals with mental disabilities who are incarcerated in local jails serve, on average, two months more than other inmates.[63] A national survey conducted by the National Alliance on Mental Illness in 2003 found that approximately 44 percent of respondents with severe mental disabilities had been arrested over the course of their lifetime.[64] Further, a 2006 report by the Bureau of Justice Statistics estimates the prevalence of mental disabilities in incarcerated individuals throughout the United States to be approximately 45 percent for federal offenders, 56 percent for state offenders, and 64 percent for jail inmates.[65] However, due to frequent lack of diagnoses and reporting of mental disabilities, such estimates are likely an underrepresentation of the actual rates of mental disabilities for incarcerated persons in the United States.[66] The 2006 report from the Bureau of Justice Statistics also states that of the prisoners who require mental healthcare in state prisons, only 34 percent receive any sort of mental health treatment; for federal prisons and local jails, that proportion is 24 and 17 percent, respectively.[67] Even for prisoners suffering from mental disabilities who do receive mental healthcare, prisons and jails are usually ill equipped to appropriately handle these issues, often resulting in the provision of ineffective mental health treatments.[68]

Based historically on a prejudiced and inadequate mental-health infrastructure, the US criminal justice system has frequently led inmates with mental disabilities to "re-enter society with more pronounced symptoms than they had before incarceration."[69] It is therefore unsurprising that the recidivism rate is markedly higher for those with a mental disability than for those without.[70] The continued abuse and neglect suffered by persons with mental disabilities at the hands of the criminal justice system represents a direct violation of the protection from "cruel and unusual punishments" guaranteed under the Eighth Amendment of the US Constitution. The injustices of the American criminal justice system also violate several of the international human-rights principles prescribed in the UDHR and the CRPD, including the rights to rehabilitation,[71] the "highest attainable standard of health,"[72] and "freedom from torture or cruel, inhuman or degrading treatment or punishment."[73]

Ultimately, the victimization of persons with mental disabilities through direct sociopolitical exploitation, explicit reductions of civil rights, and persistent abuse and neglect has deprived these individuals of the fundamental dignity entitled to them as human beings. Despite the decades of apathy that American society has shown towards the plight of people with mental disabilities, recent developments in the US sociopolitical sphere have indicated a slow but hopeful progression towards prioritizing the dignity and rights of these individuals.

An Ideal Shift: Towards a Paradigm of "Us with Them"

Recent improvements in protecting the rights of people with mental disabilities have marked a shift in the American sociopolitical system towards mitigating the maltreatment of these individuals. The Patient Protection and Affordable Care Act (PPACA) of 2010 instituted major healthcare reformation in favor of healthcare parity by requiring that all new small-group and individual market plans provide coverage for "mental health and substance use disorder services" that is at parity with coverage provided for physical and surgical care and by prohibiting these new plans from denying coverage or increasing premium rates for an individual on the basis of "any preexisting health condition," including mental disabilities.[74] Additionally, the PPACA mandates coverage of "rehabilitative and habilitative services and devices," thereby helping to ensure that persons with mental disabilities receive support in managing the functional challenges associated with mental health difficulties.[75] In marked contrast to the previous deficiency of federally required mental healthcare coverage, the PPACA obligates all new individual and small-group plans to provide not only equitable coverage for medical treatments of mental disabilities but also services that facilitate social integration. By doing so, the enactment of the PPACA helps restore many of the rights of individuals with mental disabilities that have historically been violated.

Furthermore, the institution of mental health courts throughout the United States has helped reduce the criminalization of persons with mental disabilities. By using a specialized docket that implements "a problem-solving approach to court processing in lieu of more traditional court procedures,"[76] mental health courts offer an alternative to the conventional criminal justice system for defendants who are recognized as having mental disabilities. These courts focus on a defendant's medical rehabilitation, social reintegration, and adherence to other conditions imposed by a judge with the help of "a team of court staff and mental

health professionals," ultimately working towards the "graduation" of the defendant after completion of certain criteria.[77] Mental health courts thus help reduce the disproportionate level of recidivism and unjust criminalization of individuals with mental disabilities. By mitigating these injustices, these courts represent a positive step towards removing the American criminal justice system from its historically abusive role in the lives of those with mental disabilities.

Although major reformation is still needed in order to fully protect the rights and dignity of those with mental disabilities, policy developments such as the PPACA and the increasing number of mental health courts demonstrate a positive shift away from the conventional American paradigm of victimizing persons with mental disabilities and towards prioritizing the dignity and personal worth of these individuals.

Conclusion

Historically feared and poorly understood, mental disabilities have been stigmatized in the United States from the nation's inception. Several cultural factors, including inconsistent and morally negligent conduct from medical institutions as well as biased and sensationalist media portrayals, have fueled and amplified negative misconceptions of mental disabilities within the American public. In turn, such persistent and intense stigmatization of mental disabilities has led to a sociopolitical system in which individuals with mental disabilities are victimized, either through the direct infringement of their rights or the negligent failure to protect these rights.

The gravity of this situation is further intensified by the prevalence of mental disabilities in the United States. Recent estimates indicate that, within a year's time span, approximately 18.6 percent of adults and 15.4 percent of children aged 2-8 years living in the US suffer from a mental disability.[78] Studies have found that some disabilities are more common among certain demographics,[79] a likely indication that the numerous aforementioned structural inequities and abuses both contribute to the development of mental disabilities and victimize individuals already living with these conditions. Despite findings of unequal prevalence amongst different demographics, mental disabilities possess the terrifying capacity to impact anybody, both directly and indirectly and regardless of ethnicity, socioeconomic class, or gender.

Ultimately, by virtue of the functional constraints imposed by

many mental disabilities, individuals living with such conditions are often unable to speak out publicly against the violations and abuses they endure. Such a harrowing and paradoxical limitation further necessitates the active and continual assessment of the American system and whether it justly protects the rights of these individuals. Approaching the topic of mental disability from a human rights perspective not only aids in identifying and evaluating past and present rights violations; such a perspective also provides the framework for conceptualizing an ideal sociopolitical system—one in which the personhood, dignity, and rights of individuals with mental disabilities are fulfilled and protected.

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Expulsion and Collapse of Christianity in Japan

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Photo: Arrival of a European trading ship in Japan. School of Kan Mitsunobu. Japan, late 16th or early 17th century. Namban Bunkakan, Osaka.

Popularly regarded as one of Japan's prominent characteristics during the early modern period, the Tokugawa *shogunate* (the last feudal Japanese military government, also known as *bakufu*) established the collective structure of *sakoku* ("closed country") beginning in the 1630s. Passed as a means to generate national stability as Japan emerged in presence in the early modern international world, the edicts focused on creating operationally defined restrictions on Japan's interactions with foreign influences: international travel, the practice of foreign trade, and religion. Most notably, the Tokugawa government employed rigorous strategies to suppress one foreign-introduced religion, Christianity, that the *shogunate* deemed dangerous for its potential to internally disrupt Japanese state affairs. The Tokugawa *shogunate* of this era was vulnerable from a recent period of civil wars that destabilized the nation. Christianity was a destabilizing force in the social hierarchy of society during the Tokugawa shogunate in part because its message of equality conflicted with the assigned social classes of Japanese feudalism. It is in this context that the Tokugawa regime oversaw the rapid introduction and sweeping rise of Christianity as a threat.

Responding to this threat and reasserting the dominance of the Tokugawa *shogunate* over Japanese feudal society, the regime cracked down on Christianity to secure its power throughout Japan's various regions. The *shogunate* asserted its political superiority by constructing and implementing the *sakoku* edicts. The *sakoku* edicts restricted international trade, minimized religious freedoms, and sought to eradicate foreign influence in national and cultural affairs. Isolationist in nature, the edicts endeavored to prevent further threats by the two fundamental vehicles that brought it: commerce and Christian evangelization introduced by European colonial powers.

Christianity's Introduction to Japan

First introduced during the conclusion of the *Sengoku* ('warring states') period and the emergence of the Tokugawa era (when the Tokugawa *shogunate* ruled Japanese society from the early 1600s to the 1860s and divided regional authority under 300 warlords), Christianity experienced early success in gaining new converts because of its connection to European trade networks and its appeal to a citizenry increasingly curious about Western culture.[1] Christianity's introduction to Japan can be traced back to 1549 when Jesuit society member Francis Xavier arrived with a translator on the first Christian mission to Japan.[2]

This mission materialized after Portuguese ship captains such as Jorge Alvares informed the Jesuit society that the Japanese were "eager to make friends and...gain information about other countries."[3] Xavier and subsequent missionaries reported that the Japanese people embraced morals of dignity instead of wealth and were willing, even eager, to learn more about Christianity and Western practices.[4]

Jesuit missionaries gained acceptance from local Japanese villages by learning indigenous manners and customs that did not conflict with their religious beliefs, such as the basic structure of the language and cultural practices like tea room ceremonies.[5] Careful attention to Japanese etiquette became crucial to missionaries as part of a strategy to spread Christianity using a top-down method. The Society of Jesus realized the value of winning the support of local ruling authority (*daimyō*), as regulation of practices of religion occurred on regional levels in Japan.[6] This approach saw most success in port towns such as Kyūshū because of established cooperation with Portuguese trading ships. Various *daimyō* of the Kyūshū area at the end of the 'warring states period' competed for regional influence by using the politics of Christian conversion to lure Portuguese trading ships to visit their harbors. Some *daimyō* even forced mass conversion of their domains in attempts to secure contact with Portuguese traders.[7] Jesuits also became valuable to local Japanese rulers as intermediaries and interpreters for trade negotiations with Portuguese traders because of their knowledge of the Japanese language and etiquette.[8] Thus, the Japanese *daimyō* compensated the Jesuit missionaries' value as an economic tool by granting missionaries the ability to practice and convert interested locals.

Finally, Christianity also increased in popularity because of growing Japanese interest in Western fads and culture. Jesuits built educational facilities that exposed local populations to European art, such as writings, music, and medicine.[9] As a result, foreign fads such as fashion and crafts increased in popularity. For example, Western religious symbols such as cross necklaces and driftwood rosaries emerged as popular fashion accessories, contributing to the widespread social acceptance of the religion.[10]

Christianity Drawing Concern

Interest in Western culture combined with Christianity's ties to Portuguese trade enabled Christianity to take root and grow in Japan; by 1614, the number of Japanese converts flourished to over 300,000—about

one-fortieth of Japan's total population, who were predominantly concentrated in the Kyūshū region.[11] Despite its early success and popularity with *daimyō* after its introduction to Japan, Christianity soon began to fall out of favor with leading government officials of the Tokugawa *shogunate* because of doctrinal conflicts with Buddhism, which was the dominant religion of Japan. Supplementally, the concern that Christian orthodoxy was aiding the spread of European colonialism in Asia precipitated the regime's aversion to the faith. Prominent Buddhist religious leaders applied pressure on the *shogunate* to oppose Christianity's practice because of disagreements with the Christian Church's doctrine. One argument surrounded the concept of the goodness of God since He allowed Adam and Eve the opportunity to sin. Another point of friction was that Tokugawa leaders despised the possibility of sage emperors living an afterlife in Hell despite living exemplary lives according to Japanese culture—simply because they did not have the opportunity to convert to Christianity.[12] The *shogunate* also feared that practice of Christianity would undermine allegiance to the Japanese national government. This agitation stemmed from the Church hierarchical order: national leaders were afraid that Japanese Christians would express greater obedience to Christian *daimyō* or to the pope instead of maintaining loyalty to the *shogunate*.[13] Ultimately, European imperialistic ambitions and efforts to grow the faith provoked the *shogunate*, discrediting the Christian church as a whole.

...European imperialistic ambitions and efforts to grow the faith provoked the Shogunate discrediting the Christian church as a whole.

The approval of Christianity by regional *daimyō* facilitated various Christian organizations to scramble for influence throughout Japan's cities. Though some religious societies were members of the same denomination of Christianity, arguments among them erupted over practices of missionary conduct. One prominent conflict erupted between the Jesuits and the Franciscans. The Franciscans were wary of the Jesuits' top-down approach of spreading Christianity and their association with political leaders instead of directly working with commoners. The *frailes idiotas* ('crazy friars') as the Jesuits called them, took a different approach to spreading Christianity in Japan, working directly with the impoverished and sick of Japanese communities.[14] These differences in Christian works caused tension between the two organizations. More importantly, they caught the attention of *daimyō* rulers—the Franciscans' work with the poor caused fear in the national government, threatening to imbalance

the traditional social order based on class structure and, subsequently, allegiance to the regime.[15]

Lastly, Christianity fell out of favor with the *shogunate* because of imperialistic ambitions of European countries in Asia, particularly in the cases of Portugal and Spain. Rivalries between the two nations erupted around Japan, as Portugal and Spain fought for influence in Pacific cities such as Goa and Manila. The Spanish colonization of the Philippines caused mixed reactions within the Japanese government. Though it opened up a possibility of another European trading partner, it also "demonstrated the imperialistic ambitions of the Europeans and the connection between Christian evangelism and colonialism."[16] The *shogunate* sensed that European powers were using Christianity as a guise for colonial expansion, and they feared that Japan would be the next Asian country to succumb to Western colonialism.

The national crackdown on Christianity was also linked to fear that the religion promoted subversive efforts to undermine the stability of the reigning Tokugawa regime, predominantly through social unrest. The most prominent event that contributed to the *shogunate*'s change in policy towards Christianity was the outbreak of the Shimabara Rebellion of 1637-1638. The rebellion consisted of a mix of Catholic peasants, fishermen, merchants, craftsmen, and *rōnin*—master-less samurai who had served previous clans that ruled the area.[17] These citizens were disgruntled over a devastating famine, high taxation, and regional persecution of Christianity. Before the early 1600s, a Christian clan regionally ruled Shimabara. Consequently, many locals spanning multiple social classes were also Christian. In 1614, a new, non-Christian regional lord, Matsukara Shigemasa assumed authority over Shimabara. Shigemasa was involved with many construction projects for the Tokugawa, including a new castle at Shimabara. To fund this venture, Shigemasa disproportionately taxed the Shimabara citizens.[18] Already suffering from widespread famine, the frustration of the Shimabara people boiled over in 1637 when Shigemasa persecuted their Christian faith to a merciless degree.[19]

Though the rebellion did have initial success in killing the regional governor and over thirty noblemen, the *shogunate* later crushed the uprising. The *shogunate* sent over 125,000 soldiers to push the rebelling forces to a retreat into a city castle, where they massacred most of the rebels after a drawn-out siege.[20] Diplomatic relations with European nations quickly soured after the rebellion's suppression, as various *daimyō* became convinced that Europeans were using the religion to create

intentional domestic disruption of order. Exacerbating tensions and the shogunate's fears, the rebels at Shimabara carried banners that contained Portuguese Christian inscriptions such as "Praised be the Holy Sacrament." Open proclamations of Christian tenants seemed to confirm Japanese political leaders' belief that Christianity was dangerous to the social order of Japan. The combined fears of domestic unrest, foreign invasion, and controversial aspects of religious doctrine factored into the destruction of Christianity's influence in Japan, and consequently, Japan's international relations with the West.

Imposing the *Sakoku* Edicts Against Christianity

In response to the growth of Christianity in Japan and fear of national political instability, the Tokugawa adopted and enforced the *sakoku* edicts that crippled the practice of Christianity and closed off Japan from most forms of foreign influence. Regulations passed to restrict the practice of Christianity were initially relaxed, but the increasing frequency of peasant uprisings convinced the national government to take more dramatic measures to eliminate Christianity. Starting in 1587 with "The Expulsion of Missionaries," the *shogunate* began to carefully restrict the practice of Christianity while trying to maintain strong economic relations with European nations. For example, the edict condemned missionaries for spreading "false teachings" but still affirmed that "The black [Portuguese and Spanish] ships... can continue to engage in trade."[21] Moreover, the *shogunate* initially limited the practice of Christianity in a hierarchical method that pressured *daimyō* into ending forced Christianity conversion upon commoners of their territories: "If a *daimyō* who has a fief over a province... forces his retainers to become followers of the padre, he is committing a crime... this will have an adverse effect on [the welfare of] the nation."[22] However, as tension between Christian groups emerged because of differences in evangelizing practices, and peasant riots increased, the *shogunate* passed increasingly harsh edicts to eliminate any foreign influence or economic trade with Japan—contributing to a long-term isolationist epoch that spanned over two centuries.

Amongst the harshest of the edicts was the passing of the "Closed Edict of 1635." The law strictly forbade international trade and the ability for Japanese persons to go abroad, and defined immediate incarceration of foreigners who promoted the practice of Christianity even after the previous banishment of priests from the realm: "Southern Barbarians [Westerners] who propagate the teachings of the priests, or commit crimes..."[23] Finally, the *shogunate* went so far as to ban entire European

powers from having any influence in Japanese domestic affairs. For example, the "Exclusion of the Portuguese" edict of 1639 even encouraged using violence to prevent Portuguese access to Japan, stating that ships that "secretly transported those who are going to propagate that religion [Christianity]" would be subject to being "destroyed and anyone aboard those ships must be beheaded."[24] The edicts transitioned from elimination of Christianity to the exclusion of any European influence in fear that Western powers were inciting instability to eventually subject Japan to colonization. Thus, the Tokugawa *shogunate*'s desperation to eliminate the spread of Christianity came at the cost of severing all social, political, and economic affiliations with Western nations.

Persecution of the Christians

Various forms of persecution and terror tactics subsequent to the edicts were carried out by the *shogunate* to drive Christianity out of existence in Japan. The *shogunate* publicly displayed an effort to eliminate Christianity through enforcing registration of its citizens with Buddhist temples yearly. Though Buddhism was not the sole tolerated religion, its reinforcement was designed to deter the practice of Christianity. Every Japanese family was forced to register with a Buddhist temple, and families were required once a year to confirm that there were no Christians in their households.[25] Former Christians were also forced to renounce their faith or be subject to execution. Methods of repudiation included forcing citizens to walk across Christian symbols (i.e., a cross) along with verbally disavowing their faith.[26]

Various accounts also reveal numerous government officials used scare tactics to force Japanese citizens to renounce Christianity. For example, in mockery of Christianity, Toyotomi Hideyoshi (a preeminent *daimyō*) ordered and oversaw the public crucifixion of 26 Christians of Japanese and foreign descent in Nagasaki in 1597.[27] More cruel developments of torture emerged beginning in the 1620s that included water torture, publicly burning Christians alive, and the use of hot springs to torture citizens into renouncing Christianity, murdering them if they failed to comply. Finally, strategies were used by the government to disrupt the family life of European settlers in an effort to force them to leave permanently. This included stripping the rights of inheritance for children born to families with a mix of Japanese and European blood, and, most dramatically, ordering the expulsion of Japanese wives and children of Europeans from Japan.[28] This made Christianity deeply unpopular given the inherent punishments both to oneself and family. Christianity in

Japan was permanently crippled by force of the Tokugawa *shogunate*.

Consequences of the Sakoku Edicts

The decision of the Tokugawa *shogunate* to initiate a squelching of Christianity, and later, all relations with Western nations, created a variety of immediate effects during the *sakoku* period that lasted from the mid-1600s to the mid-1800s. It virtually eliminated access to European products, aside from one heavily-monitored Dutch trading post in Nagasaki Harbor.[29] The *shogunate* spliced virtually all foreign contacts with European nations, and Japan only maintained regular diplomatic and economic links with its immediate neighbors: Korea and China.[30] Moreover, edicts pertaining to the ban on foreign travel were heavily enforced to prevent any smuggled inflow of priests by ethnic Japanese, in addition to the established ban of European settlement.[31] The edicts were highly successful in their goal to eliminate Western presence in Japan, as the reopening of the nation to trade with Western nations, did not occur until the United States under Commodore Perry visited Edo Bay in July 1853, a remarkable 239 years after Japan passed the edict banning Christianity.[32] Therefore, the exclusion of foreign influence during the *sakoku* period achieved a broader goal of the Tokugawa *bakufu* to establish permanent stability in a nation that had suffered a significant history of warfare and domestic disorder.

Hindering contact with European nations, and suppression of Christianity for over two centuries, resulted in numerous, mixed long-term impacts on Japan's cultural development and presence in the world. Unsurprisingly, Buddhism and Shintoism experienced a revival with the absence of Christianity. Studies of Japanese classical works also experienced a surge, most notably with the completed compilation of the *Dai Nihon Shi*—the "History of Great Japan," a general history of Japan focusing on the affairs of the imperial dynasty since its founding.[33] Though the edicts publicly succeeded in eliminating Christianity, a small number of refugees and undercover missionaries evaded capture by fleeing to the Gotō islands of Southeastern Japan until government elimination of the system in 1873.[34] The most devastating effects of the *sakoku* era, besides the human rights abuses, did not come to light until Japanese began to re-establish communication with Western nations in the Meiji period when *sakoku* policy ended. By the time Japan lifted the *sakoku* policy, Japan found itself significantly behind other colonial powers in overseas territorial conquest and expansion. Though Japan did have a few imperialism outposts in Pacific locations such as Luzon, Java, and Burma that

were established during the early 1500s, the interruption of the *sakoku* policy caused the development of all these locations to halt and die out. Also, the *sakoku* policy heavily impacted Japan's shipbuilding industry, as the economic demand for ships dropped with the elimination of international trade.[35] Furthermore, the edicts that banned Japanese citizens from traveling abroad had a secondary effect of preventing Japanese citizens who were abroad from returning home, leading to the permanent estrangement of families.

Consequently, when Japan exited the *sakoku* period, it found itself considerably behind in a race with European nations to colonize remaining locations in Asia and the Pacific Ocean. Spain had already annexed the Philippines, the Dutch had taken most of Indonesia, and France had gained control over Indochina.[36] Finally, Japan emerged from the *sakoku* policy with a significant technological gap compared to the West. *Sakoku* policy cut Japan off from world advances in science and technology for over two centuries. Japan's lack of technological developments ultimately led to the end of its *sakoku* policy when pressured by the United States to engage in mutual trade. Japan lacked materials to strengthen defenses when Commodore Perry of the United States entered Edo with ships to demand access to its ports and commerce in 1853.[37] Therefore, the Tokugawa *shogunate*'s decision to isolate itself from the world, inhibit the practice of Christianity, and later end all communication with Western states, resulted in mixed long-term costs in cultural facets and competition for global influence with other nations.

Conclusion

The Tokugawa *shogunate* passed the *sakoku* edicts in an effort to assert stable political control and protect shogunal prestige. Expanding European colonialism within Asia and foreign-introduced Christianity in Japan struck fear in the *shogunate* that the recently consolidated feudal empire of Japan could be susceptible to Western nation colonization, or that Christianity would continue to contribute toward domestic instability leading to an eventual peasant-led revolution. Though the government first tried to restrict Christianity's spread while simultaneously maintaining economic relations with European nations, the persistence of civil riots and instability that the *shogunate* determined was caused by the practice of Christianity resulted in the establishment of the *sakoku* epoch to eliminate foreign influence in Japan permanently. Though the era had success in crushing Christianity's presence in Japan and revitalizing appreciation for Japanese historical culture and arts, the collection

of policies severely impeded Japan's emergence in the modern era in categories of industrial development and global representation. The Tokugawa *shogunate* were successful in consolidating national unity, stabilizing legitimacy of its government and establishing domestic peace only by sacrificing religious freedom and communication with the rapidly growing and developing western nations that dominated the nineteenth and early twentieth centuries.

Endnotes:

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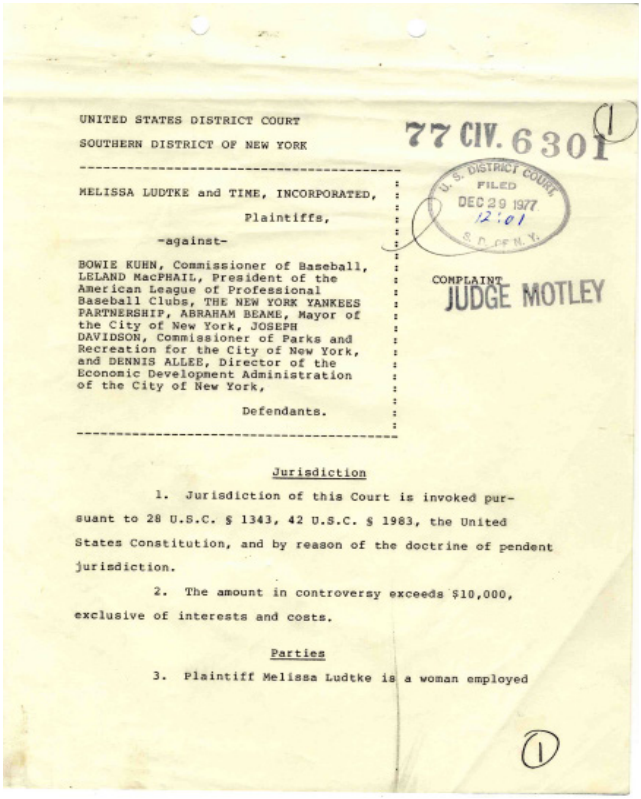
Let Me In!- Melissa Ludtke and the Fight for Female Sports Writers in the Locker Room

Maren Harris



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

77 CIV. 6301

U.S. DISTRICT COURT FILED DEC 29 1977 12:01 S.D. OF N.Y.

MELISSA LUDTKE and TIME, INCORPORATED,

Plaintiffs,

-against-

BOWIE KUHN, Commissioner of Baseball, LELAND MacPHAIL, President of the American League of Professional Baseball Clubs, THE NEW YORK YANKEES PARTNERSHIP, ABRAHAM BEAME, Mayor of the City of New York, JOSEPH DAVIDSON, Commissioner of Parks and Recreation for the City of New York, and DENNIS ALLEE, Director of the Economic Development Administration of the City of New York,

Defendants.

COMPLAINT

JUDGE MOTLEY

Jurisdiction

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343, 42 U.S.C. § 1983, the United States Constitution, and by reason of the doctrine of pendent jurisdiction.

2. The amount in controversy exceeds $10,000, exclusive of interests and costs.

Parties

3. Plaintiff Melissa Ludtke is a woman employed

Maren Harris graduated from the University of Wisconsin-Madison in Spring 2017 with a double major in history and geography. Maren currently works at the School of Education Dean's Office and is pursuing a Master's Degree in Higher Education Student Affairs. Previously, she worked in the history department office and served as ARCHIVE's Editor-in-Chief.

Photo: The first page of the court document of the Melissa Ludtke case against Commissioner Bowie Kuhn. Courtesy of the U.S. District Court for the Eastern District of New York. (U.S. National Archives, c1977).

Media pass at the ready, you stride up to the door with your colleagues from rival news stations. It is the 1977 World Series, game 2, and you know the rest of the reporters on the baseball beat will be looking for the same players you are. As you walk in the doorway, you feel suddenly off-balance as you are jerked backwards out of the locker room. The other guys continue on as you are told that you will not be allowed to do your job. Why? You are a woman.

Female sports writers have been shut out of the male-dominated profession for over a century. Since the rise of baseball in the 1800's, minority groups have been looking for a way into the American pastime in order to claim their own portion of the American dream. The golden boys of summer attracted fans of all genders and races – even when the game did not open its door to include them.

Jackie Robinson and Roberto Clemente are well-known names attached to the integration of baseball. However, ask someone to name a female baseball pioneer, and the most likely name that would come to mind is Geena Davis or Madonna sliding into third from the movie *A League of Their Own*. Though leagues like the All-American Girls Baseball League in the Midwest spread the popularity of female baseball, there has never truly been one person to mark as the leader of bringing women into the sport.[1]

Female involvement in the media coverage of baseball, however, is commonly attached to one woman and the court case she spurred on. In "This Is Why Female Sportswriters Can Go in Men's Locker Rooms," Lily Rothman identifies Melissa Ludtke's suing of Commissioner Kuhn and the MLB as the watershed moment that, while not changing conditions overnight, was the turning point in female sports writing access.[2] It was the first major official support of women sports writers, and yet, the fight continues to this day. It has been fought with everything from pure determination and courage to court cases and lawful intervention. Though the *Melissa Ludtke and Time, Inc. v. Bowie Kuhn* court case has been considered the turning point for women after years of attempts to gain equal access to the locker room, equal access would not be decided in one case. It would take many more years of women enduring discrimination and harassment before the locker rooms would fully open up for them.

Early Years of Female Sports Writers

Prior to World War II, almost no women worked in the entire media field, let alone in the sports section. However, one can see by analyzing the columns of Pittsburg newspaper *Sporting Life* in 1890, that there were a few exceptions. On April 26, the "Base Ball" section of the paper contains a section that has "A Woman's Views" on the sport. Poet Ella Wheeler Wincox's poem about the sport is published, as well as comments from other women.[3] While this commentary could be written off as a general interest piece of little importance, it is noteworthy that the paper would publish a female point of view at all, let alone later publishing Ella Black's column.

Ella Black was one of the first women to break through the gender wall. During the season of 1890, her contributions to the newspaper's analysis of the struggling season of the local team added a fresh perspective. While some of her focus was on marital issues and a gendered breakdown of the fan base, which could be seen as matters a woman should write about, she also provided critical comments on the team and talents of the athletes.[4] Her writing was sharp, and she often used her gender to subversively offer opinionated discussion of the sport with columns such as "Only a Woman: But She Has Some Ideas About the Make-up of the Pittsburg clubs."[5] Early baseball sports writer Henry Chadwick even "thought Ella Black was a man," due to her skill at sports writing.[6] Black was honored and praised nationally for her sports writing skill, but her gender barred her from the profession of sports writing.[7] Though her column ended 1891 when the Pittsburg clubs disbanded, her brief time as an unofficial sports writer marks her as a pioneer in her field and set the stage for later contributors.

Along with Black, a woman named Ina Eloise Young has also been noted as a pioneer in the sports writing field. In 1906, Young became editor of the sport section of her local paper, the only woman to hold this position in the nation. She later was sent to cover the 1908 World Series between the Chicago Cubs and the Detroit Tigers.[8] While her baseball pieces did report on fashion, her colleagues encouraged her to also report on the actual game due to her talent. Boston baseball writer Tim Murnane praised her for her "knowledge of the game" and superb coverage of the sport.[9] Though she gained national recognition for her skill, she would remain one of the only female sports writers in the field until after WWII.

These two women broke through the gender gap. However, following their preliminary steps, there was minimal female involvement in media, or baseball, until the All-American Girls Baseball League. Follow-

ing World War II, the nation-wide push to get women out of the workforce for returning veterans was never truly successful. Women began to slowly push back against the male-dominated industries, including the sports writing world.

The baseball media world in the 1950's and 60's was already a contentious one. There was a hatred of the media, any media at all, trying to enter and interview players in the locker room. The rise of television was pushing sports writers into the locker room in an attempt to compete for followers.[10] The fan, given the ability to view the game from their own home, would only turn to the paper for information that they could not see from their screens.[11] The press, therefore, needed to fight to get the quotes and opinions that could not be heard from the television screen. Many baseball players, however, were not eager to answer their questions. Commissioner Bud Selig recalls that he had to explicitly tell his players to talk to sports writers, as they were only trying to do their job.[12] In this era, even male sports writers faced adversity from the athletes as they were forced to push farther into the player's private space.

As closed-off as the world of the locker room was to men, a female sports writer attempting to enter the field had it even worse. One of the pioneering woman in this field was Mary Garber, who would not go into locker rooms herself, but would send men in for her to get the quote from a specific player.[13] Women would do whatever they could to get the story, yet still faced opposition on all fronts. In 1957, signs posted in all press boxes in the MLB read, "No Women or Children Allowed."[14] Still seen as a novelty, the few women who managed to break into the field had to fight for every step even after their first locker room appearance.

Notably, black baseball players would become an ally for women in the locker room; shunned and fighting for their place in the sport as well, they were generally receptive to the female sports writers. Sports writer Susan Fornoff in particular mentions Dwayne Murphy, the Oakland A's centerfielder. The black team captain treated Fornoff with respect, answering any and all questions posed with composure and careful consideration. She reflects that Murphy, like other black players, knew "what it's like to qualify for insider status yet be stuck on the outside looking in."[15] Black players made up a substantial minority in baseball, an average 17% of the MLB during the 1970's.[16] The presence of the black athletes that were more receptive to the female reporters gave reporters like Fornoff, if not always an advocate, a neutral party to rely on in a crowd of more vengeful interview subjects.

As the 1977 World Series drew closer, the sports writing world began to widen the door for women to gain access to locker rooms. More women in the media workforce lead to constant confrontations with the gendered discrimination in the locker room. The National Hockey League on January 21, 1975 was the first league to make it required for all teams to allow women into their locker rooms. Robin Herman was one of the first female sportswriters in the locker room, after the National Hockey League All-Star Game in 1975.[17] By 1977, professional basketball had dedicated timeslots for players to change, but then allowed all sports writers, regardless of gender, into the locker room.[18] Fornoff notes that professional soccer interviews were never an issue, possibly because of the urge to sell the popularity of soccer to a generally uninterested public.[19] Despite the willingness of other sports to engage in gender equality, the two classical American past times, baseball and football, had yet to make the plunge into universal equal access.

On April 2, 1975, Major League Baseball Commissioner Bowie Kuhn personally asked all general managers for a "uniformed stand" against women entering the locker room in response to the National Hockey League's new policy.[20] Though the times pushed for equality on all fronts, baseball rejected the idea that the women should be allowed in the locker room. Commissioner Kuhn in his autobiography *Hardball* stands by his reluctance to allow women into the locker room, insisting that the players have their own rights. He claims that changing pre-existing conditions was unrealistic, writing that players were "not magicians or dancers" and therefore could not be expected to wear bathrobes and towels after the game.[21] The idea of player rights would become a key point in the case.

Melissa Ludtke and Time, Inc. v. Bowie Kuhn

On December 30th, 1977 the *New York Times* reported on the front page of the sports section that a female reporter, along with Time, Inc., were suing Commissioner Kuhn, American League President Lee MacPhail, the New York Yankees, and many others for equal rights in the locker room. Melissa Ludtke, a young reporter for *Sports Illustrated*, entered Yankee Stadium during the World Series with every intention of interviewing players in the locker room directly after the game. However, the Commissioner's office informed her during the game that she would not be allowed access even though other sports, such as hockey and basketball, already offered equal access.[22] Ludtke argued that her denied access violated the fourteenth and first amendment due to dis-

crimination based on her sex and limiting the freedom of the press. The defendants protested that they were protecting the rights and privacy of the players.[23]

The initial reaction of Commissioner Kuhn and other baseball officials was mediocre at best. Lee MacPhail was not even aware of the case when the *New York Times* questioned him, but he did offer that the locker rooms were the "private domain of the players."[24] On December 31st, Kuhn offered that he would love to see the courts prove he had done anything wrong.[25] Later, in an official statement, he claimed that to allow women in the locker room "would be to undermine the dignity of the game."[26] In his extensive autobiography, Kuhn only offers a page to the case, in which he spends a portion noting that the case was assigned to a female judge, Judge Constance Baker Motley.[27] Baseball executives dismissed the case, no doubt assuming that the courts would side with them on the situation.

THE REALITY, HOWEVER, PROVED THAT THE CASE HAD NOT OPENED THE DOOR TO THE LOCKER ROOM AFTER ALL

Included in the investigation was the detail that Kuhn's writing to the general managers was directly in response to the National Hockey League's decision to open up the locker rooms to women as well as men. Commissioner Kuhn did not question any of the players, and his public relations officials, when asked, had responded with mixed enthusiasm.[28] Perhaps most notably, the case notes that the players had voted overwhelming that female reporters should be allowed in Yankee Stadium. The Commissioner's office, however, called for unity across MLB, and so the Yankees went along with the Commissioner's office against the majority of their player's votes.[29] The case pointed directly at Commissioner Kuhn as the reason that Major League Baseball was in court. His insistence on treating the rights of the players above the equal gender rights of the female sports writers limited the ability of all media personnel to do their job.

While the case was never the most discussed of events in sports sections, there was a loyal attention to the case as it dragged into the summer of 1978. Following initial press on the hard facts of the case, others began to weigh in. Red Smith in his column satirized the case, asking why male reporters that had been denied access were not allowed to sue as well. However, he does outline the case as an example of the "equal rights movement vs the manly modesty of [major league pitcher] Catfish Hunter," noting the importance of the case for the women's equality

movement as a whole.[30] In February, sports writer Roger Kahn proposed his own solution to the problem, backing Commissioner Kuhn's proposal of an area dedicated solely for female interviews with sportswriters.[31] Perhaps most notably, sports writer Howard Cosell was a leading critic of Kuhn's resistance to allowing women in the locker room. In his autobiography *I Never Played the Game*, Cosell only criticizes Commissioner Kuhn for two things: the suspensions of Mickey Mantle and Willy Mays on shaky gambling grounds, and his insistence on fighting the Ludtke decision.[32] High-profile opinions helped to maintain the public interest in the case, increasing the impact of the decision from an isolated case to a major cultural shift.

Yet, there also was a surprising lack of interest in the case, especially from feminine sources. The feminist *Ms.* magazine never mentioned the case, during the duration or even after the court decided in the favor of Ludtke. The reasoning behind this may be that some baseball players' wives were against the allowance of women into the locker room. For example, sports writer Christine Brennan includes in her memoir that a few married players made passes at her.[33] Reporter Lesley Visser specifically remembers from her time on the baseball beat how wives would not trust her in the locker room, not fully believing that she was there for professional rather than personal reasons.[34] Jennifer Briggs recalls how she was accused of being a prostitute rather than a reporter, as there would be no other reason a woman would be hanging around a hotel where a professional team was staying.[35] While there was never an outright refusal from the wives for female sports writers in the locker room, they rarely showed support for members of their own gender that were trying to do their job while enduring harassment from men who were either their husbands or looked up to their husbands.

On September 25, 1978, after nine months of investigation, Judge Motley sided with Melissa Ludtke and *Sports Illustrated* against Commissioner Kuhn and Major League Baseball. She first noted that other sports allow female sports writers in locker rooms, and that Yankee Stadium was leased from New York City, and therefore was subject to its laws. She then reasoned that Ludtke had been excluded solely due to her sex, violating the Fourteenth Amendment.[36] The following day, Kuhn was quoted as "being disappointed with the ruling."[37] He also tried, with no success, to appeal the decision to a higher court.[38] Finally, it seemed that women could lawfully demand the right to do their jobs alongside their colleagues. The reality, however, proved that the case had not opened the door to the locker room after all.

A Turning Point?

In female sports writer Susan Fornoff's memoir of her time on the baseball beat, she begins the acknowledgments section by thanking Melissa Ludtke for "opening the locker room doors to women in sports journalism."[39] Looking at this alone, it seems that the Ludtke case was a turning point in the treatment and ability of female sports writers to enter the locker room. However, the sad reality is that locker room discrimination continued – and continues – to limit the ability of female reporters to do their job. It took women's joint efforts to stand up to harassment and continued discrimination to have a fair chance at equal access.

In the months following the case, female reporters expected to be allowed universal access to locker rooms almost immediately. However, as Martin Ralbovsky of the *Chicago Tribune* noted, this was not the case. Ralbovsky followed up on the case about two months after the decision, analyzing the situation of female reporters. While there had been some accomplishments, such as LeAnne Schreiber's appointment to editor of the *New York Times* Sports section, he notes female reporters were "getting more [taunts] than ever before, and getting thrown out more than ever before."[40] He also interviewed other female sports writers, asking them what they thought of the new world that the Ludtke case had opened up for them; all mentioned how they been shoved, silenced, or, in the case of Samantha Stevenson, ruled in court out of the locker room. Stevenson attempted to interview the Philadelphia Phillies during the playoffs but was barred from entering the locker rooms by the local Philadelphia court system. Erika Weitzner received letters that varied from asking about naked baseball players to unsigned letters from men accusing her of husband hunting rather than reporting on baseball. Betty Cuniberti best summed up the plight:

IF ONLY GIVEN THE CHANCE, FEMALE SPORTS WRITERS WERE EAGER TO PROVE THAT THEY WERE IN THE LOCKER ROOM FOR THE SAME REASONS AS THEIR MALE COLLEAGUES: TO GET THE STORY.

> A big thing women sportswriters are fighting is this attitude on the part of men in key positions in sports, that sports is a man's world and that women should be cheerleaders and not get too close to what's going on inside.[41]

Ralbovsky closes his article with a quote from Jim Murray, general

manager of the Philadelphia Eagles: "Where would we be if men barred women from delivery rooms?"[42] Ralbovsky's frank analysis of the situation and interviews with female sportswriters proves that while women were now lawfully allowed into the locker rooms, not much was changing. As it would turn out, increased access to locker rooms led to more interactions with players, which increased the opportunity for incidents.

A May 1978 editorial in the *New York Times* illustrated the indifference of female sports writers' struggle. While the multi-authored piece begins in support of Ludtke and the "woman's right to make a living," the other parts are negative, claiming that women had no place in the locker room and must just be there to stare at men.[43] This was a common theory of those who were against women in the locker room. However, as Fornoff points out:

> [The locker room is] certainly not a place where a woman would go looking for naked men. It smells bad, until the postshower colognes start splashing. Dirty laundry flies around, sometimes all too close. The lighting is usually not what you'd call romantic.[44]

Female sports writers were there to do their job, and often carried an 8 ½ by 11 notepad in order to block out naked men.[45] The Association for Women in Sports Media even decided on a list of guidelines for their reporters to follow in order to maintain decency.[46] If only given the chance, female sports writers were eager to prove that they were in the locker room for the same reason as their male colleagues: to get the story.

Ludtke herself wrote a piece for the *New York Times* in early 1979 about the case and its effectiveness. She brings up the point that many newspapers, rather than report on continued discrimination in the locker room, have women report on "how their presence affects baseball players." Furthermore, she points out that certain newspapers had sent women to the locker room to prove that they could or were unprejudiced, but occasionally the women they chose had no interest in baseball and only interest in the men. These few women, who may once or twice have allowed their eyes to wander, effectively convinced skeptics that all female sports writers were there for one thing only.[47] Prejudice against the female right to their work continued into the 1980's, often escalating into more serious issues.

Though women had won the privilege to enter the locker room that they should have had from the beginning, there was a steady decline in the number of women who were sent to cover the locker rooms in the first place. Fornoff notes that when she started in 1985, there were only two other female beat writers; when she left in 1993, there were none.[48] If experiences of a female sports writer had been cleared with the case, then there should have been an increase, or at least a steady number of women on the baseball beat. Looking closer, it is clear that women had not yet truly been granted the access they were promised.

The way was not completely cleared for seven years after the court decision. Following the ruling, the rest of the American League cooperated, granting access across the board. However, some National League teams held out until 1984, when Claire Smith attempted to interview the San Diego Padres at Wrigley Field after a playoff game. After she was physically thrown out of the clubhouse and suffering verbal abuse, other beat writers and players supported her, especially the Chicago Cubs.[49] Padres first baseman Steve Garvey actually left the Padre locker room to give Smith the quotes she needed. Commissioner Peter Ueberroth, upon hearing about the incident, remarked "there are some things that are issues, but this one's a nonissue."[50] The next day, Commissioner Ueberroth made sure that Smith would be granted access – and made it universal across the MLB that women were allowed access to the locker room.[51] The locker room finally was truly open to all sports writers, seven years after the Ludtke decision. The NFL followed suit the following year, after the threat of a lawsuit similar to Ludtke made them grant universal access to the sports writers.[52]

Finally, all baseball clubs offered complete access to the locker rooms, regardless of gender. While still more harassment of sports writers would continue beyond 1984, for the first time there was support from not only the Commissioner's office, but also from surrounding players and other reporters. Smith's experience also received a lot of media attention, almost exclusively on her side and slamming the Padres for their behavior.[53] With the public, Commissioner, and fellow writers on the side of Smith, the incident marked a push towards universal support for the right of female sports writers in the locker room.

Though the locker room was now 'open,' the situation merely made it easier for players to take advantage of the females that now were universally allowed around the locker room. After the Orioles snapped a 21-game losing streak, manager Frank Robinson awkwardly hugged Smith. Fellow male reporters, to her embarrassment, asked her where

their hugs were.[54] In March 1985, Joan Ryan walked into a Florida locker room and was met with a mob of men "barking obscenities and closing in on me like bullies in an alley." She was verbally abused and even had a player begin sliding a razor up and down her leg.[55] Both physical and verbal abuse continued to haunt female sports writers on the beat every time they entered a locker room.

One of the most widely-reported issues occurred in 1986, nine years after the Ludtke case. Susan Fornoff, beat writer for the Sacramento Bee, was sitting in the stands with her colleagues when she received a gift from Oakland A Dave Kingman. Fornoff was no stranger to locker room pressure, having already served a year on the baseball beat. However, the gift was special and designed to undermine Fornoff: a live rat, named 'Sue' after the sports writer.[56] Kingman thought his joke was clever and simply proved his opinions, but MLB stuck up for their reporter. Kingman was fined $3,500 and warned that a similar incident would lead to his release from the Oakland A's.[57] The response of the MLB as well as other sports writers who condemned Kingman demonstrated that though female sports writers were still experiencing practical jokes and cruel discrimination, many were understanding that female reporters were simply trying to do the job the same as men.

Perhaps one of the most horrifying incidents in the locker room occurred in a football locker room. In 1990, Lisa Olson, a young journalist in the New England Patriots' locker room, entered with the intention of interviewing the players. Instead, multiple players sexually taunted her and grinding within inches of her, daring her to touch them.[58] Surrounded by verbal and visual abuse, Olson fled the locker room, and later the country as hate mail poured in from the Patriots' fan base.[59] She sued the Patriots, describing the incident as "mind rape." She won, but not before Patriots owner Victor Kiam publicly labeled her as a "classic bitch."[60]

In the years following the Ludtke case, not only was there continued barring from the locker rooms for female sports writers, but there was also unacceptable amounts of harassment and abuse. In the Olson case, players and organization were fined, hopefully returning the wiser after the incident. While some supported her on the incident, many voiced the opinion that she had no place in the locker room in the first place.[61] However, the horrifying reality is found in the Special Counsel Report Conclusion on the issue:" No one tried to bring the humiliating activity around Lisa Olson to a stop. Neither players nor management personnel said or did anything."[62] Repeated instances of

discrimination and harassment continued to haunt female sports writers. The locker room may have been pried open through the court cases of Major League Baseball, but the athletes and sports management kept the door from swinging wide open.

Moving Forward: Female Sports Writers in the 21st Century

On the surface this chronology of harassment and double standard seems to have ended with Lisa Olson, but incidents like this continue across the country to this day. On October 4th, 2015, almost forty years after the Ludtke case, several female sports writers were kept out of a Jaguars-Colts football game. One of the journalists tweeted incredulously, "It's still 2015, right?"[63] The incidents are not limited to the locker room. Sports reporter Robin Herman has called for the next fight to be to enter the press box, exclaiming, "the idea you've got to cater to the old guy watching sports is as dated as black-and-white TV."[64] Karie Ross, an ESPN television reporter, worked for a smaller newspaper and had worked in and out of the locker rooms. After dealing with the abuse, she believed she had seen it all before she began her career as an ESPN "SportsCenter" anchor. After her first night, Ross was working on the write-up for the next day when she heard pornographic sounds on the television. Turning around, she saw fifteen men watching porn while stealing glances at her. The entire situation was "just to see how I would react."[65]

Though she was never pushed to do anything worse personally, she became a sounding board for many of the women in ESPN. The ratio of men to women at ESPN was between 20-1 to 30-1, and women were continuously harassed and threatened that they would lose their jobs if they did not sleep with their supervisors.[66] Tired of the ceaseless tales of abuse, ranging from sexual innuendos to physical harassment, Ross eventually stood up for all of the women in the company to the supervisors.[67] By fighting the locker room fight prior to her experience in ESPN, Ross was better equipped to stand up for women in media.

The most shocking part of women sports journalists is the fact that not every woman fully recognizes the sacrifices and taunting their predecessors endured. Directly before a segment of the Geraldo Rivera Show about the issue, reporter Hannah Storm casually mentioned to her female colleagues that she did not understand why women needed to be in the locker room. Both shocked, the women attempted to persuade Storm otherwise; they told her that if a female reporter were to say

this on television, it would unravel years of work. Her colleague urged, "we cannot have a break in our ranks."[68] When the show aired, Storm smoothly ensured Rivera of the necessity of women in the locker room. As Storm's colleagues pointed out, success had only been reached when female reporters had universally insisted they needed to be in the locker room.

The story of women in the locker room is a long one that spans the entire history of baseball and continues to span into the future. It is a fight that has been fought in degrees rather than in one watershed moment. Every time a female reporter turned the other cheek to a lewd gesture or strode through doors that were closed in her face, she gained a step for women into the locker room. Though there is no one woman that can be seen as the lone leader of the pack, it is more representative of the group that women as a whole were able to break down the barriers. Jennifer Briggs, after years in and out of locker rooms, was shocked when players began habitually putting a towel on before she interviewed them out of respect for her. Her colleagues looked at her and replied, "Jenn, I guess you rate a towel now."[69] As the fight continues into the future, each time a female reporter stands up to sexual harassment in the locker room, she can know that she is making the path a little easier for those who come behind her, making sure that someday all women will rate a towel, too.

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