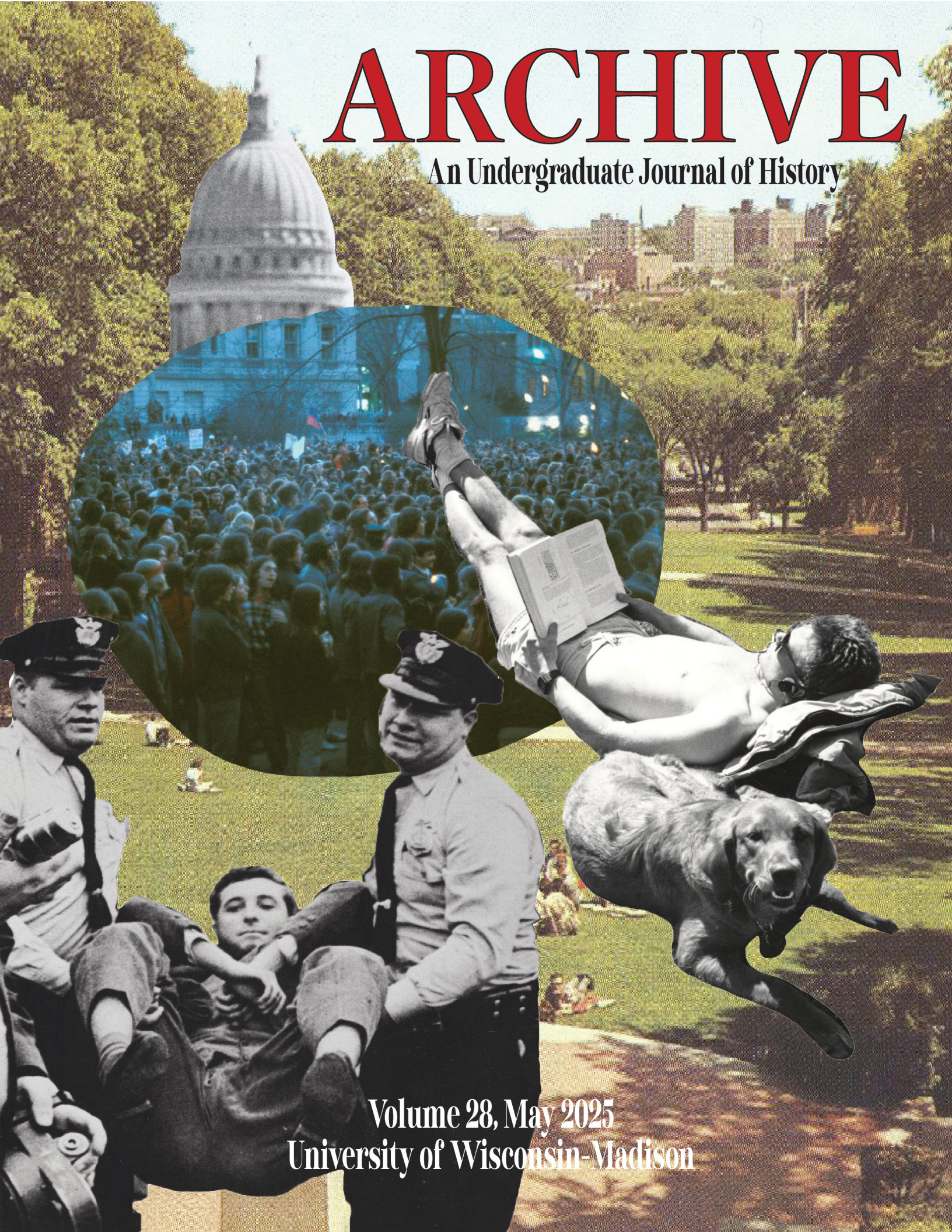


ARCHIVE

An Undergraduate Journal of History



Volume 28, May 2025
University of Wisconsin-Madison

ARCHIVE

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Cover Image

For the first time ever, we are using a work of art as our cover image. This collage was created by one of our editors, Isabelle Alyn, and depicts various aspects of the University's history such as a candlelight vigil during the Vietnam War outside of the Wisconsin State Historical Society and images of Bascom Hill and the Wisconsin State Capitol.

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A Note From the Editors

On behalf of the entire 2025 Editorial Board, we are elated to present the twenty-eighth edition of *ARCHIVE*. This year, we received an extraordinary number of submissions, and throughout the semester, the Board has worked tirelessly to select, refine, and publish some of the most innovative and original pieces of undergraduate history research in the world. It truly does take a village to create the fully polished journal sitting in front of you, and we would like to extend our gratitude to those who made this possible. First and foremost, we would like to thank Professor Kathryn Cancia, our faculty advisor, for everything that she has done to guide us as we navigate the publication process. We would also like to thank Professor Neil Kodesh, the History Department Chair, as well as Scott Burkhardt, Christina Matta, and the rest of the History Department faculty for their support. We want to thank our authors for being so cooperative throughout the process and, perhaps most of all, our Editorial Board for consistently going above and beyond in their roles through both the highs and lows of the publication process.

This journal contains a diverse array of historical scholarship, geographically ranging from the border of India and Pakistan to the border of the United States and Mexico, and chronologically ranging from the eleventh-century Byzantine Empire to the twentieth-century American Midwest. Throughout this multiplicity, finding thematic consistency seemed nearly impossible. However, within all of the variation, one concept stood out to us: defiance. Less radical than rebellion but beyond mere conformity, defiance goes against the grain or subverts expectations. Within History, a discipline centered on critical thinking, the advancement of historical knowledge requires challenging what is already accepted: it necessitates defiance. While each article centers on a defiant group, person, practice, or idea, many also enhance our understanding of the historian's craft itself, expanding the boundaries of academic tradition.

This edition of *ARCHIVE* expresses defiance as well. For the first time in our history, the Board has chosen a piece of original artwork to serve as the cover, in place of the usual historical image. The driving force behind this decision was Editor Isabelle Alyn, whose tireless efforts and creativity cannot be overstated. We extend our gratitude to Isabelle, who pushed *ARCHIVE* to confront its own norms.

We begin with a piece that embodies this idea. **Beloved Counterpoetics** stylistically challenges the norms of conventional historical scholarship and conceptualizes the India-Pakistan Partition within the context of "the Beloved." Creative and compelling, this work advances the politics of desire and the

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ephemeral, inviting us to reimagine what History can be and where it can be found. We then cross the Pacific Ocean into the United States for **Swinging for the Fences**. This article explores the cultural convergence of Black jazz and Negro League baseball in the face of the societal oppression faced by African Americans. We then travel back in time nine hundred years to the Byzantine Empire for our third article, **No Greater Sorrow**. This piece explores Michael Psellos's unconventional expression of grief following the death of his daughter. Defying the church's expectations, Psellos's oration highlights the inadequacies of the traditional grieving norms through his powerful loss. Then, we traverse the Atlantic Ocean to the Mexican borderlands in **The Alienation of Public Lands**, which follows the transfer of public and indigenous lands to private interests and foreign capital during a period of political centralization. We return to the United States, concluding with two different yet complementary perspectives on the American Civil War. **Oaths and Allegiance** explores how both Union and Confederate oaths of allegiance served as manifestations of nationalism. At this time, people from either side needed to decide whether to comply with nationalistic policies or resist them. Finally, **Traces of the Slain** examines how advancements in photography simultaneously established and stripped away a sense of identity from Civil War soldiers. In exploring death and memory, both the physical manifestations of dying and the enduring remembrance afforded by photographs, this article outlines Civil War photographic developments as embodiments of increased accessibility to grieve.

These observations are not meant to be prescriptive for the reader's interpretation of the articles, nor are they meant to reflect the authors' intentions when writing them. By pointing out this throughline, we hope to impress that defiance is essential to all developments, especially those in history. After all, what is defiance besides the harbinger of betterment?

Now, without any further ado, we proudly present this year's volume of **ARCHIVE**.

Sincerely,

Lauren Kelly and Emmett Robison
Editors-in-Chief, ARCHIVE

BELOVED COUNTERPOETICS

A Genealogy of Desire

Diya Abbas



Image: Faiz Ahmed Faiz and Alys Faiz holding their baby. Photo permission from Salima Hashmi.

Diya Abbas is a first-generation Pakistani poet from the Midwest. Her poems are featured or forthcoming in *Poetry Daily*, *Adroit*, *RHINO*, *Michigan Quarterly* and others. They are a graduating senior majoring in English, Creative Writing & South Asian Studies. Find more of her work at diyabbas.com.

Beloved Counterpoetics

“The true subject of poetry is the loss of the Beloved”—Salima Hashmi

It is only the Beloved who can bear the weight of a nation. A nation maps itself onto the body of a woman. Only the Beloved can bear the weight of a poem. Only the poem can bear the weight of time. The direction of a poem’s fervor, or heart, is the Beloved. There is a Beloved in every poem. The Beloved is not a subject but a method of producing discourses of desire that bring history forward.

I grew up hearing the prophetic *nazms*¹ of the Pakistani poet Faiz Ahmed Faiz (1911-1984), whose poems were first and foremost concerned with the Beloved: Beloved Revolution, for his Beloved Nation (Pakistan), and for the sake of Faiz’s personal Beloved, Alys. Through a unique deployment of the technique of double entendre, Faiz posited the Beloved as the figure of the revolution, affectively bridging the gap between personal and political: *“all grief for their country from their eyes,/ all agony of separation from their lovers.”*² Faiz’s ghazals³ set the archetype of traditional poetics against itself by using the prophetic and parable qualities of the Urdu poem—moon, rose, moth, and flame—towards a genealogy of desire. Beauty was never a passive gesture. Faiz’s desire for the Beloved was alive. I use genealogy as per Foucault’s method of historical study, in which multiple contingent forces contribute to the formation of ideas in a given context. Inspired by Nietzsche’s “On the Genealogy of Morals,” this method focuses on the chaos of origins rather than a singular, essential origin.⁴ Genealogy in this context is additionally understood as the study of history and lineages. As descendants of partition, often our only genealogy is the room of the stanza. The Beloved home of the page.

When I want to return home, I return to the page. Pakistan itself is an “othered” subject. Pluripotent articulations of what nationhood means and stands for cause fracturing within internal communities, classes, and faith systems, although Pakistan remains steadfast in its commitment to a unified people. With political unrest, economic crisis, and destructive flooding, Pakistan is currently facing one of its darkest moments since its inception in 1947.⁵ To understand what Pakistan was before partition, I look to the past. My homeland is inaccessible to me and therefore I return to the Beloved homeland of the page. The ghazal form best honors unrequited love, the loss or lack of the Beloved. The Beloved is a placeholder for loss and also the potential for alternative definitions of home. Home becomes “the dwelling-place of a critical history rather than the falsely safe space of the past.”⁶ Home itself becomes the archive. The affix “pak” translates to pure: Pakistan, meaning land of the pure. The idea of Pakistan as “the nation of Islam” after the partition of 1947 has

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caused its people to trust in two imaginary concepts: faith and nation. Because neither of these concepts can be uniformly articulated, and because of the fact that the very genesis of the country depended on this unification, in both cases, historical conditions and power relations were paramount. Later, we will see this in practice with Zia-Al-Haq's Islamization of Pakistan. Applying Foucault's genealogy, we can unmask the facade that both faith and nation play in destabilizing the very articulation of Pakistan's genesis.

In 1947, Pakistan was founded as "The Nation of Islam." Ironically, neither its principles nor its purity (pak) can hold the grief of Pakistan's history. However, far off, there was a drum. A sound more sure than the evidence of violence: The Beloved's heartbeat. Faiz uses this pattern of language to do what Philip Metres calls a technology of "embodied inquiry," in which the elemental formations of the Urdu poem, its musicality and form, transform desire into a demand for an alternative mode of history.⁷ Faiz writes, "*Love/ each final fire/ emerged from your door/ shaped thus/ by your grace or disdain.*"⁸ The word stanza translates to room. Only the house of the Beloved poem can bear the weight of a Beloved revolution. That can rewrite the politics of desire onto historically traumatized bodies.

By prioritizing the Beloved, the nation also prioritizes a postcolonial imaginary toward what Sadiya Hartman, an American academic and writer famous for her literature on the archive, calls "counter histories."⁹ I want to clarify that by a system of countering as an alternative approach to the othering of colonial timeframes, I do not mean to center imperialism as the source of Pakistani history. Instead, I want "counter" to be a form of radical reimagining, away, abstracted, and expanded much further beyond the center. The success of "empire," or the institutionalization of imperialism, is made evident through the muzzled subject. Silence is the principal method of colonization first used by the British Raj between 1858 and 1947. Omitting an acknowledgement of colonial violence bred a population of general passivity. These conditions of empire bled onto the future of Pakistan beginning before partition, and after partition, birthing a particular phenomenon of silencing, erasure, and censorship within the culture, politics, and familial networks of the people of South Asia. Strategies of survival included the omission of desire.

How can one prioritize love in matters of life and death? This is the revolutionary politic of Faiz's work. By centering the Beloved, he humanizes the subject of empire into a desiring body and resists neutralization by foregrounding the Beloved's anthems of possibility. Empire maintains its ruse of innocence when its effects are settled into the past. The Beloved refuses to forget. Although Britain's partition of Pakistan has undoubtedly affected the personal pasts and futures of South Asian desires, it cannot be final. The parti-

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tion of India removed South Asians from their generational cities and homes, absolved them of their documents and archives in the hectic rush of violence, and, most pressing, limited their imaginations of what their countries meant and what they could become. The Beloved was born before, during, and after partition and looms outside colonial definitions of nation. Faiz writes, “*nothing could hold you back/ nothing at any stop was worthy of desire/ from her street you walked/ straight to the district of executions.*”¹⁰ For South Asians, the largest number of internally displaced people in the world, the idea of home belongs to a disparaging and fluxed memory. Pakistan exists in a state of errantry, according to Édouard Glissant, the condition of wandering with a sense of sacred motivation.¹¹ I argue that this sacred motivation is the desire for the Beloved. The Beloved’s arms are the streets where the revolution takes place. Faiz walks down them.

Historical Context

The Progressive Writers Movement (PWM), which began in December of 1932, was born out of the need to combat the limitations of colonial futures. The manifesto argued that new literature “must deal with the basic problems of our existence today—the problems of hunger and poverty, social backwardness and political subjugation.”¹² To dismantle the progressive beliefs of the PWM, some of their poet contemporaries, such as N.M. Rashed, described the movement as “Marxist” because they feared their radicalism.¹³ Unlike writers who held a “position without identity,” the PWM advocated for the representation of marginalized communities through explicit articulations and critiques of empire.¹⁴ The PWM can be considered a universal movement in which “all the languages came under its sphere of influence,” and that involved prominent poets and writers, including Saadat Hasan Manto, Ismat Chughtai, Ali Abbas Hussaini, and Faiz Ahmed Faiz.¹⁵ In his presidential address at the first PWM conference, which was held in April 1936, Munshi Premchand, writer and first elected president of the PWM, said, “Literature is not a pastime, it does not deal with love and romance alone but also addresses problems and issues of life...Literature should become the medium to send strong messages across and use it as a tool to initiate action.”¹⁶ These ideals threatened the British government, which suppressed the press and civil liberties in India, because literature could evade political censorship, provide language for unspoken atrocities, and therefore unify the people under a collective sound. Military regimes hoped to use blunt force through the vehicle of Islam as a tool for nationalizing the country. The regime dubbed the PWM as part of the propaganda machinery of the Communist Party, although not all were members of the Communist Party. Each writer was graced with individuality from

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the collective's commitment to free speech. In their examination of the PWM and its impacts, Javed Akhtar and Humayun Zafar Zaidi wrote in 2006: "This poetry is a declaration of war against upper-class exploiters. It is about the fast-receding night and impending dawn."¹⁷ The PWM prioritized the use of local languages over those with colonial implications. Thus, it was against the sanctioning of English in the region.

The effects of the Zia-ul-Haq regime, which effectively Islamicized Pakistan for a decade between 1978 and 1988, still concern Pakistan, especially women. Those eleven years of Pakistani history were the most demoralizing for freedom of expression. General Muhammad Zia-ul-Haq is often identified as the person most responsible for turning Pakistan into a global center for political Islam.¹⁸ New criminal offenses and new punishments were added to Pakistani law, most severely using the fear of Western Imperialism through the manipulation of people under the name of Islam to propagate systems of censorship and violence. The regime banned art and restricted women's expression. Faiz, a prominent Marxist, was openly critical of the regime. Before Muhammad Zia-ul-Haq came to power through a coup, Zulfikar Ali Bhutto was sworn in as prime minister of Pakistan in August 1973 and founded the Pakistan People's Party (PPP), a center-left political party that intended to transform Pakistan into a social-democratic state. Faiz maintained strong ties with Bhutto and even traveled to Dhaka with Bhutto during the creation of Bangladesh (East Pakistan) in 1974. Bhutto was overthrown by his army chief, General Zia-ul-Haq, and put on a conspiratorial trial for the murder of a political opponent. He was executed in 1979. His daughter, Benazir Bhutto, served as prime minister from 1988 to 1990 and again from 1993 to 1996. She was the first woman elected to head a democratic government in a Muslim majority country, and maintained the PPP party before her assassination in 2007.¹⁹

Faiz's poem 'Hum Dekhenge!' [We Shall See], which is often performed as a song, directly challenged the regime's (Zia-ul-Haq) authority. In it, Faiz used the historic event of the Prophet Mohammed's triumph in Mecca as a metaphor for political commentary. In 1979, the government banned the song, yet Pakistani singer Iqbal Bano took the stage on February 13, 1986, in a black sari, a color of protest and a cloth of resistance (both effectively banned by the Zia-ul-Haq's administration), to an audience's deafening cheers and chants. Ignoring the bans on Faiz's poetry, Ms. Iqbal Bano performed an iteration of Susan Sontag's idea of camp—an aesthetic sensibility that is exaggerated, theatric, playful, and subversive.²⁰

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Queerness & Ephemerality

In a period when the government banned art, music, poetry, television, books, fashion, and fundamental human freedoms and expressions at the snap of a finger, it took a certain level of crooked disorientation to counter explicit censorship. Homosexuality was violently prohibited, and consequences such as being stoned to death as a result of the Sharia Law were added to the Pakistan Penal Code by the Zia-ul-Haq administration. However, queerness retained a particular mode of camp aestheticism in which revolutionary messages were fashioned indirectly. “Queer” here is not used in opposition to heterosexuality but as the particular subversion of heterosexual and therefore colonial impositions. We can see the colonial imposition of heterosexuality, for instance, when the British criminalized *Khwaja Siras*, or trans women in Pakistan: a community that was once revered, performing rituals of birth and death, was unable to be categorized and therefore made incomprehensible.²¹ Traditional articulations of sexuality and gender, barred and marred first by the British and then by various post-partition administrations, required an inarticulable third space that could subvert these norms inconspicuously, away from the eye of control.

Camp appears in the conversion of original forms into something else that creates double meaning; art that formally adheres to the political standards of the time but simultaneously calls toward something extreme. For example, Iqbal Bano’s “Hum Dekhenge” performance can be identified under this context for its use of gender and femininity to undermine the Zia administration. This moment became an immediate archetype and execution of revolutionary performance: an iconic moment in time as reference and refuge. Actress Noor Jehan has become a contemporary icon for sex workers, dissenters, and queer people; in the movie *Neend* (1959), she depicted the first ever on-screen scene of two Pakistani girls kissing.²² Noor Jehan’s opulence, silk saris, sparkling eyeshadow, and arrogant desire were subversive articulations of gender and sexuality through film and music. Pakistani painters Anwar Saeed and Sadequain were both queer men who used organic and fluid styles of camp architecture following the style of Art Nouveau’s camp orientalism.²³ Anwar Saeed, whose contemporaries include queer painter Salman Toor, used color intensive paintings to depict power structures, erotics, and masculinity through fantasy to suggest alternative subjectivities. His work requires the embodiment and therefore reconfiguration of the male body and a camp style playfulness to the material conditions of the body. Sadequian’s line work, in particular, speaks to the possibilities of formlessness in a heavily politicized society. The Beloved in Faiz’s work creates a double sense of how gender, longing, and desire can, on one hand, be a love poem and, on the other, a call

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to revolution. Camp and queer sensibilities help us frame the dynamic flexibility of the Beloved in Faiz's work.

These artists provide an avenue for South Asians to use camp's mode of aestheticism that sees everything in quotation marks. As Susan Sontag explains, it is not a lamp, but a "lamp." It is not a woman, but a "woman."²⁴ The Beloved is more than the face-value relationship of a man writing love poems to a woman. The Beloved resists oppressive systems and serves as an emblem for queer resistance through a camp modality. Reading with this dual awareness allows for multiple interpretations of resistance through the seductive qualities of a "camp" sensibility. Ignoring the bans on Faiz's poetry, Ms. Iqbal Bano performed an iteration of camp. These artists outsmarted the forms in which oppressive systems can understand resistance at face value to create alternative, or queer, modes of resisting ahistoricity. To this day, the poem "Hum Dekhenge" can be found on protest banners across South Asia. Once the politics of articulation, especially around the desire of a woman as ultimate release from repressive political realities, is understood, we can identify the significance of Faiz's poems: "*Holding up our sorrows as banners,/ new lovers will emerge/ from the lanes where we were killed/ and embark, in caravans, on those highways of desire.*"²⁵ A future in which the Beloved is the ultimate concern of a nation.

Reading these poems as a lesbian, my sense of the Beloved is queered: same-sex desire as a Muslim woman can be translated through Faiz's poems as our susceptibility to violence goes hand in hand with the revolutionary struggle for freedom. These articulations of struggle and desire ripen and exacerbate the power and potentialities of pleasure and the erotic. If a woman is the center of a nation, she must be the one to turn the gears of revolution. What then could be more powerful than a woman-loving woman? I believe that by centering the Beloved, a woman, the page can harness the revolutionary power of the erotic. Audre Lorde describes the erotic as "a resource within each of us that lies in a deeply female and spiritual plane, firmly rooted in the power of our unexpressed or unrecognized feeling."²⁶ As a descendant of Partition, I have grown up with the idea of home as unfixed, fluxed, and forever fleeting. Gayatri Gopinath in *Impossible Desires* describes the possibilities of home through the Beloved: "...a queer diaspora mobilize(s) questions of the past, memory, and nostalgia for radically different purposes."²⁷ It is through the Beloved that Faiz reconsiders his concepts and questions of home and is willing to bear its consequences: "*So why complain if these matters of desire/ brought me inevitably to the execution grounds?*"²⁸

Queer is a technique of reading; it is not sexual opposition to heterosexuality, but a system of alternatively imagining home, memory, the past, and

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the future. By centering women as the ode to his revolution, Faiz subverts the deeply patriarchal nation-space of empire. Faiz uses Estaban Muñoz's technique of ephemeral queerness. Muñoz writes how, "for queers, the gesture and its aftermath, the ephemeral trace, matter more than many traditional modes of evidencing lives and politics."²⁹ This is not to say Faiz was in any way queer. If anything, handing the Beloved, a woman, the responsibility of bearing a revolution is deeply unreasonable. The nation already delivers the responsibility for women to bear the weight of a nation, in the home and in the subconscious, so then why not use the page as a place to alleviate her weight and write her toward grace and respite? There is yet to be a Faiz poem that is simply a depiction of the Beloved's beauty alone, and perhaps that was not possible in the specific genealogy of his moment. However, it is the ephemeral traces of queerness that pose alternative modes against tradition: using desire to bring history forward. Because English can never embody the loss of the Beloved in the way that Urdu does, it requires a queered form of reading to resurrect the ghazal in its true form for English readers.

The Ghazal: Translation & Sound



Figure 1: Faiz Ahmed Faiz and Alys George were married at the house of M.D. Taseer in Srinagar in October 1941. Photo permission from Salima Hashmi.

From the American Heritage Science Dictionary: "Translation, in physics, describes the motion of a body in which every point of the body moves parallel to and the same distance as every other point of the [other] body."³⁰ Although Agha Shahid Ali's translations do not move in identical parallel lines with the phonic echoes of Faiz's original work, Ali can embody the content of the Beloved not as a subject but as the poem's prominent movement. We can look towards the Sufi thinker Hazrat Anayat Khan (1882-1927), who believed that the sound of the Beloved is within.³¹ In the Quran, the first word is "Be! And all became." Be. Became. Beloved. The space between Be and Being in

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the poem is bridged through sound. Sound and music are the most prominent and genealogical pillars of the ghazal: the repetition of a word at the end of every couplet, or sher, and the internal rhyme which weaves sonic binds. Bridged by Ali's atmospheric and emotional cohesion, these poems qualify as English ghazals. In "Ghazal Cosmopolitan," Shadab Zeest Hashmi explains how the "ghazal is nothing if not performative, a collaboration of sorts with the mushaira audience."³² The mushaira audience, similarly to the samma in a Qawwali (a form of devotional spiritual music), is the active participation and requirement of the listener in the gathering of poetic recital. We, as readers of Faiz's work, must undergo the embodiment and practice of call and response, a technique of collective sound, or what Glissant calls "chaos monde," which is absent in English poetics.³³ We must be active listeners and practitioners of poetics. Although we lost the language of Urdu, the translation maintains the Beloved's original heartbeat and serves as a successful conduit to the collective.

Similarly to the Progressive Writers Movement's opposition to sanctioning English, I believe these poems cannot be fully understood in their direct English translations. I will be using only Agha Shahid Ali's translations in his book *The Rebel's Silhouette*.³⁴ The ghazal, born out of the oral tradition of poetry, is a part of the collective consciousness of the Urdu language. Urdu itself was born out of the poetic form of the ghazal. Amir Khusrao, who pioneered both the Qawwali and the ghazal, was the first to introduce the Arabo-Persian ghazal to Delhi's court culture, and through that, the rudimentary form of Urdu emerged.³⁵ Both Urdu and the ghazal were a hybrid of indigenous sensibilities and Arabo-Persian poetics, tying the secular and the sacred together. English can never have this genealogical relationship between form and language that the ghazal has with Urdu. Although poets such as Adrienne Rich (1929-2012) have attempted to introduce the ghazal to the American poetic cartography, they have failed because English has not yet been able to relay the ghazal's heartbeat. The first thing the infant hears is the heartbeat of their mother, a primary rhythm is established, and the child begins to see visual equivalents of rhythm.³⁶ The ghazal was born to a mother of a different nation who has yet to articulate herself in English. However, if what defines the ghazal is constant longing, it means that the Beloved is any ideal or person to whom the poet is prepared to dedicate their eternal loss and sacrifice. For example, Faiz himself was jailed twice: once in 1951 for conspiracy to overthrow the regime in the Rawalpindi Conspiracy Case, then again in 1958 for the content from Progressive Papers Ltd., a publishing house he co-founded, before he was exiled to Beirut in 1979 for his opposition to the government and military dictators.³⁷ Faiz spent six years away from his Beloved, Alys, and

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his three daughters, Salima, Moneeza, and Muneeza Hashmi. While in jail and exile, Faiz wrote many letters to Alys, which have become a valuable part of his literary legacy. Faiz's legacy proves that the poem and the page must be willing to accept the hostility of the inevitable consequence of their love. The American ghazal has a Beloved, but it must be newly crafted for our contemporary generation of loss.

The first facet of the ghazal that is accessible is its sound. Faiz is a master of the spellwork of form, and like jazz, his language has innumerable possibilities of form. Through their rhyme, meter, melody, refrains, and beats, the poems build a trance of Beloved remembrance toward postcolonial futures.

Relation Towards, Towards

Pleasure, as well as the Beloved revolution, must be omnipresent, repudiating, and concerned with forward movement. The Beloved thus serves as a relational device. Relation, as defined by Édouard Glissant, is the boundless effort of the world to evade rest; it is an infinite circular chaos that is both solitary and solitary.³⁸ The relationality of the Beloved is a technique that pushes memory forward beyond a decolonial framework, beyond the limits of English futures, toward a home untethered to the concepts of nation and instead relocated on the ultimate and infinite desire for the Beloved: "*The sky waits for this spell to be broken,/ for History to tear itself from this net,/ for Silence to break its chain.*"³⁹ The evidence of empire is its silence. Desire is deafened under wells of subjugation and fear. Trauma teaches us that we are safer in secrets that keep us from facing an irreconcilable history. Empire knows this and benefits from the erasure of its violence. It is the Beloved that plays "the ring of every language" toward an untraceable, relational chaos.⁴⁰ As South Asians, we live in the flux of never being able to return home. What if this flux was made up of desire instead of burden? We would have to bear its consequences. Faiz accepts: "*Beloved death,/ my enemy who erases sorrows like a friend,/ my murderer who's also my lover.*"⁴¹ The poem enlarges language. The Beloved is a verb; she is death, and she is God; she is mischief and beauty, and she can hold the constant conflicts of being with and of violence. She still desires a home.

Ultimately, the Beloved must serve as subject to the weight of revolution. It is she who must endure and answer our most unanswerable urgencies. However, our Beloved is that which is our source and goal. She is the attempt at visual equivalents of rhythm, which emerge as a possibility of infinite forms. Possibilities of impossibilities. It is the Beloved who subjects the failure of the poem to bear the weight of history. We need myths to prove that we can survive, not despite but because of the failures of poetry. We need to understand the shapes of history to understand how chaos works, so the poems can out-

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smart human limitations. These poems become co-creators of history. Philip Metres, an American writer, poet, translator, scholar, and essayist, writes, “aesthetic attention becomes a kind of ethical and political attention.”⁴² Faiz’s poetry, the form of utmost intention and attention, has the restorative quality of faith. Simone Weil, a French philosopher, mystic, and political activist, writes, “Attention, taken to its highest degree, is the same thing as prayer. It presupposes faith and love.”⁴³ For the Pakistani diaspora, poetic desire for the Beloved is our faith, our nation, and the blank page where we can name and identify alternative futures. Faiz’s poems are signals in the dark. The Beloved is the lamp light that refuses to dim. The torch is relational. The torch is on fire. The fire is in the bedroom. The room is the stanza where the Beloved lays: “*I will then begin a new translation of home. I will complete the texts of love.*”⁴⁴

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Endnotes

- 1 Nazm is a descriptive form of Urdu poetry that centers on describing and processing emotions.
- 2 Faiz Ahmed Faiz, *Rebel's Silhouette*, trans. Agha Shahid Ali (Amherst, MA: University of Massachusetts Press, 1995), 21.
- 3 The ghazal is a poetic form that consists of 5 to 15 couplets, with a repeating refrain at the last line of each couplet, as well as the poet's name, which appears somewhere during the last couplet. What helps identify the ghazal is the poem's emphasis on sonics and the musicality of language.
- 4 Michael Mahon, *Foucault's Nietzschean Genealogy: Truth, Power, and the Subject* (Albany: State University of New York Press, 1992).
- 5 British Red Cross, "Pakistan Floods and Climate Change | British Red Cross," n.d., <https://www.redcross.org.uk/stories/disasters-and-emergencies/world/climate-change-and-pakistan-flooding-affecting-millions>.
- 6 Antoinette Burton, *Dwelling in the Archive: Women Writing House, Home, and History in Late Colonial India* (New York: Oxford University Press, 2003), 29.
- 7 Philip Metres, *The Sound of Listening: Poetry as Refuge and Resistance* (Ann Arbor: University Of Michigan Press, 2018), 181.
- 8 Faiz, "Ghazal" *Rebel's Silhouette*, 25.
- 9 Saidiya Hartman, "Venus in Two Acts," *Small Axe a Caribbean Journal of Criticism* 12, no. 2 (2008): 1–14. <https://doi.org/10.1215/-12-2-1>.
- 10 Faiz, *Rebel's Silhouette*, 35.
- 11 Édouard Glissant, *Poetics of Relation* (Ann Arbor: University Of Michigan Press, 1997), 211.
- 12 "Manifesto of the Progressive Writers Association," *South Asian Peoples Forum UK* (1936)
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Swinging for the Fences

How Black Jazz and Negro League Baseball
Converged and Evolved Together

Salvatore Stamerra



Image: Duke Ellington and his band playing baseball in front of the segregated “Astor Motel,” Florida (1955). Courtesy of Charlotte Brooks, LOOK Magazine.

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Few things have defined society like jazz and baseball. In his quote made famous by Ken Burns's documentary on the sport, the writer Gerald Early said that "when they study our civilization 2,000 years from now, there will only be three things that Americans will be known for: the Constitution, baseball, and jazz music."¹ The latter two have some obvious connections. Both are individualistic—the baseball player pays attention to his individual statistical success, while the jazz musician is focused on his/her own instrument. Yet neither would be possible for the individual without a team around them, either to bat them in to score runs or to create the layers of sound that make up "jazz." Many will see the common emphasis on fluidity and improvisation—and assume that the connection stops there.

Scholars have tended to conduct research on the two topics separately. *The Society for American Baseball Research* has published a wide variety of baseball research as it relates to labor relations, racial tensions, and other topics that have fundamentally shaped baseball throughout its history.² Similarly, there are numerous journals dedicated to jazz, such as the *Jazz Research Journal*, which routinely publishes work about music theory and the impact of improvisation in jazz.³ However, no scholarly work has yet bridged the gap to examine interactions between baseball and jazz over time.

This article expands on the current research on jazz and baseball in two distinct ways. Firstly, it examines the chronological relationship of Black jazz and Negro League baseball from the beginning of the twentieth century to the 1950s. Secondly, it uses primary source pictures, testimonials, and song lyrics to document interactions between Black jazz musicians and baseball players, emphasizing the symbiotic nature of their relationship. Through their pattern of interactions, baseball and jazz had a symbiotic relationship through the 1920s and into the 1950s that contributed not just to the success of each discipline but to that of the African American community as a whole.

The Origins of Baseball and Jazz

Although it has been repeatedly disproven, many have claimed that Abner Doubleday invented baseball in Cooperstown, New York, in 1839.⁴ However, the true history of the sport is more ambiguous. Variations of the game have existed for centuries in Europe and the Americas, all involving hitting a ball of some kind with a bat. As baseball became increasingly competitive in the United States, players and teams shaped a sport that was increasingly organized and institutionalized. Baseball continued to capture the attention of the American public throughout the twentieth century, with the *New York Mercury* first declaring it the "national pastime" in 1856.⁵

To understand jazz's relationship with baseball, it is important to first

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provide an overview of what jazz is. Jazz as a music genre was nurtured in New Orleans, thanks to the city's unique ethnic diversity. Due to the lasting effects of European colonization and the transatlantic slave trade, people of African, French, Creole, English, and Caribbean descent interacted with one another in what was the most diverse city in the South.⁶ As they intermingled, their music traditions blended together to form jazz. From Black music, jazz got its rhythm and blues sound. From European music, jazz received much of its instrumentation, such as the piano and trumpet, as well as its chordal harmony.⁷ Jazz, therefore, blended not only different musical genres but also distinct cultures together.⁸ However, the addition of improvisation separated jazz from these preexisting genres.⁹ Whereas baseball's roots lay primarily in those of white Europeans and Americans, jazz's origins brought together many different cultures and sounds.

Interestingly, the term "jazz" may owe its roots to baseball. The first recorded use of the word appeared in a 1912 interview with Ben Henderson, a pitcher for the Portland Beavers.¹⁰ Getting ready for his start, Henderson boasted about his new pitch to a *Los Angeles Times* reporter. His new curve, which he called the "jazz ball," was sure to throw the hitter off with its unique "wobble."¹¹ Henderson's new term quickly spread throughout the West Coast. Notably, the word was always used in the context of baseball. A *San Francisco Bulletin* article used jazz as "the pepper" or the "old life" to describe the minor league Seals.¹² For the San Francisco Senators, jazz was aggression on the field and at the plate.¹³ Although its meaning varied across ballparks on the West Coast, "jazz" has been inherently tied to baseball since Henderson threw his first wobbly pitch in 1912.

"Jazz" was first used to describe musical shows in a 1913 *San Francisco Bulletin* article, which claimed that "Hanky Panky," a Broadway musical comedy that was touring in the city at the time, would put the "J in jazz."¹⁴ The concept of jazz soon spread beyond the ballparks and theaters of San Francisco to the rest of the country and the world. It acted as the sum of all the definitions used before and more: pep, energy, vigor, aggression, and tempo. The American Dialect Society even named jazz as the word of the twentieth century, a testament to its enduring global impact.¹⁵

Influence on Black Consciousness

As jazz and blues increased in popularity, so did their importance to Black consciousness. The fundamental irreverence and fluidity of jazz came to represent African Americans' struggle in society.¹⁶ Leading Black intellectuals like Langston Hughes not only enjoyed listening to jazz but also articulated its importance as an African American art form. To Hughes, jazz and blues

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“spurned the desire for assimilation and acceptance by white culture, and... rejoiced in black heritage and creativity.”¹⁷ In his 1926 short story “The Negro Artist and the Racial Mountain,” Hughes describes jazz as “one of the inherent expressions of Negro life in America; the eternal tom-tom beating in the Negro soul.”¹⁸ The genre helped elevate the African American experience into art, placing Black music at the forefront of the national music scene. Indeed, jazz was so influential within the American psyche during this time that the 1920s became known as the Jazz Age.

Similarly to jazz, Negro League baseball proved to be a pillar of success within the African American community. Barred from white aspects of life, African Americans started their own insurance companies, banks, and mom-and-pop shops that catered to Black customers. Among these ventures were baseball teams. While many Black businesses struggled in this “separate economy,” professional baseball teams and leagues stayed in business for decades, representing continuity in the Black community and providing a salient example of Black “institution building.”¹⁹ Although players came and went over the years, the Negro teams, or perhaps what their continuity represented, became a communal focus within African American communities.

The athletes themselves were a source of inspiration and a model of individual success within their communities. Players of the Kansas City Monarchs “enjoyed the same esteem granted to ministers, doctors, dentists, and lawyers.”²⁰ Exhibition games across the country, commonly known as barnstorming, brought the athletes community ties and respect in cities like Chicago and New York, along with other hubs of African American culture. The games also led to increased visibility for Negro teams and players, making them idols to other African Americans. Charlie Pride, one of the most successful country music artists of all time, played in and drew inspiration from the Negro Leagues. When he began playing for the Memphis Red Sox of the Negro American League in 1952, Pride saw firsthand how “Negro League players inspired a lot of people.”²¹ Although they are not old enough to have witnessed Negro League ball, Black former MLB players Brian McRae and Justin Maxwell saw Negro League players as an example to their communities; Black businesses “had an example to follow [in the Negro Leagues]... they saw a role model and inspiration for their own success.”²² Negro League baseball thus became an important branch in the tree of African American life and a marker of community.

While the idea of baseball as a social institution and unifying force has been well articulated, it is critical to emphasize that it was especially important to African Americans. For decades, baseball had been a part of African American life—Black youth played it in the fields on plantations or wherever

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they found empty sandlots. Particularly in the South, playing baseball was an important respite from the long hours and harsh conditions of sharecropping.²³ Negro League players like Crush Holloway, who was raised on a cotton farm in Texas, took up baseball initially as a recreation in the fields.²⁴ The adoption of baseball, a historically white game, into Black culture gave African Americans a level of agency against the backdrop of racial discrimination. Often, the entire Black population in an area would show up to see Negro teams play their local squads in the South and Midwest. According to Buck O'Neil, longtime player and manager of the Kansas City Monarchs, local populations turned out not only to watch the games but also to witness African Americans competing successfully as equals—something that had been long denied to them.²⁵ Through barnstorming, baseball became another focal point that African Americans could rally around.

Although African Americans had played baseball alongside whites on college and employee teams in the late nineteenth century, the emergence of Jim Crow laws by the 1890s no longer permitted African Americans to call their white counterparts “teammates” at a professional level.²⁶ Throughout the late nineteenth and early twentieth centuries, African Americans had attempted to create unified Negro Leagues. However, financial struggles and a lack of cohesion among teams forced these leagues to fold after only a season or two. It was not until 1920 that Negro League baseball found organized success in the National Negro League (NNL).²⁷ Multiple factors facilitated the NNL's longevity. First, the Great Migration in the initial half of the twentieth century brought large African American populations from the South to Northern and Midwestern cities in the hope of greater economic and racial freedom. In cities like Kansas City, Pittsburgh, and Chicago, this influx of African Americans expanded the market for Negro League teams and increased their likelihood of prolonged success. The second reason for the longevity of the NNL was the booming economy. The United States saw tremendous growth after World War I and throughout the 1920s, and as African Americans had more leisure time and disposable income, they could attend more Negro League games.²⁸ Negro teams were financially successful throughout the 1920s, and although they earned less than their white counterparts, players in the Negro Leagues could expect to earn about twice the national median income.²⁹ With long travel days, accommodations in dilapidated facilities, and continued discrimination under Jim Crow laws, the life of a Negro League player was certainly not easy. However, the Negro Leagues did provide a path to relative success for some African Americans.

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The Importance of Kansas City

If barnstorming in rural communities established the initial bond between jazz and baseball, urban areas finally fused them together. Cities like Pittsburgh and New York were hubs of Black culture and, by extension, jazz. However, no city joined jazz and baseball together more than Kansas City. The Great Exodus, a mass migration of African Americans from the Deep South to Kansas in the decades following the Civil War, brought African Americans to Kansas City in the late 1870s. In 1870, Kansas had a Black population of about 16,000; by 1880, 43,000 African Americans lived in the state.³⁰ This influx of African Americans was the springboard for the formation of a Black middle class in the city that would support its growing music scene as well as Black businesses. As they moved north, they also brought with them aspects of their Southern culture, especially music.

Kansas City's 18th and Vine Street District was the crucible where jazz and baseball melded together. Situated east of downtown in a redlined district, 18th and Vine was a hotbed of jazz and the cultural center of the city's African American community. Redlining, the practice of denying mortgage access to neighborhoods based on race, was prevalent in almost all major cities across the United States.³¹ As African Americans were largely unable to move out of these areas, businesses owned, staffed, and patronized by African Americans emerged. Kansas City was no exception, housing Black businesses of all types, from barber shops to doctors' offices.³² These Black businesses were where players and musicians interacted. Players staying at Black hotels, such as the Streets Hotel, would see musicians like Billie Holiday and Count Basie and exchange greetings.³³ Most importantly, 18th and Vine was the site of some of Kansas City's most popular music clubs and bars. These late-night venues were crucial in facilitating interactions between Negro League baseball players from the Kansas City Monarchs and big band leaders like Count Basie, Duke Ellington, and Cab Calloway, as well as other leading musicians at the time.³⁴

During the Great Depression, African Americans throughout the United States saw higher unemployment rates than white populations and experienced a surge in racial violence.³⁵ Yet Kansas City and its African American community was relatively immune to the woes experienced elsewhere in the country during the Depression.³⁶ The city owes this largely to Tom Pendergast, who ruled Kansas City's powerful Democratic machine from 1925 to 1939.³⁷ Pendergast fostered vice and corruption; gambling dens, illegal speakeasies, and brothels all operated flagrantly under his watch. These operations allowed Kansas City to weather the storm during the Depression and Prohibition. Jazz, emboldened by its youthful exuberance and defiance of traditional rules, flourished in this "sin industry."³⁸

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Figure 1: The Blue Room on Kansas City's Hotel Street, featuring jazz pianist Jay "Hootie" McShann, Ella Fitzgerald, Don Newcombe, Larry Doby, Chico Renfro, Roy Campanella, Ruthe Campanella, Alex Pompey, and Jim Pendleton (1950s). Larry Lester and Sammy J. Miller, *Black Baseball in Kansas City* (Chicago: Arcadia Publishing, 2000), 118.

Former players and musicians saw 18th and Vine for what it was—a place where baseball and jazz danced together. In his book *I Was Right on Time*, Buck O'Neil describes what the area meant to both baseball and jazz. They “walked hand in hand” along Vine Street, he wrote.³⁹ There was indeed symmetry between the two: after playing ball at Blues Stadium in town, the Monarchs would “have a ball” at the Blue Room at 18th and Vine.⁴⁰ According to O'Neil, New Orleans “might have been the birthplace of jazz, but Kansas City is where it grew up. And the same goes for Negro League baseball, which started on the East Coast but came of age in [Kansas City].”⁴¹ Today, the Negro Leagues Baseball Museum shares a building with the American Jazz Museum on the corner of the historic 18th and Vine District, a place where O'Neil says “you couldn't toss a baseball without hitting a musician, and you couldn't whistle a tune without having a ballplayer join in... people [were] afraid to go to sleep... because they might miss something.”⁴² The museums are remnants of what was a rich and vibrant relationship between Black music and baseball. While they tell the story of their respective forms of expression, their cohabitation at the corner of 18th and Vine solidifies their shared history.

Kansas City was not alone in fostering this type of environment. Neighborhoods and cities that had sizable Black populations, like Harlem or Pittsburgh, also had players who interacted and were friends with jazz

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musicians. For example, players of the Pittsburgh Crawfords, another notable Negro League team, also frequented clubs in the city of Pittsburgh. At clubs like the Crawford Grill, players also acted as showmen, entertaining guests and forming close friendships with the artists who performed. The Crawford Grill attracted not only Negro League players but also a wide array of Pittsburgh's most influential figures. As players interacted with Count Basie, Duke Ellington, Cab Calloway, and most importantly Bill Robinson—who, among the entertainers, allied himself most closely with Black baseball—they formed close bonds with jazz musicians that would spur future interactions, such as attending concerts or games together.⁴³ It was at these venues that baseball and jazz cemented their affinity for each other, especially among African Americans.



Figure 2: Dizzy Gillespie with Cab Calloway's baseball team, Milwaukee, WI (1937). Misc. Photos, Milwaukee Jazz Archive, Milwaukee Jazz Vision.

Traveling Bands

Interactions between musicians and baseball players occurred not only in music clubs but also on the field. As jazz musicians toured, sometimes for as long as six months at a time, they played local teams in the towns where they performed.⁴⁴ The chance to see Louis Armstrong or Cab Calloway play ball drove ticket sales in rural communities. As newspapers picked up these stories, they spurred excitement for the games that, in turn, boosted ticket sales. In 1931, an article in the *Louisiana Weekly* stated that Louis Armstrong and his "Secret Nine" would play a doubleheader in New Orleans against two local squads, the Melpomene White Sox and the Metairie Pelicans, with a "mammoth picnic... [and] an orchestra serenading from the stands."⁴⁵ The

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paper claimed that “folk are declaring that ‘The Cornet Wizard’ will be out there pulling for his clan to come through.”⁴⁶ Armstrong not only showed up but also pitched, giving up no hits and no runs in front of roughly 1,500 fans. *Louisiana Weekly* attributed this unusually large attendance simply to “the announcement that Louis Armstrong, the ‘cornet king,’ was going to be present.”⁴⁷ These events were more than baseball games; they were a spectacle that shifted a purely auditory relationship between musicians and their listeners to one that could be visualized.



Figure 3: Louis Armstrong (far right) with his “Secret 9” baseball team, New Orleans, LA (1931). Manuel Torres, “Who are the ‘Secret 9’ Famously Photographed with Louis Armstrong? New Effort Aims to Find Out,” *The New Orleans Advocate*, January 22, 2019.

Armstrong’s example encapsulates the mutual bond between Black jazz and baseball. Local Negro teams were able to host traveling bands, providing a necessary respite from the musicians’ long hours on the road. In turn, the influx of locals to baseball fields was a boost not only to the Negro teams but also to surrounding businesses; concessions, bars, restaurants, and other Black ventures benefitted from big names in town at the local ballpark. Picnics often followed the games, bringing together the local townspeople and the bands. In the downtown clubs of Kansas City, Pittsburgh, and other cities with large Black populations, this mutually beneficial relationship existed as well. Club owners wanted ballplayers to attend their shows because they attracted crowds,

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so they often waived the players' tabs as they tapped their feet to the music of Count Basie or Andy Kirk.⁴⁸ Events like these strengthened the bond not only between baseball and the musicians themselves but also with the communities in which they played. Witnessing famous Black musicians and local ballplayers interact with one another left an imprint on the minds of ordinary townspeople. They saw Negro baseball and Black jazz as more than a sport or a genre of music—they were the pinnacles of Black culture and Black success. These social events brought increased visibility to both jazz and baseball, increasing their popularity and cultural significance among African Americans.

African American Players in Song

Enamored by the game and popular African American athletes, musicians immortalized this connection between jazz and Negro League baseball in their songs. Black musicians wrote lyrics not only about the game but also about its players. Especially important to this development was Jackie Robinson breaking the color barrier and becoming the first African American to play major league baseball. From the 1940s onward, Black musicians sang songs about baseball and its Black athletes and used baseball metaphors in their songs. Published just one year after Robinson broke the color barrier in 1947, Brownie McGhee released “Robbie-Doby Boogie” with the famous jazz and R&B label Savoy Records.⁴⁹ The song pays tribute to Robinson and Larry Doby, the first Black player to play in the American League: “Hooray, Hooray, the time has really come. Cleveland’s got Larry Doby, Brooklyn’s got Jackie Robinson.” It is clear that, to McGhee and many other African Americans, players like Robinson and Doby were heroes. They broke into a realm that had otherwise shunned African Americans for decades, giving hope to many for future equality between Blacks and whites.

McGhee was not the only Black artist to idolize Jackie Robinson in song. In 1949, Buddy Johnson released the most famous song about Robinson, titled “Did You See Jackie Robinson Hit that Ball?”⁵⁰ Like McGhee, Johnson elevated Robinson to almost superhuman status: “when he swung his bat, the crowd went wild.” Jackie was different than the rest of Negro-League-turned-MLB players in Johnson’s eyes: “Satchel Paige was mellow, so was Campanella, Newcombe and Doby, too. But it’s a natural fact, when Jackie comes to bat, the other team is through.”⁵¹ The song’s popularity (thanks to that of Robinson) got the attention of Count Basie, who recorded a version with Buddy Johnson that same year.

Johnson’s song appealed to a broad audience beyond traditional Black music circles. During this time, Billboard had separate charts for “Black” and “white” music. African American music appeared on a chart called

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“race records,” with the name eventually being changed to the “rhythm and blues” (later to be changed again to R&B) chart between 1949 and 1950. The “pop” chart measured sales of music marketed to white audiences.⁵² Johnson’s hit peaked at number thirteen on the rhythm and blues chart in 1949. More importantly, however, it crossed over onto the pop chart, peaking at number seventeen.⁵³ The song thus transcended the barriers that had long confined Black music to the ears of mostly Black listeners. As the song gained momentum on the charts, white audiences were increasingly exposed to Black music and the Black community’s love of baseball. Cab Calloway even performed the song on the widely popular *Ed Sullivan Show* in July 1949, demonstrating the song’s ability to bridge the gap between white and Black audiences.⁵⁴

Black musicians released more songs about baseball in the years following Jackie Robinson’s seminal MLB debut. Songs like Mabel Scott’s “Baseball Boogie” and Sister Wynona Carr’s “The Ball Game” also used baseball as a metaphor for concepts like love or religion. Although not enjoying the same commercial success as Johnson’s song, “Say Hey (The Willie Mays Song)” by the Treniers further illustrated the idolization of baseball’s biggest Black stars. As a result, these artists furthered the mutually beneficial relationship between Black music and baseball. In the case of Buddy Johnson, focusing on Jackie Robinson propelled his song to the top of the music industry, giving greater visibility to Johnson and to Black music as a whole. At the same time, the song benefited Robinson by cementing him as an icon of the sport in the minds of both white and Black populations. Black musicians were instrumental in immortalizing athletes from their community while also benefiting from athletes’ star power in the form of increased record sales.

Robinson’s Afternoon of Jazz

In his retirement, Jackie Robinson took up activities outside of baseball. He wrote syndicated columns in the *New York Post* and the *New York Amsterdam News*. He also had business ventures with department stores and banks that aimed to serve historically mistreated Black residents in Harlem.⁵⁵ His most lasting venture, however, was his “Afternoon of Jazz,” which started in 1963. “Afternoon of Jazz” was a fundraiser that Robinson hosted at his residence to raise bail money for student protesters who had been arrested during the Birmingham civil rights protests. Robinson had increasingly involved himself in the civil rights movement after his retirement, and this fundraiser was an extension of that involvement. Held in the backyard of the Robinsons’ home in Stamford, Connecticut, the event featured a star-studded cast of jazz musicians such as Dizzy Gillespie, Dave Brubeck, and Cannonball

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Adderley.⁵⁶ Duke Ellington even showed up halfway through the event, joining the rest of the musicians known as the “Duke Ellington Alumni.”⁵⁷ The event ended up raising \$15,500 for Dr. Martin Luther King, who had attended the celebration, and his Southern Christian Leadership Council.

Robinson’s “Afternoon of Jazz” represents much more than just a civil rights fundraiser. It was the culmination of a decades-long relationship between jazz and baseball. It brought together two quintessentially American forms of expression, celebrating their intertwined legacies and highlighting their enduring societal impact, especially for African Americans. While touring, Ellington and Gillespie would play baseball whenever they found time between performing and sleeping in segregated hotels. Attending a fundraiser at the home of the man who broke baseball’s color barrier and ushered in racial integration was surely a crystallizing moment. Robinson’s “Afternoon of Jazz” was such a success that it continued as an annual event until 2002, long after Robinson’s passing in 1972.

Conclusion

Ultimately, the push for racial integration by the Negro Leagues would spur their very demise. As major league clubs poached players from the Negro Leagues, teams were left without their star athletes to attract fans. Negro League baseball not only lost some of its best players but also much of its cultural significance. The Negro Leagues had value not only in the world of baseball but also in the social and economic symbolism they embodied—a purely Black enterprise, played, owned, and watched by African Americans. As Buck O’Neil explains, racial segregation was a “horrible thing, but a bitter-sweet thing... the Kansas City Monarchs were our team. The money we made in the community, stayed in the community.”⁵⁸ As baseball and the rest of society desegregated, the pockets of society carved out by African Americans were no longer exclusively Black and therefore no longer fully represented what they once did. Similarly, jazz saw a decline in its popularity as it transitioned and evolved into the “be-bop” era. Rock and Roll became the dominant music genre, and although Black artists continued making music about baseball, they never reached the broad national appeal that Buddy Johnson and others enjoyed.

Understanding the coevolution of Negro League baseball and Black jazz has broad implications in the wider study of history. How exactly jazz’s popularity declined has been a topic of debate for decades. This article provides at least one answer: the disappearance of Negro League baseball was an important precursor to the decline of jazz’s popularity, given the highly visible nature of both institutions’ relationships within the African American community. While this article cannot fully capture the relationship between

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jazz and baseball, it attempts to illuminate their hidden, shared history, and to serve as the starting point for future research. Unfortunately, the relationship between the two has mostly disappeared today, and there is nothing to suggest that they will rekindle their bond, as they are no longer forced to serve as refuges for each other against the backdrop of segregation. They had parallel courses in history, as both represented pillars of Black excellence. The two were born independently through African American experiences and struggles, with artists and ballplayers alike being barred from white institutions. Their nurturing in the clubs of Kansas City or the sandlots where they toured bred patterns of interaction among musicians and athletes that advanced both groups. However, as society integrated its sports and changed its musical tastes, Negro League baseball and jazz diverged. Jazz evolved into R&B and be-bop, whereas the Negro Leagues ceased to exist entirely. A 1959 article in the jazz magazine *Down Beat* perhaps put it best: if nothing else, there is one similarity between baseball and jazz—the basic ingredient of each is swing.⁵⁹

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No Greater Sorrow

Michael Psellos on His Daughter's Death and
Unconquerable Grief

Leah "Elle" Kleinfeld



Image: Michael Psellos(left) and Emperor Michael VII (right), 12-13th century CE. Illustrated manuscript, Pantokrator Monastery Library, Mount Athos. Mark Cartwright for World History Encyclopedia, Public Domain.

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“Yes, most of us are good at maintaining a philosophical disposition at the misfortune of others and affecting steadfastness and magnanimity. But when grief comes upon us, then our natural reactions overcome magnanimity along with all reasoned discourse, proving that nothing is more powerful than nature and *nothing is more painful than the loss of a child.*”¹

Michael Psellos’s heartbreak is palpable in his funeral oration for his nine-year-old daughter. Styliane, his only biological child, died in the early 1050s after a severe illness lasting about a month.² The oration Psellos wrote for his daughter shortly after her death is emotional and rule-breaking. Whereas traditional death literature from his time focuses on finding comfort in the goodness of God and the peaceful repose of heaven, advocating for a mild and measured grief, Psellos’s oration devolves into a lament laden with an extraordinary, insurmountable grief. For Psellos, there is no comfort to be found, not in the word of God or in the arms of his loved ones.

Born in 1018 in Constantinople, Psellos was educated in rhetoric and philosophy, and by 1040, he was working as a secretary in the court of Emperor Michael IV (1034–1041).³ Under Constantine IX Monomachos (1042–1055), Psellos grew in power and influence, becoming one of Constantine’s most trusted advisors in his role as personal secretary. In the 1040s, Psellos led the philosophers of the imperial court, a group whom Church officials turned against for their unorthodox teachings in the early 1050s. Psellos and his philosopher friends were ousted from power, and shortly after Styliane’s death around 1054, Psellos was sent to a monastery.⁴ Though he was only there for about a year before returning to court, Psellos’s time in the monastery was one of the lowest points of his life. Separation from family and friends would certainly be taxing for anyone, but for Psellos, this was an especially brutal punishment. For Psellos, connection with people—not God, as some of his opposition believed—was the joy of life, and this banishment snipped that at the root.⁵ In fact, Psellos wrote more extensively on “human love” and connection than any of his contemporaries and is credited with the popularizing of letter-writing as a means of strengthening connections between friends.⁶ In his many surviving letters, he makes clear that there is no substitute for seeing loved ones in person, no matter how many letters they might exchange, so it is not hard to imagine how much he must have suffered being banished to a monastery, far from his family and friends. The downfall of the philosophers was neither the first nor the last time Psellos clashed with the Church: he faced criticism and consequences for his outside-the-box teachings multiple times throughout his life.

Psellos’s religious controversies extend into modern scholarship. His religious beliefs have been questioned by many, as he differs from the Chris-

tian teachings in much of his oration and writings. It earned him criticism then and speculation today. His friend Xiphilinos accused him of “forsaking Christ to follow Plato,” a serious charge in the strictly Christian world they inhabited, and one that Psellos refuted, though only by arguing that the two were not mutually exclusive.⁷ This sidestep was barely enough at the time, as Psellos’s faith was questioned several times throughout his life and continues to be the subject of speculation today. Some scholars have posited that he may have even been a pagan, an exceptionally rare breed among the educated Constantinopolitan elite of the eleventh century.⁸ Anthony Kaldellis, the preeminent authority on Michael Psellos’s life and faith, is adamant that “Psellos almost certainly did not believe in the Christian version of heaven,” even if he may not have been a full-fledged pagan.⁹

This article will first establish the Christian social norms around grieving in Byzantium and then analyze Psellos’s funeral oration for its conformity to, and rejection of, these norms. The debate over Psellos’s religious leanings weighs heavily on conceptions of his relationship with grief. Even in his encomium for his mother, Psellos goes on the defensive about his beliefs: Kaldellis notes that Psellos “[presents] her as a saint so as to invest his philosophy with her as a mantle,” a move seeking to blend his Hellenistic philosophy with the expected Christian forms of grieving.¹⁰ But Psellos’s complex religious beliefs put him irreconcilably at odds with Byzantine social norms—much of the eleventh-century advice for grieving was strongly rooted in the idea that the bereaved would see their loved one again in heaven. This article argues that Psellos’s grief over his daughter’s death is complicated by his lack of faith in heaven. If Psellos did not believe in an Orthodox, Christian heaven, he also did not believe that he would see Styliane again in death, leaving him bereft in the throes of his grief without the promise of salvation. This article will argue that Psellos found no comfort in the Christian customs for death and grieving, that nothing he had been told about how to grieve was appropriate for the kind of pain he suffered after the death of his daughter.

Though his religious outlook may have been unique, Psellos’s loss was not. Roughly half of Byzantine children in the eleventh century did not survive to see their fifth birthday.¹¹ Existing research on child mortality and parental grief in Byzantium has produced a picture of a populace which had adapted to child death, accepting it as an unavoidable part of life.¹² In her monograph on Byzantine childhood, Oana-Maria Cojocaru points out that the threat of death was accounted for in many childhood traditions, including baptism; children were baptized earlier and earlier as concerns about the souls of children who died without baptism grew.¹³ Infants who were born sick or weak were baptized just days after birth, and healthy infants in the second or third month of life.¹⁴

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The possibility that a child might die was not the dystopian horror it is today. Rather, it was planned for, built into culture and tradition. Maria Doerfler has mapped out the traditions for grief that many parents who lost children followed: the last days were spent constantly with the child, the body washed, tokens taken to remember the child by, and then the body was prepared for the funeral.¹⁵ It was routine, ordinary, expected: most parents experienced the death of more than one of their children. Psellos does not subscribe to this clinical view of child mortality as mundane: for him, the death of his daughter is an extraordinary event, one for which he is completely unprepared and that shatters his world.

In order to contextualize Psellos's expressions of grief in his funeral oration, it is helpful to establish the social norms for grief in Byzantium. Church Father and Archbishop John Chrysostom (d. 407) set the cultural tone with his therapy of greater sorrow, which argued for a measured response to grief tempered by the knowledge that parents in the Bible had suffered much worse losses.¹⁶ "Whatever we suffer," said Chrysostom, "let's look around for worse things, for we shall find them, and so we'll be thankful."¹⁷ Xueying Wang's research on Chrysostom's therapy of greater sorrow reveals a Chrysostom who understood that parents cared deeply for their children, and that some grief was to be expected, but who believed that close parent-child relationships meant that parental grief had "the tendency toward excess."¹⁸ Because of the special relationship between parent and child, parents were especially likely to feel their grief was "justified" and therefore refused to let go when it was time.¹⁹ Chrysostom's advice was rooted in the idea that God rewards steadfastness in the face of tragedy and that excess grief was a kind of blasphemy, a sign that the parent did not trust God's timing in all things.²⁰ Intertwined with this was the notion that to die young and escape the pains of life was a blessing, and therefore, to grieve for children who died young was not only blasphemous but selfish.²¹ With these guidelines for grief, Chrysostom meant to separate his Christian flock from the nonbelievers—mainly Jews and pagans—by instructing them on how to grieve in the most pious way possible.

However, Chrysostom's advice also helped to structure the social norms for grief and for comforting the bereaved for centuries after him. Though Chrysostom died in the early fifth century, his thoughts and works were still well known by the time Psellos lived; Psellos himself read works by Chrysostom. Chrysostom's Stoic approach to grieving became the standard, appearing in letters of consolation and encomia from the fifth century through to Psellos in the eleventh. Psellos would have been taught to grieve according to Chrysostom's teachings; they created the very norms that Psellos's oration for his daughter refutes. Other encomia and letters of consolation written during

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Psellos's lifetime rely heavily on the notion of trusting God's timing and remaining faithful in the face of grief.

One of the most valuable sources for exploring Byzantine expressions of grief is the letter of consolation. These were written after a loved one lost someone close to them, usually because the author could not travel to be with their loved one through their grief, which would have been preferred. Byzantine writers considered every letter an opportunity to display their literary prowess, and letters of consolation were no exception. However, as A. R. Littlewood has demonstrated, the consolation genre was restrictive for the author, full of common sayings and phrases of comfort (e.g., "death is common to all") that the reader would expect to be included.²² These types of idioms were primarily based upon Christian teachings—specifically the Chrysostom genre of teachings on grief—but where they drew from pagan tradition, it was primarily Stoic influence.²³ Stoicism, a school of Greek philosophical thought originating in the third century BCE, preached reason above emotion. In times of grief, seeking reason was especially necessary to maintain virtue. Even as Hellenistic philosophy gave way to Christian theology, Stoicism's legacy can be seen in the social norms for grief in Byzantium. Both Chrysostom's and Stoicism's influence shaped a consolation tradition that advised grief in moderation and told the bereaved that time, reason, and faith would see them through.²⁴ The ninth-century patriarch Photios's letter of consolation to his brother Tarasios upon the death of Tarasios's daughter is exemplary for the genre; it is analyzed below for its conformity to Chrysostom's teachings and for (as pointed out by Anthony Kaldellis) its thematic and stylistic similarities to Psellos's oration.²⁵

Psellos's funeral oration, for all that it is remarkably unique, follows some of the broader guidelines for an eleventh-century encomium. He begins with a brief lament before moving into a lengthy description of Styliane's ancestry, infancy and good character, and a detailed description of her physical appearance and beauty. However, even the most standard aspects of his funeral oration are, in Psellos's masterful style, worked in such a way as to subvert the norms by which he is expected to write. The attention to Styliane's appearance is overplayed compared to the encomium standard, which puts it in sharp contrast with the graphic, visceral descriptions of Styliane's illness and withered corpse.²⁶ Her piety and good faith are ironic in light of her father's unsuccessful pleas to God for more time with her. Her marriage prospects were destroyed by her being "betroted" to death.²⁷ Her brilliance and bright future serve as a reminder to the reader of all that Styliane missed out on by dying so young. Psellos's oration for his daughter is more than a crisis of faith or a rejection of Christianity: it is a plea for comfort, for understanding, and for help from an audience that he feels can neither conceive of nor ease his suffering.

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A Daughter's Death

The most orthodox section of Psellos's funeral oration is the explanation he offers for Styliane's death. Having given a lengthy description of his daughter's beauty and piety, Psellos attributes her death to a preservation of that purity, which he says would have been sullied by marriage. He gives the common explanation that God chose to spare her the "stains and filth of this world," language that closely mirrors Photios's letter to Tarasios and the generally accepted theology about premature death.²⁸ Chrysostom implores bereaved parents to "reflect how often thou thyself hast cursed our present life."²⁹ Photios celebrates that his niece "did not gain much experience with miseries."³⁰ Psellos says Styliane died "so that her purity and freedom from passions would not be defiled by bodily human intercourse, her youth stained by filth of the flesh."³¹ But Psellos had never been so orthodox, and so it reads as a very weak explanation, offered by someone who has no better answers for his listeners or for himself.³² On the surface, this is the most identifiably Christian section of the oration, even if it reads as slightly insincere.

However, even this very Christian rhetoric in Psellos's oration is twisted to reveal his true meaning. Immediately after saying God took Styliane to prevent her being "stained by the filth of the flesh," Psellos launches into a graphic and horrifying description of her body as it wastes away with disease.³³ The irony Psellos points out is thus: in order to prevent Styliane suffering the stains and miseries of living, God "infected her with a pestilential disease that was grievous to bear and physically repulsive and understood only by those who suffer it."³⁴ Psellos belabors his description of her disease-ridden body, contrasting sharply with the beautiful girl he spends pages describing just before this. The girl who supposedly entered into heaven pure and perfect died "retaining no sign or remnant of her natural form but all shapeless and unrecognizable and covered in sores."³⁵ As Anthony Kaldellis notes, the most hopeful point in the oration is the fleeting moment where Psellos thought his daughter might recover, not when she entered into heaven.³⁶ This is made clear by the appearance of Psellos's favorite metaphor of a ship "finding refuge in a harbor" for her near recovery and the description of her relapse and death as her being "shipwrecked."³⁷ This metaphor is a common one in professional funeral orations written by Psellos, although usually the "safe harbor" in question is heaven.³⁸ When it is his child, he cannot bring himself to imagine her ugly, painful death as any kind of safe harbor. And when Psellos addresses his daughter directly, this irony shines through even more clearly: "O my child, you who were once beautiful, but are now hideous and unsightly, how did you endure the savagery of those sores? How did you endure the stench of festering wounds and pus?"³⁹ God's choice has taken Psellos's daughter from beautiful to hideous, has put her

through pain and suffering, and refused, despite her parents' many prayers, to heal her.

In fact, Psellos seems to be even more disturbed by the idea that God may have orchestrated her death than if it were just a stroke of bad luck. Attributing her death to the randomness of the universe might provide Psellos some kind of comfort because he can understand that bad things happen sometimes for no reason.⁴⁰ "We must not lose heart," he says, because "the disorderliness of matter" naturally means that bad things must happen as good things do.⁴¹ But if, as he asserts earlier in the oration, God is to blame—He who "governs everything to advantage"—Psellos cannot understand the decision to take her away.⁴² Though it is not Psellos's place to question God, he cannot give himself or his audience a good explanation for why killing Styliane was for the better. His explanation that she was too pure to grow up and get married is weak in light of Psellos's strong humanist beliefs, of course, but it is even weak within the context of the oration. Later, he asks, "Why then did you not too, child, obtain a similar reprieve, given that you were so pure and without blemish and had not sullied your purity with the stain of any reproach?"⁴³ By God's logic, Styliane was pure enough to die, not pure enough to be healed. This is paradoxical and frustrating to Psellos in a way that seems only to worsen his grief as he wrestles with her death: if he could explain it, perhaps he could accept it. But he cannot. He is therefore left asking himself, his audience, and his daughter why, and gets nothing back.

Psellos's twist on the explanation for her death and his detailed account of the horribleness of her suffering leave the distinct impression that she died unjustly and before her time, no matter what God decided for her. He even asks Styliane directly why she died so young: "Who contrived a deadly lot and betrothed you to death before your time? Who reaped the harvest of your youth before the summer?"⁴⁴ As Psellos had established earlier that God was the one who took her, these questions directed to his daughter are veiled ways of questioning God Himself. It is significant that these questions above are Psellos relaying what "[Styliane's] parents" say when their daughter takes her last breath and they are "overcome" with grief: Instead of speaking in the first person, he distances himself from the version of himself who questioned God.⁴⁵ Much of his most controversial rhetoric in this oration is hidden in his moments of acute grief, when he appears to have completely lost control of himself and his words. It is controversial for Psellos to question God in this way, no matter how he veils it. The concept of dying before one's time is explicitly discussed in Photios's letter, in which Photios declares that such a statement is tantamount to blasphemy. He warns his brother against lamenting his daughter dying so young or implying that her death was unjust: "May I never hear such

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a statement; the utterance of this statement and to think it is more reckless.”⁴⁶ For Photios and Tarasios, who both believe in divine providence and heaven, to think that Tarasios’s daughter died before her time would be blasphemous, even selfish.

Both Chrysostom and Photios believe that death and entry into heaven are kinder than life, and therefore, anyone who would pray for their child to live through suffering is selfish. Says Chrysostom, “to lament for him that he did not live to endure many such things, is rather the part of one grudging and envying.”⁴⁷ Photios takes an even more hardline approach, saying that “a father who would wish his child suffer through life before death instead of dying does not profess to me the affections of a father but the disposition of a stepmother.”⁴⁸ This is because, for theologians like Chrysostom and Photios, death could be a good. If heaven is what follows, death is nothing more than an ascendancy to a better place. Psellos does not find this to be true; though he does say briefly that Styliane reaches heaven, he does not seem able to view her death as a good thing. Rather, his perception of her death is centered on what they both lose—he a child and she the rest of her life—not on what she gains by going to heaven. Psellos makes clear that he wishes above all that she had lived, regardless of what the unknowable future might have held. “How often we entreated God on your behalf that we might see you reach adulthood,” he tells Styliane.⁴⁹ He speaks of how excited he and his wife were for Styliane’s marriage prospects, which would be ironic if he actually believed she died because she was too pure for marriage. In his own way, while paying lip service to Christianity, Psellos tells his audience that no one is better off for Styliane having died so young, least of all him.

However, Psellos’s refutation of death as a good is not purely a rejection of Christian theology, as some have viewed this oration. He was accused of preferring Plato to Christian thinkers, and he was indeed an avid reader and champion of Plato. He considered Plato one of his guides on his journey to bring back philosophy and thought to the empire. But when it came to the death of his daughter, Psellos would have found no comfort in Plato’s philosophy either. Even if there is no heaven, Plato saw death as a good: “I say that to die is gain; for eternity is then only a single night.”⁵⁰ Even without a secure afterlife in mind, Plato still viewed death as a good, in obvious contrast to Psellos’s view of his daughter’s death and ambivalence about heaven. Plato’s gods cannot cause harm, nor can they lie.⁵¹ The same Psellos who was unnerved by the idea that God in his divine providence chose to take Styliane away would have that same issue putting his faith in gods who could not cause harm. This oration is largely separate from the debate about Psellos’s faith. He is not intentionally making a stand against Christianity or for philosophy; he is grieving and finding that no

one around him can provide any comfort.

A Father's Grief

As Psellos laments the loss of his daughter, he is challenging the norms about grief that would have surrounded him in eleventh-century educated society. As letters of consolation come in, and friends and family express their sympathy, Psellos realizes that no one around him seems to understand his pain, nor can they offer him any solace. In fact, he says “all my comforters are good men, but to the same degree that they seek to comfort me they fuel the fires of my grief.”⁵² Psellos is isolated by his unique relationship with grief. Whether or not he is Christian, he does not buy the Christian advice on grief, and therefore, he finds himself without support as he struggles through the worst thing that has ever happened to him. For Psellos, he cannot even fully verbalize the pain he is in, though he tries. For Chrysostom and his ilk, expressing too much grief is blasphemous because the parent should not love the child more than they love God. “Weep,” Chrysostom allows, “but don’t utter or perform a blasphemy.”⁵³ Though he understands that parents and children have a special relationship that is likely to give way to grief, he advises parents to keep God primary in their hearts and minds. And so he asks them, “Why do you grieve? Why weep? Why mourn? Why love the child more than your Master? Isn’t it because of God that you even have the child? Why are you ungrateful, loving the gift more than the giver?”⁵⁴ But for Psellos, that special relationship is exactly the reason he should grieve, exactly the reason God should have healed Styliane.

Psellos questions the relationship between parent, child, and God as well, but his questions are directed towards Styliane. “He knew the innate love that parents bear for their children. Why, then, did He not take pity on our suffering?... Why did He overlook the agony and turmoil of your parents but instead took you away too, who were their only consolation?”⁵⁵ That Psellos calls Styliane, not God, his only consolation directly challenges Chrysostom, who advises parents that “if on account of a human being you have peace, it is quickly dissolved, but if on account of God, never.”⁵⁶ By Chrysostom’s logic, Psellos loving his daughter too much is what is causing his pain, and if he could only turn to God and praise Him regardless of Styliane’s death, he would find comfort. By Psellos’s logic, God should have respected how much love Psellos and his wife had for Styliane, and chosen to heal her rather than take her.

However, Chrysostom’s piety gives him an optimism about premature death in which Psellos cannot take comfort. Photios and Chrysostom both make promises to bereaved parents that they will see their children again if they live a virtuous and pious life, which Psellos does not seem to believe. To

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grieving parents, Chrysostom admits, living without their child is painful, “but thou wilt of a certainty enjoy him [in Heaven]” if they live a pious life.⁵⁷ Withstanding their grief moderately is how they get to heaven to see their children again, and the promise of seeing their children again should make withstanding grief easier. Photios says the same to Tarasios: “For now the bosom of Abraham cherishes her, and after a short while we shall see her there enjoying herself and joyful. If, however, contrary to the Master’s laws, I mourn the young girl, I drive myself away from that beautiful vision. Do you long to behold the young girl? Cast grief away from yourself.”⁵⁸ The memory of Tarasios’ daughter steels Photios’s resolve and encourages him to withstand his grief piously so that he might see her again.

Because he does not believe in heaven, Psellos does not find the memory of Styliane comforting. Instead, he is only “pushed deeper into depression by the memory of her,” haunted by recollections of the daughter he will never hold again.⁵⁹ And though he talks briefly in parts about Styliane going to heaven—though he then immediately contrasts her heavenly form with her real, destroyed earthly corpse—when it comes to him and his own grief, there is no mention of paradise, only of the bitter, crushing pain that will last forever. When Psellos does talk about seeing Styliane again, it is only in dreams, not in any kind of afterlife. He asks her to come to him “as you were before your sickness,” so that he might see her in her purest form, as he wants to remember her.⁶⁰ “Now that you are far from us,” he tells Styliane, “don’t forget to appear to us in our dreams.”⁶¹ He does not ask God to show him his daughter again, nor does he tell Styliane he will see her in heaven.

When describing Styliane’s disease and death, Psellos says that no physician could do anything for her and that there is no medicine that can cure her. His grief seems to be similarly fatal, as Psellos tells his audience that he cannot cure his grief, that he does not know “what medicine to take to rid me of this sorrow.”⁶² Not only is this connection between her illness and his grief emotionally poignant, it is meaningful for his coping strategies (or rather lack thereof) after she dies. For Styliane, when she was sick, Psellos and his wife prayed for her to get better, because that is what he believed he was supposed to do: when someone falls ill with a disease like the one that killed Styliane, Psellos tells his audience “we should turn our gaze upon Him and entreat Him for aid.”⁶³ Psellos explicitly says that it was God who “infected her.” Other diseases have physical causes, but the one that killed Styliane came from her “very marrow and the bones themselves,” from God.⁶⁴ Because of this, “other diseases may be turned aside by medical care,” but Styliane’s disease could only have been cured by God Himself, and He refused.⁶⁵

Perhaps because it did not work for Styliane, Psellos makes no mention

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of praying to cure his grief. Instead, Psellos saying that he does not know “what medicine to take” seems to be a refutation of any kind of prayer: even though mortal medicines are not helping, he does not even consider entreating a higher power for help with his pain.⁶⁶ This directly challenges Chrysostom, who warns his listeners away from the blasphemy of turning to physicians. “Are you a believer?” Chrysostom asks. “Sign yourself with the cross; say, ‘This I have for my only weapon, this for my remedy. I don’t know another.’”⁶⁷ Chrysostom believes that prayer will heal even the worst grief, but Psellos is not sure there is anything that can help him. He views his grief as chronic, even terminal. As Psellos tells his audience how he prayed for her to get better, he also describes some who, afflicted by grief, “may rot and waste away even before being buried.”⁶⁸ Psellos certainly seems to be one of those mourners: “as for me, I now go about life dejected and sullen and, hardly differing from a dead man, lament the loss of one so dear to me.”⁶⁹ God did not heal Psellos’s daughter, even though Psellos prayed for her, and Psellos does not believe God will save him, either.

Chrysostom (and Photios in turn) offers a number of ways for bereaved parents to withstand grief and make it to heaven to see their children again: time, reason, and faith will see any good Christian through even the worst grief. These coping mechanisms being rooted in Christianity, they are largely inaccessible to Psellos, whose relationship with Christianity is murky at best. In fact, Psellos’s grief overwhelms any sort of coping mechanism, Christian or not, that he might otherwise have counted on. Thus, where Psellos experiences chronic, crushing grief, Chrysostom—who has faith on his side—views grief as acute. “Thou wilt certainly yield to time,” Chrysostom confidently advises parents.⁷⁰ “But my grief is not of this kind,” counters Psellos, “*it is not bounded in time*, it will not end at a certain deadline, it will not relent even for a little while, but will last for the rest of eternity and press upon me until we are all resurrected at the very end.”⁷¹ He does not believe that his pain will ever leave him, and therefore he does not believe that there is anything anyone can say or do to make it better.

According to Chrysostom and Photios, grief is an acute syndrome that will get better with time. In the interim, they advocate for a reasoned, logical grief that does not give way to hysterics. Both authors stress the mundanity of death: it is the ultimate fate of all people and therefore should not be feared or hated, but rather accepted meekly. As Photios says to his brother, “we have submitted to nothing new or strange or alien to nature. She came forth as a mortal from a mortal womb.”⁷² Death is an unexceptional occurrence, and parents should not consider their grief unusual, nor should they allow it to cause them to spurn God. Psellos, too, notes the mundanity of death, but for him, it makes

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it all the more ironic that such an exceptional child should have to suffer such an ordinary fate. “Even against those women who were greatly admired in the past, who would be ranked beneath her in beauty, in fact they would not even come close; still she succumbed to the noose of death and fulfilled the common destiny of human beings.”⁷³ Death may be unexceptional, but his daughter was not.

Chrysostom’s reason in the face of loss mirrors that of Plato, who explicitly states that in the case of a child’s death, “the bereaved father must fight back the lawless desire to grieve in order to grieve ‘least.’”⁷⁴ Both Chrysostom and Plato view grief for a child as severe, but not exactly exceptional or deserving of a special kind of response. For Plato, grief is lawless, and fighting back against the urge to grieve helps a good man maintain virtue. While Chrysostom and Photios rely on heaven as the explanation for their reasoned response to grief, and Plato relies on the virtue of reason itself, Psellos does not see reason in grief. Psellos rejects the very notion that grief for a child can ever be reasonable. “Not even if one were made of iron and had a soul harder than rock would he be able to philosophize under such grief, but would leave aside speaking in a proper manner about her and turn to melancholy and lament.”⁷⁵ And that is exactly what Psellos does: “my innards are all twisted up, my heart is rent asunder, and I am everywhere falling to pieces.”⁷⁶ This ties back to his view of the relationship between parent and child as something exceptional, which means that the death of a child is an especially painful loss. “For other misfortunes come upon us from the outside and, even if they inflict pain on our soul, in the end they are only superficial and do not strike down deep into us.”⁷⁷ The death of a child is different. When a child dies, “it is not possible for the lament over their deaths to be conditional or for the soul to ever cease being wounded by the barbs and red-hot nails of that pain.”⁷⁸ There is no reason, no logic to hold onto in the face of that kind of grief.

At the core of Chrysostom’s argument for reason in grief is his therapy of greater sorrow. He advises parents who have lost children to think logically, to know that many have suffered much worse and that they are not unique in their pain. Biblical stories of parents who suffer worse losses should comfort parents, who can know at least their child did not suffer such horrors. “What if he’d died in battle?”⁷⁹ Chrysostom asks. “What if in fire? And whatever our sufferings, let’s contemplate things more fearful, and we shall have sufficient comfort.”⁸⁰ Putting Chrysostom’s therapy of greater sorrow into practice, Photios tells Tarasios the tale of King David, whose child fell gravely ill and who, in response, “tried to appease the Divine Being” because he took “the illness for a misfortune.”⁸¹ But when his child ultimately died, King David “immediately lay aside at the same time also his grief” and gave thanks to God.⁸² This

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story certainly conjures up Psellos, whose child fell gravely ill and who prayed to God to heal her, but who, when she died, could not lay aside his grief and could not give thanks, because he could not conceive of a benevolent God that would take his child from him. In fact, Psellos finds that biblical stories of loss cannot compare to what he has lost: “Jacob cried when he believed that Joseph was devoured by a beast, even if only briefly, but his joy was magnified when he later heard that he was alive.”⁸³ For Psellos, that joy will never come.

Crisis of “Faith”

Perhaps the clearest difference between Psellos’s experience of grief and the advice and consolation surrounding him is that the popular culture of comfort around him is rooted in faith in God. Chrysostom proudly tells bereaved parents that if they can look past their grief to their piety, they will find themselves relieved of their grief, “for all at once you have given thanks, and God has cut short the pain.”⁸⁴ Photios follows in his footsteps: “I convert my lamentation to the glory of God, and my perplexity to thanksgiving.”⁸⁵ Whether or not Psellos had faith—and in what, exactly—remains up for debate, but it is clear that Styliane’s death is a crisis of epic proportions for his faith and philosophy, whichever he might have turned to for comfort. Tellingly, he does not even mention God or faith as offering comfort. Instead, he speaks directly to his daughter, as she is the only one who can give him any comfort, asking her to visit him in dreams and “cause the flow of our tears to stop.”⁸⁶ This is the worst thing he has gone through or could imagine going through, and he is finding that all his methods for coping with loss are paling in comparison to the “magnitude of [his] sorrow.”⁸⁷ In letters to others and funeral orations for his friends and mother, Psellos tends to give the typical Christian response—death as a good thing, the peaceful repose of heaven, etc.—because the grief is, in his words, “superficial.”⁸⁸ Superficial comfort is enough for superficial grief. But for Styliane, nothing controls him so much as his overwhelming grief, and nothing consoles him.

Chrysostom’s advice for grief stresses acceptance of loss. He reminds parents that they should not blaspheme by wishing their child were still alive or to see them again, but rather they should have faith that if they are pious, they will see their child in heaven: “Say the same words when your small child is dead: I shall go to it, *but it will not come to me*.”⁸⁹ Psellos does not do this. Instead, he closes the oration by speaking directly to his daughter, pleading with her to visit him in dreams so that he might see her again. “Yes child, *come to me*, the man whom you called father for so brief a time but who will now remain childless for so long.”⁹⁰ There is no mention of heaven here, no hope that he will see her again unless she comes to him. He will not “go to it,” it must

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come to him.⁹¹ For Psellos, this is final. This goodbye to Styliane at the end of the oration is truly a goodbye. Psellos says twice throughout the oration that he finds even philosophy unhelpful because there is truly nothing that can help him. Lost in his grief, Psellos finds himself not a Christian, not a pagan, not even a philosopher; he is purely a childless father, and he is in agony. Styliane's death has crushed all other aspects of his identity and reduced him to his pain.

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Endnotes

- 1 Michael Psellos, "Funeral Oration For His Daughter Styliane, Who Died Before the Age of Marriage," in *Mothers and Sons, Fathers and Daughters: The Byzantine Family of Michael Psellos*, trans. Anthony Kaldellis (South Bend: University of Notre Dame Press, 2006), 137.
- 2 Anthony Kaldellis tentatively dates Michael Psellos's funeral oration to 1054 (and certainly no later). If true, it is likely Styliane died in that same year, as the oration is believed to have been given shortly after her death. Additionally, Kaldellis offers smallpox as the most likely disease to have killed Styliane, which matches Psellos's description of her symptoms and the length of her illness before she died. See Kaldellis, *Mothers and Sons, Fathers and Daughters: The Byzantine Family of Michael Psellos* for more information regarding the dating of events in Psellos's life.
- 3 Kaldellis, *Mothers and Sons, Fathers and Daughters*, 5.
- 4 Ibid., 6.
- 5 Psellos's brutal, sarcastic letter to the patriarch Keroularios (who believed a strong relationship with God was more important than any worldly relationship) is packed with pity for Keroularios, who by Psellos's standards would never know the best parts of being alive.
- 6 Stratis Papaioannou, "Michael Psellos on Friendship and Love: Erotic Discourse in Eleventh-Century Constantinople," *Early Medieval Europe* 19, no. 1 (2011): 46.
- 7 Anthony Kaldellis, *The Argument of Psellos' Chronographia* (Leiden: Brill, 1999), 4.
- 8 See Chapter Four in Anthony Kaldellis, *Hellenism in Byzantium: The Transformations of Greek Identity and the Reception of the Classical Tradition* (New York: Cambridge University Press, 2007) for more on Psellos's faith and paganism.
- 9 Kaldellis, *Mothers and Sons, Fathers and Daughters*, 114.
- 10 Kaldellis, *Hellenism in Byzantium*, 196.
- 11 Xueying Wang, "John Chrysostom on the Premature Death of Children and Parental Grief," *Journal of Early Christian Studies* 27 no. 3 (2019): 443-444. <https://doi.org/10.1353/earl.2019.0039>
- 12 While the idea that Byzantine parents cared less about their children because they were so likely to die has lost traction among scholars, child death is still described as a near-mundane event in Byzantine life. See Mary Martin McLaughlin, *Survivors and Surrogates: Children and Parents from the Ninth to the Thirteenth Centuries* and Maria E. Doerfler, *Jephthah's Daughter, Sarah's Son: The Death of Children in Late Antiquity* (Oakland, CA: University of California Press, 2019) for more on common perceptions of childhood mortality.
- 13 Oana Maria Cojocaru, *Byzantine Childhood: Representations and Experiences of Children in Middle Byzantine Society* (New York: Routledge, 2022), 78.
- 14 Cojocaru, *Byzantine Childhood*, 78.
- 15 Doerfler, *Jephthah's Daughter, Sarah's Son*, 28-29.
- 16 John Chrysostom, *Homilies on the Gospel of Matthew*, *Documenta Catholica*

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Omnia. https://www.documentacatholicaomnia.eu/03d/0345-0407,_Iohannes_Chrysostomus,_Homilies_on_The_Gospel_Of_Matthew,_EN.pdf

17 John Chrysostom, “Homily 8 on Colossians,” in *John Chrysostom, Homilies on Colossians*, trans. Pauline Allen (Atlanta, GA: The Society of Biblical Literature, 2021), 205.

18 Wang, “John Chrysostom on the Premature Death of Children and Parental Grief,” 448.

19 Ibid., 448.

20 Chrysostom, “Homily 8 on Colossians.” It is important to note that Chrysostom himself never had children, but his ideas on grief were popular in letters of consolation written by and for parents for centuries to come. Psellos is truly unique in his treatment of children’s deaths as something extraordinarily painful, even insurmountable.

21 Wang, “John Chrysostom on the Premature Death of Children and Parental Grief,” 454. See also Chapter Six in Maria E. Doerfler, *Jephthah’s Daughter, Sarah’s Son* for the origin of this belief with the sacrifice of the Holy Innocents.

22 A. R. Littlewood, “The Byzantine Letter of Consolation in the Macedonian and Komnenian Periods,” *Dumbarton Oaks Papers* 53 (1999): 21.

23 Ibid., 22.

24 See below for more on Chrysostom’s advice on how best to grieve the least.

25 Kaldellis, *Mothers and Sons, Fathers and Daughters*, 112.

26 Ibid., 113.

27 Psellos, “Funeral Oration For His Daughter Styliane,” 133.

28 Psellos, “Funeral Oration For His Daughter Styliane,” 136.

29 John Chrysostom, “Homily 31,” in *Homilies on the Gospel of Matthew*, *Documenta Catholica Omnia*, 6. https://www.documentacatholicaomnia.eu/03d/0345-0407,_Iohannes_Chrysostomus,_Homilies_on_The_Gospel_Of_Matthew,_EN.pdf

30 Photios, “Letter 1,” in *Patriarch Photios of Constantinople: His Life, Scholarly Contributions, and Correspondence Together with a Translation of Fifty-Two of His Letters*, trans. Despina Stratoudaki White (Bristol: Holy Cross Orthodox Press, 1981), 117.

31 Psellos, “Funeral Oration For His Daughter Styliane,” 131.

32 Anthony Kaldellis calls him too “wordly” to have believed this explanation for Styliane’s death.

33 Psellos, “Funeral Oration For His Daughter Styliane,” 131.

34 Ibid., 130.

35 Ibid., 132.

36 Kaldellis, *Mothers and Sons, Fathers and Daughters*, 115.

37 Ibid., 115.

38 Ibid., 115. These professional funeral orations are written for members of the court or emperor’s family. In these less emotional situations Psellos is careful to make all the correct Christian responses. For his own daughter, however, he does

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not cover his meaning nearly as well.

- 39 Psellos, "Funeral Oration For His Daughter Styliane," 133.
- 40 Kaldellis, *Mothers and Sons, Fathers and Daughters*, 115-16. Kaldellis points to this as one of the subjects Psellos would have liked to have talked about, but could not because of the audience listening and because he was far too overcome with grief to consider such weighted ideas in a reasoned, logical manner.
- 41 Psellos, "Funeral Oration For His Daughter Styliane," 133.
- 42 Ibid., 133.
- 43 Ibid., 133.
- 44 Ibid., 133.
- 45 Ibid., 132.
- 46 Photios, "Letter 1," 118.
- 47 Chrysostom, "Homily 31," 8.
- 48 Photios, "Letter 1," 119.
- 49 Psellos, "Funeral Oration For His Daughter Styliane," 138.
- 50 Plato, *Apology*, trans. Alice Van Harten (Cambridge: Cambridge University Press, 2012), 167.
- 51 Emily Austin, "Fear and Death in Plato" (Ph.D. diss., Washington University, 2009), 110.
- 52 Psellos, "Funeral Oration For His Daughter Styliane," 137.
- 53 Chrysostom, "Homily 8 on Colossians," 201.
- 54 Ibid., 203.
- 55 Psellos, "Funeral Oration For His Daughter Styliane," 133.
- 56 Chrysostom, "Homily 8 on Colossians," 187.
- 57 Chrysostom, "Homily 31," 9.
- 58 Photios, "Letter 1," 123.
- 59 Psellos, "Funeral Oration For His Daughter Styliane," 119.
- 60 Psellos, "Funeral Oration For His Daughter Styliane," 138.
- 61 Ibid., 138.
- 62 Ibid., 137.
- 63 Ibid., 131.
- 64 Ibid., 130.
- 65 Ibid., 130.
- 66 Ibid., 137.
- 67 Chrysostom, "Homily 8 on Colossians," 197.
- 68 Psellos, "Funeral Oration For His Daughter Styliane," 131. This is reminiscent of the language he uses to describe Styliane's struggles with her disease and eventually her corpse after she dies. "Wasted though she was by her earlier torments," (131) Styliane never utters a blasphemous word against the God who has given her this disease, but Psellos is not so brave in the face of his crippling grief.
- 69 Ibid., 137.
- 70 Chrysostom, "Homily 31," 8.
- 71 Psellos, "Funeral Oration For His Daughter Styliane," 137 (my italics).

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- 72 Photios, "Letter 1," 117.
- 73 Psellos, "Funeral Oration For His Daughter Styliane," 127.
- 74 Austin, "Fear and Death in Plato," 138-39.
- 75 Psellos, "Funeral Oration For His Daughter Styliane," 119.
- 76 Ibid., 119.
- 77 Ibid., 137.
- 78 Ibid., 137.
- 79 Chrysostom, "Homily 8 on Colossians," 205
- 80 Ibid., 205.
- 81 Photios, "Letter 1," 123.
- 82 Ibid., 123.
- 83 Psellos, "Funeral Oration For His Daughter Styliane," 137.
- 84 Chrysostom, "Homily 8 on Colossians," 195.
- 85 Photios, "Letter 1," 118.
- 86 Psellos, "Funeral Oration For His Daughter Styliane," 137.
- 87 Ibid., 138.
- 88 Psellos, "Funeral Oration For His Daughter Styliane," 137. For Psellos's most orthodox takes on grief and death, see Letter S196 in Michael Jeffreys and Marc D. Lauxtermann, eds., *The Letters of Psellos: Cultural Networks and Historical Realities* (New York: Oxford University Press, 2017) in which Psellos expresses grief at the death of a fellow monk but also joy that the pious monk was "reaping an abundant reward" in heaven. See also S105 to the vestarches Bourtzes after the death of Bourtzes's brother, in which Psellos tells Bourtzes that his brother's death in the prime of life had spared him the sufferings of old age and that Bourtzes should comfort himself with the knowledge that he would see his brother again in heaven. Finally, see *Michael Psellos, Encomium for His Mother*, trans. Anthony Kaldellis (Notre Dame, IN: University of Notre Dame Press, 2006).
- 89 Chrysostom, "Homily 8 on Colossians," 203 (my italics).
- 90 Psellos, "Funeral Oration For His Daughter Styliane," 138 (my italics).
- 91 Chrysostom, "Homily 8 on Colossians," 203.

The Alienation of Public Lands

Sonoran Land and Foreign Investment Under the Porfiriato (1876-1911)

John Trytten



Image: Excerpt from Antonio García Cubas, *Atlas Mexicano* (1884). Image courtesy of the Library of Congress

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The Alienation of Public Lands

In the twentieth year of the reign of Governor Ignacio Pesqueira of Sonora, his sparsely settled desert satrapy faced rebellion, dissent, and discontent. It was 1876, and the sand in the glass of the *pesquerista* regime had finally drained. At the end of his tenure as the preeminent caudillo, or strongman, of the northwestern Mexican frontier, Pesqueira lost the support of middle class and commercial interests. His attempt to position his nephew as the dynastic successor in the 1875 election was the crack in governance that sparked the malcontents of a new generation into statewide revolt against the aging Liberal politician.¹ A stalwart of Juárez-era reform and mid-century Mexican liberalism, Pesqueira had nevertheless governed Sonora, his northwestern Mexican border-state-turned-fiefdom, independent of federal policy. The Sonora of his era was isolated and autonomous. It was economically led by local Mexican entrepreneurs and European maritime merchants, while the vast lands beyond the central string of towns remained indigenously inhabited, beyond the grasp of the government, the settler, or the capitalist for the most part. It was a Sonora that would be washed away during the next thirty years. In 1876, as that precarious frontier state descended into civil strife against the old *pesquerista* regime, the doomed President Lerdo de Tejada opportunistically asserted federal authority over the distant province, dispatching General Mariscal as military governor and legitimizing the end of the Pesqueira dynasty.²

Far to the south, concurrent to the parochial drama of Sonora, a rebellion in Oaxaca against Lerdo's reelection bid invited a national hero of the previous decade's French Intervention, General Porfirio Díaz, to lead them. Díaz would lend his name to the following thirty-five years of Mexican history—the Porfiriato. By the end of 1876, don Porfirio had gained the presidency through force of arms and began implementing his vision for the modernization of Mexico. His ideological clique, the *porfiristas*, backed by the stability of autocratic centers of control, ruthlessly pursued industrial progress through intensive economic liberalization and privatization.³ While his regime would transform the economic and social apparatus of Mexico at large, Sonora's elite were almost uniquely primed to pursue the total transformation of their state.

Sonoran Development and the Porfiriato

Sonora set itself on a unique course of development under the Porfiriato, promoting local interests and foreign capital in pursuit of economic growth. It did not participate in Díaz's call to rebellion, the Plan of Tuxtepec; having already waged its own local civil war against Pesqueira, it was one of very few states that avoided the national conflict.⁴ Sonora had deposed its previous government and joined the brave new world of Porfirian politics and economics by coincidence. By the start of the 1880s, the new generation that had consolidat-

ed power in Sonora aligned itself with the federation's new economic platform.⁵ The lynchpin of Díaz's view of an industrialized, modern Mexico was land privatization and development, which Sonora enthusiastically pursued, selling more public land than any other state.⁶ As the era closed, Sonora had converted itself from a minor frontier economy to one of the most prosperous regions in Mexico, but this prosperity was imbalanced and unequal.⁷ After buying out the state's land, speculators, industrialists, and investors extracted and exported the resources of Sonora.⁸ Primarily fueled by the injection of tens of millions of dollars in US (American) capital, which ultimately dwarfed European and Mexican capital investments, the Sonoran economy was arguably influenced and subsumed by foreign money to a greater extent than any other state of the Porfiriato.

To understand the profound economic transformation of Sonora, focus must remain on state and individual actions and motivations. Despite Díaz's centralization, Sonora's development occurred locally in autonomous alignment with federal policies, offering a nuanced view on autonomy in Porfirian state-federal relations, the role of sovereignty and subalternity in the Mexican frontier, and the growing pressure of American capital in the isolated borderland. Throughout the transformation of Sonoran land, the state retained a greater sense of local autonomy than most of the modernizing federation, even as it reduced working-class and indigenous strata towards a subaltern, voiceless position. The subaltern are the furthest oppressed class of a colonial regime, "by definition not registered or registrable as a historical subject capable of hegemonic action," as the founding statement of the Latin American Subaltern Studies Group defined. However, this silencing does not make the subaltern "a passive or 'absent' subject that can be mobilized only from above; it also acts to produce social effects," which were realized, for instance, in subaltern indigenous and mestizo populations of the Porfiriato clearing the way to the Mexican Revolution.⁹ While this article focuses on the development plans wrought by the dispossessing elites, it is important to acknowledge the functional dispossession of the subaltern populations who suffered the consequences of these plans and proved fundamental to the regime's ultimate demise. The Sonora of the Porfiriato remained an autonomous border society, positioned between the camps of Mexico and the United States, but out of reach from either's central authority.¹⁰

Sonoran Geography and Land Categories

To understand Sonoran history, its geographic limitations must be surveyed. The currents of its development were formed by its seclusion, which was only lifted by the arrival of the Porfiriato and wide-scale foreign investment. To

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the east and south of Sonora, the Sierra Madre Occidental range cut all reliable overland connections to central Mexico, accentuating its distance; to the west, the Gulf of California offered sequestered access to the state, with Baja California occluding it from major seaports; to the north, an invisible line had cut through the sands since the mid century, separating Mexican Sonora from the US Arizona Territory.¹¹ The land cession of the Gadsden Purchase of 1854, an early case of Mexican federal authority triumphing over Sonoran interests, sold 43,534 square miles of northern Sonora to the US government and finalized this portentous boundary.¹² Geographically, Hermosillo, Sonora's capital, is closer to San Francisco than to Mexico City.¹³ Sonoran elites saw the newly American Pacific Coast as their natural trade partner, and, under the Porfiriato's economic policy, they were now free to create economic links.

Following Porfirian policies to open the state for investment and its land for purchase, Sonoran elites and policymakers increasingly embraced American capital in land development, attempting to tap the northern reservoir to grow Sonoran industries. Distant Mexico City enabled the state's land policy, supporting it with private survey companies and campaigns against the indigenous Yaqui and Mayo, but held less direct oversight than don Porfirio might have wanted people to believe. For decades, Sonoran elites had viewed this approach as a calculated, albeit risky, investment.¹⁴

Materialistically, the Porfiriato's policies would arrive in Sonora on rails. Foreign capital funded the first Sonoran railroad, connecting Sonora to Arizona and the northern market of the United States, literally laying the groundwork for future waves of land investments.¹⁵ These lands, aggressively acquired by Mexican and foreign capitalists, fell into several legal categories of public lands made available by Porfirian policies. The most prominent was the law of idle lands, the *terrenos baldios*, which were legally untitled and uncultivated, and, therefore, purchasable from the government at a fixed low price. When officially surveyed, these became *terrenos nacionales*, also sold at negotiated rates. The *ejidos*, communal indigenous or rural lands, were often seized or forcefully privatized.¹⁶ *Enajenación*, or alienation, was the legal term for transferring ownership of these lands for sale. The majority of Sonoran land fell into one of these public categories in 1876, and it was the alienation of public lands that would become the rule of the era. From the state's particular situation came one of the most radical transfers of land ownership during the Porfiriato, reshaping the border society's hierarchy.

In the years after the railroad cut through the desert, foreign capital entered in three broad ways: through the private land survey companies of the 1880s, mining speculators, and, following the conclusion of the regional Yaqui Wars, the agricultural interests of the 1900s.¹⁷ The Sonoran *porfiristas* liber-

alization of land ownership and railroad concessions precipitated the perfect storm of foreign investment that Sonora would ride into the depths of dependency and economic subjugation.

Sonoran Elites and the Perseverance of Regional Interests

The platform of the *porfiristas*, of course, went beyond the reductive view of selling out the state to foreigners; the Sonoran elites pursued regional, pre-Porfirian goals of leveraging closer economic integration with the market of the US to jumpstart the development of the frontier economy. In the mid-century decades between the Mexican-American War (1846-48) and the Porfiriato, state elites still envisioned the recently conquered regions of the now US Pacific Coast as natural local partners. Despite this economic stance, concerns about land encroachment and a reduction of autonomy by either American influence or misaligned Mexican federal control meant that Sonoran policies regarding foreigners' land rights from the 1850s to the 1870s were at odds with those in Mexico City.

Channeling foreign investment to settle and develop Sonora's land in a balanced and locally controlled manner was at the forefront of state planning. On May 6, 1850, in a precursor to Porfirian liberalization, the Sonoran State Legislature issued a colonization code, immediately opening all *terrenos baldíos* for state-initiated colonization with generous concessions to colonists.¹⁸ The decree, however, went beyond the pale in granting rights to foreigners. Article 11 reads, "Mexicans and foreigners will enjoy the same privileges in a colony of Sonora," with the document elsewhere promising protection and security for foreigners and the upholding of "all of the civil and political rights that the law concedes to them."¹⁹ This code was deeply invested in encouraging foreign settlement, but it was also an expression of Sonoran autonomy. This would effectively declare Sonora as fully sovereign over its public lands, completely free to pursue colonization programs as it wished and acting independently of Mexico City as it walked on the borderline between two nations. The following year, the federal government of Mexico declared the code unconstitutional.²⁰

During the late 1850s, Mexico's federal government attempted to reassert control of Sonoran public lands and reduce its nascent sovereignty. The trading company Jecker, Torre, and Co. was granted the right to survey all of the idle lands of Sonora and Baja California, with compensation in the form of a title to one-third of the surveyed land.²¹ Jecker, a Franco-Swiss banker, would find it difficult to collect on this concession; despite Jecker's legal right and the backing of the American gunboat, *St. Mary*, Governor Pesqueira refused to recognize the document that would have signed away a third of his state's unsettled land.²² In the same period, several other federally backed American and French

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colonization groups would be labeled locally as filibusters, a group of foreign, insurrectionist military adventurers whose imperialistic interventions were common in nineteenth-century Latin America. The state administration would chase such groups off, while Pesqueira fought against rumors that Mexico City's Juarez government would sell the state to the US to keep the federation's budget afloat.²³

These examples contextualize the desires and expectations of the Sonoran elite regarding American land investment during this first era of cross-border contact. While this era (roughly 1850-1880) saw Sonoran desires for autonomous yet controlled investment, trade, and development, there were also various wide-reaching federal plans by Mexico City that seemed, to the locals, wholly ignorant of regional concerns.²⁴ Such disputes would prove emblematic of the complex relationship between Sonora and Mexico City throughout the 1800s. Though local elites wished to remain (and would remain) a state in the Mexican federation that was ultimately answerable to Mexico City, they fully intended to pursue the limits of independent action with regard to regional economic development and interests.

A Sonoran Railroad

These currents of local interest poured into don Porfirio's regime during the late 1870s. Indeed, the calls from the leaders of the border state now found resonance in the new central government. To bridge these gaps and realize the persevering aims of state leaders, one must follow the tracks. The first proposal for a railroad in Sonora dates to 1854; a half dozen more contracts would be granted by 1875. All of them planned to connect with the northern US-Mexico border rather than the Mexican core, and all of them failed to lay a single mile of track.²⁵ The state assembly and Pesqueira championed the penultimate scheme, the 1872 joint British-American Eldredge proposal, yet the federal congress remained silent. Sonoran officials voiced clear disdain for this ignorance of their local needs, arguing that the state should control these land contracts. The historian Miguel Tinker-Salas connects this controversy to the growing divide between federal concerns and the interests of the "new border empire" of Sonora.²⁶ While a general lack of awareness existed between central Mexico and the north, concerns about unchecked US influence informed the federal timidity of the 1870s. Carleton Beals, more journalist than historian, characterized President Lerdo, Díaz's predecessor, as "[afraid of] foreign capital, particularly everything American. Wishing the desert between Mexico and the United States, he refused to grant railway concessions."²⁷ A brief civil war later, Mexico City had changed its tune—but Sonora had not. In his first term, Porfirio Díaz would grant twenty-eight concessions, with only eight construct-

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ing functioning railroads. In contrast to subsequent terms, “Díaz’ [first administration] pushed insistently for railroad development without using foreign monies,” argues historian Daniel Lewis, so Mexican capital and entrepreneurs drove the majority of these early Porfirian projects.²⁸ Among the successful eight was the notable experiment that would wash away Lerdo’s desert barrier: the 1879 concession to the Atcheson, Topeka, & Santa Fe railroad company (visible in Figure 1) “was the first US railroad ever to incorporate in Mexico,” representing Díaz’s first brush with foreign-funded rail, crossing the invisible line in the sand.²⁹

As these concessions rolled out, the politics of Sonora consolidated behind three men, each a *porfirista* in essence. The so-called Sonoran triumvirate created a unique situation for the Porfiriato, as it emerged victorious from the caudillo vacuum left by the fall of Pesqueira.³⁰ They aligned themselves with don Porfirio, but, due to Sonoran autonomy and war-weary neutrality during the Plan of Tuxtepec, their rise was not directly derived from Díaz.³¹ The three men, Luis E. Torres, Ramón Corral, and Rafael Izabal, each brought their own idiosyncrasies, but the desire to leverage foreign capital and Sonoran land to realize the elite dream of a developed, transnational state united them. Sonora’s particularly radical path of land alienation was a product of the triumvirate and the distinct movements of the state that empowered them, their often uncritical faith in the providence of foreign investment, and (particularly for Corral and his supporters) their ideological foundation in the positivist tenets of the fledgling *científicos*. Positivism holds that scientific empiricism is the only method by which one can gain knowledge of the world, and the *científicos* would carry this to an ideological end in support of an almost mechanical, industrialized, technocratic society. By January 15, 1880, the Porfiriato proved amicable to the state’s aims as the wire from Mexico City announced the Sonoran Railroad concession had been granted, and *La Constitución*, the official state newspaper, crowed the arrival of a new Sonora.³²

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Figure 1: Map of the Atchison, Topeka and Santa Fé Railroad system, including the new Sonoran railroad, integrated into the American network. G.W. & C.B. Colton & Co, and Topeka Atchison. *Map showing the Atchison, Topeka and Santa Fé Railroad system, with its connections* (New York, 1883). Image courtesy of the Library of Congress. <https://www.loc.gov/item/98688579>.

The 1880s was a new era for Sonora. It became the crucible of Porfirian policies. An iron horse was stampeding north, and the furrow it carved brought the rain of capital to the deserts of Sonora. The corridor it carved, from the port of Guaymas to the capital of Hermosillo to the growing border checkpoint of Ambos Nogales, was Sonora's prime central artery of transportation, communication, and speculation. This iron artery differed from most; it did not flow to the heartland. From the start, the pulse of Sonoran development was linked to the United States. The state pursued a railroad concession that connected solely to the northern American network and not to any other Mexican state. Indeed, the Sonoran railroad proves a cartographical outlier in Mexican maps, featuring rather more prominently in American maps of Western railroads, such as Figure 1. No connection further south would be completed until the time of the Mexican Revolution. The railroad's pulse, the Sonoran gentry hoped, would turn into a flood. In 1880, *La Constitución* predicted that land values could rise by over 100 percent; that immigrants, whom the state badly needed, would soon come pouring in; that Guaymas would supplant San Francisco as the hub of trans-Pacific Asian trade with the railroad transporting goods to the US market overland; and that Sonora "will come to be the foremost entity of the federation."³³ These bold claims, an elegant thesis of the Sonoran *porfirista* dream, were the repeated themes of *La Constitución*, the

mouthpiece of the Sonoran elite.

Over the next two years *La Constitución* further discussed immigration, emphasizing the stability and peace of the Díaz regime before turning to the elephant of foreign investment. It argued that due to the country's war-torn past, Mexico lacked the capital to industrialize itself, as seen in the rail experiments, which meant that attracting foreign capitalists to Sonora was "extremely favorable" and "necessary for development."³⁴ Reprinting an article from Mexico City's *La República*, the newspaper warned of potential risk. To develop their land, the predominant Sonoran elite wooed world powers, many of which had intervened in Mexico in living memory. France possessed great capital, and Italy plenty of eager immigrants, but the United States had both—and proximity. While the article still argued that foreign companies were needed and should receive "all reasonable benefits," it forecast that, without care, the nation could find itself under "the absolute mercantile predominance of [one of these great powers.]"³⁵ Sonorans were aware of the risks, aware that this development plan involved selling massive assets to foreign powers, but the elites took it on as a managed risk. The scholar Tinker-Salas further argues that this strategy of inviting foreign capital secured Sonora's future: the integration of American capital and assets into the Sonoran economy dissuaded further American attempts at military or political subjugation of the frontier.³⁶ Regardless of these forecast consequences, in the words of historian Steven Sanderson, "the northwest was finally 'investment property.'"³⁷

Speculating on "Idle Lands"

In the critical period of the early Porfiriato, land claims were effectively tethered to the railroad. From 1875 to the heights of the 1880s, sales of *baldíos*, officially undeveloped land plots, were pinned to the fate of the Sonoran railway; land claims rose and fell with the false starts of the 1870s, but, with earnest construction underway in 1880, the sale of *baldíos* had grown from 2,125 hectares in 1875 to 99,377 hectares.³⁸ This speculative rush for borderlands in 1880-81 was primarily driven by local entrepreneurs claiming *baldíos* in northern Sonora; in the pursuit of land acquisitions, "most treated indigenous lands as *terrenos baldios*," idle, unused, empty lots.³⁹ This euphemistic treatment of seizing indigenous land and conceptualization of native-inhabited land as empty or *baldío* even entered into contemporary legal documents, such as an 1882 division of public lands in Batacora, Sonora, which provided "that the rest of the *terrenos baldios* occupied by the Indians be distributed to them in lots."⁴⁰ This forced privatization of public, particularly indigenous, lands which would be repeated throughout Sonora, was framed as a modernizing, rationalizing method to industrialize the state.⁴¹ The implicit acknowledgment of indige-

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nous inhabitation found in these documents reflects Manu Karuka's concept of counter-sovereignty, namely that "settler invocations of sovereignty require recognition of Indigenous modes of relationship, however muted or displaced."⁴² Particularly in the southern river valleys, the underlying foundation of the period's massive land sales was the assertion of counter-sovereignty over seized or alienated public lands. Meanwhile, newspaper complaints that certain *ejidos* (communal rural lands) were being falsely claimed as *baldíos* were drowned out by yet more land claim announcements and updates of the railroad's progress.⁴³ To develop and privatize the state, the *porfiristas* sacrificed communal and indigenous lands.

As the railroad linking Sonora to US markets was completed, and as entrepreneurs gave way to survey companies spread out across the state, *baldíos* sales would peak in 1886 and 1888, with 245,782 and 244,797 hectares, respectively.⁴⁴ The bold prediction of doubling land values had been realized and surpassed. Throughout the 1870s, *baldíos* prices for Sonora had been stable at 0.12 pesos per hectare, the lowest for any state. In 1883, following the railroad's completion, the price had already doubled to 0.25 pesos per hectare. By 1890 in Sonora, third-class *terrenos baldios* were sold at 0.50 pesos and first-class at 1.10 pesos for every hectare. In fact, while initially uniform in price with all other northern "frontier" states, the others had stagnated mid-decade, with third-class lots sold at 0.30 per hectare, while the prices in Sonora continued to rise.⁴⁵

Speculators had gained interest in Sonoran land. The railroad was a material component that spurred and shaped this new era of land policy in the state. The surveyors prowled up and down its length, and new towns sprang up alongside it.⁴⁶ The course of the railroad would make or break the communities of Sonora. In cutting its direct northern pass, older, bypassed municipalities like Ures, Sahuaripa, or Alamos faced a propitious decline in the decades following 1880, reflected in the smaller amounts of surveyed land in their districts.⁴⁷ The arrival of the railroad in Sonora provided direct access to the US market and created the physical infrastructure to drive investment, speculation, and land claims in the state, ultimately kickstarting other *porfirista* designs for the state by drawing in private survey companies and investments in mining and agriculture.

Surveying Sonora

The history of private survey companies holds a distinctive role in shaping Sonora and shifting the state's land ownership. The customary law in Sonora before the Porfiriato held few regulations in that period of endless "idle" frontier land. To claim land "simply required a *vista de ojo* (visual inspection)

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by an official, after which a person erected ‘*mohoneras* [markers],’ though many forewent even this formality, aspiring to squatters’ rights.⁴⁸ Although scattered *haciendas* and *ranchos* populated early rural Sonora, their small size and population made Sonora an oddity where wealthy *hacendados* “did not monopolize all productive land.”⁴⁹ During the early speculative rushes over the railroad around 1880, local elites themselves maintained preeminence over claiming northern *terrenos baldios*, even if the scale offered by local capital fell short of their goals.⁵⁰

Hastening this acquisitional expansion, private survey companies were the institutional response of the Porfiriato to systematically map and survey Mexico’s public lands, opening an unprecedented number of lots for sale. Legally, the federal regime favored the interests of speculators over the large land-owners, the *hacendados* and *latifundistas*, whose estates had grown elsewhere under previous liberal reforms.⁵¹ A key aspiration of the Porfiriato was to stimulate economic development and encourage capitalist investment; the purpose of the survey companies was to facilitate the transition of public lands into private hands.⁵² No state sold more public land than Sonora.⁵³ The companies were mandated to survey the local *baldíos* and compensated with ownership of one-third of these surveyed “idle” lands. The “colonization” and settlement of these lands were the explicit aims of the program, and the sparsely populated Sonoran frontier made a prime destination for these surveyors.⁵⁴ The majority of survey concessions were granted between 1886 and 1890, mapping onto the post-railroad peaks of *baldíos* sales in 1886 and 1888.⁵⁵

The surveyors of Sonora held one further unique distinction. In his review of private survey companies in six northern states, historian Robert Holden downplays the role and prevalence of foreign capital in the process, noting only that companies backed with foreign capital “were compensated disproportionately” in their concessions.⁵⁶ I contend, however, that the surveyors of Sonora were outliers: if the case study is reduced to Sonora alone, foreign capital was outright dominant. It was the only state in Holden’s case study where a foreigner, Luis Huller, was granted a survey concession. Huller proceeded to gain, via the rare practice of transfer, an additional eight survey concessions, five of which were located in Sonora. Of the six firms that Holden established as verifiably involving foreign capital, the top three were wholly, or in Huller’s case, primarily, titled in Sonora and collectively represented around 80 percent of the compensations granted to foreign-invested firms by Holden’s data.⁵⁷ Huller also pioneered a new cost-saving method of surveying that was upheld by the Sonoran courts. Surveying private land was the biggest hassle in the business: private owners did not care for surveyors demanding to see their deeds and measuring their lands, especially in lax Sonora, where benign neglect saw bor-

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der fences shift over the years. Huller's method involved estimating private land within the concession without cross-reference, effectively skipping surveying the area's private land.⁵⁸ Huller is a fascinating case study of both the privileged extralegal position granted to wealthy foreign investors in Sonora and radical Sonoran practices that were later adopted across the Porfiriato.

Holden's list also tends to discount or obscure highly notable gray cases that suggest foreign influence and investment in other Sonoran survey projects (including Carlos Conant mortgaging his survey concession for American investment, Macmanus e Hijos surveying in the stead of concession-holder Ornelas and selling the surveyed land to foreigners, Olivares immediately selling his share to a foreign partner upon completion, and Manuel Peniche's 1894 transfer of over 600,000 surveyed hectares to the American-owned Wheeler Land Co).⁵⁹ Foreign influence loomed over the massive Sonoran survey industry. Along that vein, the British-owned Mexican Land Colonization Company fought the government's survey of the Magdalena district for six years, claiming that the company's compensatory one-third of surveyed *baldíos* included disproportionately small amounts of the district's prime real estate—the land by the railroad.⁶⁰ The creation of the Sonora-Arizona railroad had opened Sonora to potential foreign investors and capitalists while new federally endorsed policies had laid the groundwork to open the market. As the *porfiristas* had hoped, rain followed the plow.

Sonoran Mines, Yankee Capital

Land was the wealth of Sonora, including the riches buried within it. With rail infrastructure leading the way, the Sonoran mining sector expanded exponentially, albeit under a foreign monopoly. Even in the early 1880s, foreign surnames like “Johnson,” “Gilson,” “Nicholls,” “Graff,” and “Muller” could be found across newly claimed mine titles, while General Bernardo Reyes fretted that incoming Yankee influence “‘threatened to engulf the Mexican element [of Sonora].’”⁶¹ Most elites, and the ruling triumvirs in particular, celebrated growing foreign investment as a cornerstone of the state's modernization. In 1910, \$27 million out of \$37.5 million in statewide US investments was in the mining sector. By 1892, 30 percent of American mining investments in Mexico were in Sonora alone, according to historian Ramón Ruiz's socioeconomic review of the state.⁶² The watershed moment of this particular deluge of capital came in 1884, with a Porfirian amendment to the *Código Minero* to “set aside old restrictions on the role permitted foreigners in the mining industry.”⁶³ Indeed, the Porfiriato's liberalization of land ownership meant that obtaining land “proved to be the easiest of the hurdles the foreign speculator had to cross.”⁶⁴ A month before Sonoran miner Ignacio Ibarra complained of a rival speculator

claiming his mine and selling it to three Americans, *La Constitución* described how “everyday, claimants and registrants of mines present themselves for their exploitation or with the interest of alienating them to rich foreign companies.”⁶⁵

Even amid the state’s economic upheavals of the 1900s, mining titles increased almost tenfold from the 12,994 hectares of 1900 to their 1908 height of 125,593 hectares. And yet, this was a foreigner’s market.⁶⁶ By the end of the decade, US monopolies had blocked native Sonorans from accessing the state’s leading industry, pushing local mine owners out of business and reducing their laborers to a subaltern status.⁶⁷ The biggest fish during these boom years was the American-owned Cananea Consolidated Copper Company, a supply hub of the exploding need for copper wiring in the 1890s. By 1906, the company was one of the largest copper producers in the world, employing 6,000 workers in Sonora.⁶⁸ Mexico exported 260,000 pesos worth of copper in 1892, which ballooned to 32 million pesos at the industry’s 1906 height, making Mexico the world’s third-largest copper producer.⁶⁹ As Americans established mines, their local roots sank deep: they hegemonized local economies and created company towns, and they monopolized wider areas of wood and cattle sectors to fuel the ravenous industry of the subsoil.⁷⁰ This was purely extractive. Unlike in Monterrey or San Luis Potosí, industrial-scale Mexican smelting facilities were never constructed, and the raw wealth of Sonora was shipped north by rail for refinement.⁷¹ US mining interests were dominant. In pursuing this omnifarious acquisition, Ramón Ruiz postulates, the mining companies had “carved out imperial enclaves complete with... extraterritorial rights,” while the *porfirista* elite lauded the economic progress of their state.⁷²

The true law of the state was to clear every obstacle in front of this turgid flow of funds, always in the hope of inflating the elites’ stake in the region. The Sonoran upper classes, emerging from a long history of placing regional interests over federal concerns, fell into firm alignment. The ideological unity of state power, resources, and interests resulted in an attitude toward law-bending and exception-granting among Sonoran officials that transcended the standard corruption of a regime such as the Porfiriato. The personal enrichment of officials and elites was a goal above even the development of the state, and each of the three governors held a veritable empire of shares in different businesses, most prominently Corral’s stake in the Cananea mines.⁷³ Scholar Ramón Ruiz directly connects Corral’s friendship with Cananea’s influential robber baron, Colonel Greene, to Corral’s subsequent rise to the vice presidency.⁷⁴ Ruiz also relays the story of the opportunistic Arizona rancher William Barnett, who used a land dispute between two Sonorans and his friendship with Governor Corral to gain control of a Mexican ranch, thus dispossessing both claimants.⁷⁵ Even where federal officials held oversight, Sonoran officials penned letters of

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recommendation to grease wheels, such as *permisos* for foreigners to own land close to the border. While many Sonoran requests consisted of urban property in border cities, officials also approved expansive rural requests, like one W. B. Redmond's petition for title to several Magdalena District mines and sufficient land to service them. Keeping the money flowing in was the true foundation of the Sonoran state during this period.⁷⁶

To the governors and local upper class, this endless stream of money from nowhere seemed a panacea. Foreign money had brought the railroad, and now mining bribes would fund the schools.⁷⁷ By the Mexican Revolution, "6,600,000 acres of Sonora were in the hands of eighty-one proprietors, connected with the ruling dynasty, or foreign companies."⁷⁸ Customary law and case-by-case action remained the Sonoran norm, just as in the fully autonomous frontier days. These local actions, which granted every allowance in the name of capital, created a noteworthy feedback loop of intense investment interest in Sonora, keeping the state a step beyond the rest of the Porfiriato in its extremity. Every example of laws flouted, red tape circumvented, or allowances granted by state (and sometimes federal) officials could fill an archive.⁷⁹ "The foreigner was above the law," wrote Beals of the nation, but, in Sonora, their interests had become law.⁸⁰ As a peripheral extractive economy for over thirty years, Sonora found that elite policy and foreign exploitation progressively pushed indigenous and working-class strata towards subalternity, as regional institutions favored capital over the rights and voices of native Sonorans.

The Conquest of the River Valleys and the Cycle of Privatization

Under the Porfiriato, the value of land often surpassed that of its inhabitants, and it was the Porfiriato that finally surveyed, parceled, and colonized the fertile lands of Sonora's south, the Yaqui and Mayo river valleys, which had long been bastions of indigenous resistance and objects of rapacious speculative desire. In 1880, Colonel Ángel García Peña was tasked by the newly minted federal *Comisión Geográfica Exploradora* to explore and survey the lands of the Yaqui and Mayo, a region that only nominally acknowledged the authority of the Mexican government. Peña sliced up the ancient *ejidos* (commons) of the indigenous tribes, granting each adult male his own plot and selling the rest to Mexican colonists, naively envisioning this enclosure as the pacification of the Yaqui.⁸¹ Early plans centered on the idea of "pacifying," "civilizing," or "modernizing" the Yaqui and Mayo, casting their communal, pre-industrial ways as blocking modern development.⁸² To the *porfiristas*, the privatization of land and "the proletarianization of the Indians" were the future.⁸³ In a counterpoint to the mainstream *porfiristas*, influential General Bernardo Reyes lamented in 1881 that claims for "idle" lands in the valley far outweighed the possibilities

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and “colonization meant robbing the Yaqui of his lands.”⁸⁴

The future revolutionary general opposed the state government’s schemes to seize Yaqui *ejidos*, but he could not halt the elite’s momentum.⁸⁵ In 1882, Cajemé, the effectively independent *alcalde mayor* of the Yaqui, repulsed overconfident government attempts to seize more land.⁸⁶ This indigenous victory brought federal focus to Sonora’s land arrangement, wherein a communal native society had cultivated the state’s richest farmland under the jealous gaze of the privatizing Porfiriato. Federal troops soon marched into the river valleys, and Cajemé led the Yaqui and Mayo in a valiant, defensive rebellion, which was ended only by his capture and execution in 1886.⁸⁷ Invariably returning to the same ideological recourse, the *porfiristas* applied what they viewed as the unique font of progress; imposed privatization and proletarianization would drive pacification and colonization. They would try again to colonize the Yaqui River with the Yaqui people.

Many Yaqui refused to be made colonizers of their own land, and the following decades of the Porfiriato witnessed a cycle of indigenous rebellion and resistance followed by the government’s reimposition of individual land plots.⁸⁸ Historian Cynthia Radding summarizes the indigenous response with the Yaqui proverb, “God gave the river to all the Yoremes, not a piece to each one.”⁸⁹ The last major rebellion was suppressed in 1897, after which the Yaqui were, again, granted small plots of land in a valley that was no longer theirs.⁹⁰ Through this multi-decade occupation, the Porfiriato valued the worth of the valley’s land over the worth of the indigenous people, a brutal dichotomy fundamental to its economic philosophy.⁹¹ The enclosure of the valleys had realized the speculative desires of elite families, but at a brutal cost.⁹² The tragedy of the Yaqui river valley represents a potent ideological failing of the Porfiriato. The regime, founded economically in pursuit of industrial capitalist development, encountered an implacable, recurring foe in the social rejection of destructive components of “Porfirian progress.” Under the limits of don Porfirio’s philosophy, it was impossible to find an equitable resolution to the rebellious impasse. During the final decade of the Porfiriato, the regime deported thousands of remaining Yaquis, forcing them to labor in the plantations of southern Mexico—the only lasting solution that the government could recognize.⁹³

Once the interest of land triumphed over people, Porfirian development plans resumed. As the *porfirista* elite sold the river’s native sons into indentured life, a speculator named Conant faced bankruptcy. Half-American, half-Mexican, Carlos Conant was a full *porfirista*. He led a failed anti-Pesqueira rebellion in 1873, later winning him the good graces of Pesqueira’s successors and the Sonoran triumvirate.⁹⁴ In 1890, he received a federal greenlight to survey, claim, and colonize the *terrenos baldios* of the Yaqui, Mayo, and Fuerte river valleys,

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particularly the Río Yaqui, as officials deemed much of the occupied Yaqui land *baldíos*. The following year, Conant's development plans received the backing of New York capitalists, and he founded the Sonora and Sinaloa Irrigation Company. "As security, Conant mortgaged the 500,000 hectares granted [to] him," with Americans holding a 75 percent share.⁹⁵ By 1901, his endeavors to construct the Porfirio Díaz Canal had brought the company to bankruptcy, and his creditors were paid in land.⁹⁶ Conant's concession was bought out in 1904 by the Richardson brothers of Los Angeles. American speculators, the brothers, and their construction company quickly dominated the valley, having gained the right to irrigate hundreds of thousands of acres and ultimately selling some 40,000 hectares to Californian colonists.⁹⁷ From 1906 to 1911, the Mexican government granted more and more water, land, and rail concessions to the monopolistic speculators.⁹⁸ In the twilight of the Porfiriato, under direct US ownership, the railroad finally furrowed south to where the Richardsons' canals watered American farms on foreign soil.⁹⁹

On the precipice of the Revolution, Luis Torres, after three decades as a Sonoran caudillo, had a moment of clarity. In 1910, he urged rejection of the Richardsons' appeal for a ten million peso subsidy to dam the Río Yaqui because the company "owned virtually all the land on both banks of the river."¹⁰⁰ Company rule and privatization had not brought prosperity to the Mexican farmers and colonists of the stolen land, who could not afford the plots that the company sold. But, then again, were they ever meant to? While a deluge of capital had washed down from the border to the southern river valleys, that wealth had not trickled down.

Conclusion: The Flood

After three decades of triumvirate reign in Sonora, the levee burst. Not just in the state, but across the nation, the turbulent outpouring of revolution would wash away the antediluvian Porfiriato and the Mexico of 1910. Built in response to Porfirio Díaz's vision of land alienation, the cry for land reform would unite the multiple revolutionary factions. Land distribution and ownership had radically shifted over the preceding thirty-five years. Sonora was an extreme case of change; its unique geography, demographics, challenges, and history set the state up for a total embrace of the possibility offered by the Porfiriato.

Following the US conquest of the West Coast, a growing faction of Sonoran elites saw the isolated state's ideal future in economic interlinkage with the US. Porfirio Díaz, with his own vision for an industrial Mexico, was the first president to support Sonora's trans-border activities. The *porfiristas* within Sonora embodied pure ideological continuity with the state's midcentury elites,

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now with a stable, aligned government at both the state and federal levels. The foundation of the Porfiriato in Sonora was its land policy, in which foreign capital won out. The early realization of elite plans of a connection with the US market drove the feedback loop, stimulating increased land alienation and foreign investment. This snowball effect, a consequence of opening Sonora to foreign investors earlier than many other states, left Sonora on its extreme course, where it often served as a precedent for different forms of foreign investment. State leaders, of course, hoped that the liberalization of land ownership would enrich the state and draw upon the seemingly endless pool of foreign capital that lay just across the border. Though the state did prosper, it did so as a fully extractive system that forewent the construction of industrial facilities in favor of a peripheral export economy.

The arrival of the railroad at the dawn of the 1880s had opened the floodgates. Private survey companies, many with deep foreign ties, mapped the deserts and rivers and, in the end, sold more public land than anywhere else. The land-intensive industries of mining and agriculture expressed the destructive results of unchecked acquisition. Whether the endless expansion of Cananea or the forced tragedy of the Yaqui River, these sectors demonstrate that the Porfiriato chose land and capital over its own people. Those dispossession processes created fully subaltern groups out of the indigenous and working-class portions of Sonoran society. Sonora boasted the first US-built railroad in Mexico, a foreign-controlled survey industry, and a record-setting but almost entirely American-owned mining industry. After decades of atrocities to clear the land for Mexican colonists in fertile river valleys, the fruits fell to the ultimate beneficiary, Yankee capitalists. Sonora was thus a microcosm of the Porfiriato at large. An elite regime that sought to develop its land at the expense of its own people, the alienating land policies of Porfirian Sonora had created the demographics of its own destruction, for in the wake of that downpour of capital came the flood of revolution.

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Endnotes

- 1 Don Coerver, "Federal-State Relations during the Porfiriato: The Case of Sonora, 1879-1884," *The Americas* 33, no. 4 (1977): 568; Ramón Eduardo Ruiz, *The People of Sonora and Yankee Capitalists* (Tucson: University of Arizona Press, 1988), 201; Rodolfo Acuña, *Sonoran Strongman: Ignacio Pesqueira and His Times* (Tucson: University of Arizona Press, 1974), 124-135. Ignacio Pesqueira had been the leading caudillo of Sonora since 1857. In 1875, he attempted to transition power to his nephew, José Pesqueira, making 1876 the twentieth year of his family's rule, with aging Ignacio still a leading "power behind the throne."
- 2 Miguel Tinker Salas, *In the Shadow of the Eagles: Sonora and the Transformation of the Border during the Porfiriato* (Berkeley: University of California Press, 1997), 13; Delmar Leon Beene, "Sonora in the Age of Ramón Corral, 1875-1900," (PhD. diss., University of Arizona, 1972), 32, <https://repository.arizona.edu/handle/10150/565265>; Coerver, "Federal-State Relations," 568.
- 3 "Porfiriato," Encyclopedia Britannica, December 1, 2023, <https://www.britannica.com/topic/Porfiriato>. Acuña, *Sonoran Strongman*, 132.
- 4 Coerver, "Federal-State Relations," 576-80.
- 5 Robert H. Holden, *Mexico and the Survey of Public Lands: The Management of Modernization, 1876-1911* (DeKalb: Northern Illinois University Press, 1994), 21.
- 6 Ruiz, *Yankee Capitalists*, 104-5; Beene, "Sonora in the Age of Ramón Corral," 3.
- 7 Ruiz, *Yankee Capitalists*, 54.
- 8 Latin American Subaltern Studies Group, "Founding Statement," *Boundary 2* 20, no. 3 (1993): 111-3, <https://doi.org/10.2307/303344>.
- 10 For more recent scholarship exploring the wider dynamics and context of the period, also consult Paul Garner, *Porfirio Diaz: Profiles In Power* (Durham, NC: Duke University Press, 2016) and Paul Vanderwood, *The Power of God Against the Guns of Government* (Redwood City, CA: Stanford University Press, 1998).
- 11 Tinker Salas, *In the Shadow of the Eagles*, 9; Barry Carr, "Las peculiaridades del norte mexicano, 1880-1927: Ensayo de interpretación," *Historia Mexicana* 22, no. 3 (1973): 321, <https://historiamexicana.colmex.mx/index.php/RHM/article/view/2958>.
- 12 Acuña, *Sonoran Strongman*, 27.
- 13 Tinker Salas, *In the Shadow of the Eagles*, xiii.
- 14 Ruiz, *Yankee Capitalists*, 9; Tinker Salas, *In the Shadow of the Eagles*, 2-12, 79, 101-2, 128. Throughout his seminal work, Tinker Salas analyzes the nuanced relationship between Sonorans and Americans from the 1850s to the Mexican Revolution—both the desire for economic interlinkage among many elites and the opposition, distrust, and hostility to US influence.
- 15 Tinker Salas, *In the Shadow of the Eagles*, 24-25.
- 16 Holden, *The Survey of Public Lands*, xiv.
- 17 Holden, *The Survey of Public Lands*, 7; Ruiz, *Yankee Capitalists*, 26, 144.
- 18 Francisco de la Maza, *Código de colonización y terrenos baldíos de la*

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República Mexicana / formado por Francisco F. de la Maza y publicado según acuerdo del presidente de la República. Por conducto de la Secretaría de estado y del despacho de fomento. Años de 1451 a 1892 (Oficina tip. de la Secretaría de Fomento, 1893), 490. While the tax breaks and, in particular, dispensations of rights to immigrants exceed standards, the document does not exempt new settlers from military draft. The 1850s were a nadir of state control in Sonora amid epidemics, emigration, unchecked Apache raids, and fears of filibuster invasions, which created a manpower shortage.

19 Ibid, 491. “Los mismos privilegios gozarán en una colonia de Sonora los mexicanos y extranjeros.” “Los extranjeros establecidos en colonia gozarán de todos los derechos civiles y políticos que la ley les concede.”

20 Ibid, 490.

21 Ibid, 641-43. The document ironically insists that state officials must act in total compliance to the contract.

22 Acuña, *Sonoran Strongman*, 53-5, 62-3; Ana Suárez Argüello, “Los intereses de Jecker en Sonora,” *Estudios de Historia Moderna y Contemporánea de México* 9, no. 9 (2006), <https://moderna.historicas.unam.mx/index.php/ehm/article/view/69006/68932>.

23 Acuña, *Sonoran Strongman*, 60-61.

24 Tinker Salas, *In the Shadow of the Eagles*, 1, 128-9; Acuña, *Sonoran Strongman*, 108; Evelyn Hu-DeHart, *Yaqui Resistance and Survival: The Struggle for Land and Autonomy, 1821-1910*, Revised ed. (Madison: University of Wisconsin Press, 2016), 106.

25 Tinker Salas, *In the Shadow of the Eagles*, 128.

26 Ibid, 129, 101.

27 Carleton Beals, *Porfirio Diaz, Dictator of Mexico* (J.B. Lippincott Company, 1932), 195.

28 Daniel Lewis, *Iron Horse Imperialism: The Southern Pacific of Mexico, 1880-1951* (Tucson: University of Arizona Press, 2007), 18-20.

29 Ibid, 43-44.

30 Coerver, “Federal-State Relations,” 568-69, 583.

31 Beals, *Dictator of Mexico*, 373-74. Sticking to anti-reelectionist principles in their own way, the triumvirs were never reelected sequentially, each serving a series of non-consecutive terms in the top offices of the state from the 1880s until the Mexican Revolution.

32 “El Ferro-Carril de Sonora,” *La Constitución*, Tomo II, January 15, 1880, Archivo General del Estado de Sonora.

33 Ibid.

34 *La Constitución*, Tomo II, October 17, 1880, AGES; *La Constitución*, Tomo III, April 21, 1881, Archivo General del Estado de Sonora.

35 *La Constitución*, Tomo III, April 21, 1881, AGES. *La Constitución* also republished Mexico City articles defaming the contemporary state of Sonora, alleging that the railroad has seen them overrun with Americans of dubious origins and that

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Sonorans wanted to become Americans, among other malignments. Given local sentiments that the capital is ignorant of their region, I find it likely that articles such as this are being lampooned or that their printing is compulsory, but could not confirm either way. See *La Constitución*, Tomo III, March 24, 1881, AGES.

36 Tinker Salas, *In The Shadow of the Eagles*, 102.

37 Steven Sanderson, *Agrarian Populism and the Mexican State: The Struggle for Land in Sonora* (Berkeley: University of California Press, 1981), 31.

38 John Coatsworth, "Railroads, Landholding, and Agrarian Protest in the Early Porfiriato," *The Hispanic American Historical Review* 54, no. 1 (1974): 55, <https://doi.org/10.1215/00182168-54.2.382>.

39 Tinker Salas, *In the Shadow of the Eagles*, 138-39.

40 De la Maza, *Código de colonización*, 865, 912-13. "Que el resto de los terrenos baldíos que ocuparon los indios se les distribuya en lotes."

41 *La Constitución*, Tomo III, March 10, 1881, AGES; Esther Padilla Calderón, "The Struggle for Control of Irrigation Water in the Yaqui River Valley, 1908-19," *Journal of the Southwest* 58, no. 1 (2016): 54, <http://www.jstor.org/stable/26310346>.

42 Manu Vimalassery, "Counter-sovereignty," *J19: The Journal of Nineteenth-Century Americanists* 2, no. 1 (2014): 142-48, <https://doi.org/10.1353/jnc.2014.0005>; Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*, 1st ed. (Berkeley: University of California Press, 2019), 2, <https://doi.org/10.2307/j.ctvd1c7m4>. Vimalassery and Karuka are the same scholar.

43 *La Constitución*, Tomo II, January 15, 1880, AGES; *La Constitución*, Tomo II, April 29, 1880, AGES; *La Constitución*, Tomo II, May 21, 1880, AGES; *La Constitución*, Tomo IV, February 23, 1882, AGES; *La Constitución*, Tomo IV, March 8, 1882, AGES. These editions include notable articles covering railroad construction. Land claims and counterclaims can be found in every edition, as printing one's claim to allow for challenges was a legal stipulation.

44 Coatsworth, "Railroads, Landholding, and Agrarian Protest," 55.

45 De la Maza, *Código de colonización*, 736, 812, 844, 896, 924, 961, 965, 1054, 1083. The class system was introduced with the 1885-1886 *tarifa*. First class notably included land along railroads. Other northern states were uniformly 0.75 pesos per hectare for first class, 0.50 for second, and 0.30 for third in 1890. Baja California easily held the lowest prices of any region throughout the era, but was still a territory.

46 Ruiz, *Yankee Capitalists*, 18, 20; Holden, *The Survey of Public Lands*, 52.

47 Tinker Salas, *In the Shadow of the Eagles*, 242-43; Ruiz, *Yankee Capitalists*, 34; Holden, *The Survey of Public Lands*, 52.

48 Tinker Salas, *In the Shadow of the Eagles*, 51. Lax rules for land claims can be tied to the general lack of central authority in Sonora, the state's low population and large size, and the risks posed by strong indigenous resistance on the part of the Apache and Yaqui tribes.

49 Tinker Salas, *In the Shadow of the Eagles*, 4, 50. However, virtually all of this "prime land with access to precious water" did fall under the purview of haciendas.

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- 50 *La Constitución*, Tomo III, April 21, 1881, AGES.
- 51 Moisés González Navarro, "Agonía del porfiriato," *Historia Mexicana* 57, no. 4 (2008): 1285-87.
- 52 Holden, *The Survey of Public Lands*, 23-24, 28-29. The authorization of these private companies dates to two statutes, a brief 1875 provision predating the rise of Porfirio, and a strengthened replacement in 1883. Notably, all authorizations were granted during the Porfiriato, with approximately 88 percent postdating the 1883 law.
- 53 Ibid, 21; Ruiz, *Yankee Capitalists*, 17.
- 54 Holden, *The Survey of Public Lands*, 52. Sonora was tied for most contracted survey companies in a state and had the second highest total amount of land surveyed.
- 55 Holden, *The Survey of Public Lands*, 28-29; Ruiz, *Yankee Capitalists*, 8; Coatsworth, "Railroads, Landholding, and Agrarian Protest," 55. Most surveyors failed to meet the settlement requirement, even if they successfully surveyed the land. These restrictions were loosened in the 1890s.
- 56 Holden, *The Survey of Public Lands*, 43-48.
- 57 Ibid. Huller's concessions were subsequently transferred through the British-owned International Company, and after its bankruptcy, the British-owned Mexican Land Colonization Company. Two of Huller's other three concessions lay in neighboring Sinaloa. He also personally owned around a third of Baja California, but this lies outside of the scope of Holden's case study. Though later acknowledging Sonora as perhaps "the target of the [most] foreign investors" in overall development, alongside Chihuahua, Holden failed to address the particular dominance of foreign capital in Sonora in discussion of the survey companies.
- 58 Ibid, 50-54. His "deductive" method was adopted by various Sonoran surveyors and later spread to other states.
- 59 Ibid, 102; Hu-DeHart, *Yaqui Resistance and Survival*, 128, 161. The extent to which Conant in particular relied on foreign investment in planning land development casts doubt on the usefulness of Holden's list in general if, by his criteria, Conant is unmentioned on the list of foreign-backed surveyors. It weakens conclusions about Sonora's uniqueness, given that any other state could have similar perplexities.
- 60 Ibid, 41; De la Maza, *Código de colonización*, 965. The Mexican Land Colonization Company had bought out Huller's concessions.
- 61 *La Constitución*, Tomo II, April 1, 1880, AGES; *La Constitución*, Tomo II, April 8, 1880, AGES; *La Constitución*, Tomo II, April 15, 1880, AGES; *La Constitución*, Tomo II, April 22, 1880, AGES; Ruiz, *Yankee Capitalists*, 63. Quoted Bernardo Reyes.
- 62 Ruiz, *Yankee Capitalists*, 13, 52, 55, 224. The triumvir and future Vice President Corral wrote in 1889, "I'm happy to say that more and more foreigners arrive every day," while his fellow triumvir Rafael Izábal boasted that Sonora led the nation in foreign-owned mines. Sonora's fractional peak of 30 percent of mining invest-

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other regions, as seen in the railroad and survey techniques. Sonora fell from this 30 percent peak because the nationwide pool grew, not because statewide investments shrunk.

63 Ibid, 51.

64 Ibid, 53.

65 *La Constitución*, Tomo III, May 19, 1881, AGES; *La Constitución*, Tomo III, June 23, 1881 AGES. “Todos los días, se presentan denunciantes y registrantes de minas para su explotación o con el interés de enajenarlos á ricas compañías extranjeras.”

66 Ruiz, *Yankee Capitalists*, 50-53.

67 Ibid.

68 Carr, “Las peculiaridades,” 325.

69 Beals, *Dictator of Mexico*, 345.

70 Tinker Salas, *In the Shadow of the Eagles*, 176-77; Ana Lucía Castro Luque, Martha Irene Borbón Almada, Juan José Gracida Romo, Benjamín Alonso Rascón, and Francisco Javier Muro Dávila, 100 Años de Población y Desarrollo: Consejo Estatal de Población de Sonora Tomo II (Secretaría Técnica del Consejo Estatal de Población, 2010), 57-58, <https://archivogeneral.sonora.gob.mx/images/bibliotecadigital/Cien%20a%C3%B1os%20de%20poblaci%C3%B3n%20y%20desarrollo.-T.%20II.pdf>. The “Octopus of Cananea” was also unique for being the only American enterprise with an on-site smelter instead of shipping all raw resources across the border for industrial refinement.

71 Beals, *Dictator of Mexico*, 345.

72 Ruiz, *Yankee Capitalists*, 82.

73 Beals, *Dictator of Mexico*, 373-74; Ruiz, *Yankee Capitalists*, 178; Hu-DeHart, *Yaqui Resistance and Survival*, 157-8; In his (mainly hearsay) accounts of the Porfirato’s governors, Beals offers a lengthy account of the character and crimes of the triumvirate, including some of their insider investments.

74 Ruiz, *Yankee Capitalists*, 83.

75 Ibid, 135-36.

76 W.B. Redmond files, “Permisos,” Carpetón 665, AGES.

77 Tinker Salas, *In the Shadow of the Eagles*, 215-16.

78 Beals, *Dictator of Mexico*, 374. He further writes that “the survey act had given 5,300,000 acres to the Torres crowd and satellites.”

79 Ruiz, *Yankee Capitalists*, 11, 52, 61, 75; Holden, *The Survey of Public Lands*, 50-54; Beals, *Dictator of Mexico*, 346. As stated, these represent some of the more documented and egregious cases.

80 Beals, *Dictator of Mexico*, 346.

81 Ruiz, *Yankee Capitalists*, 147. Peña himself, along with his accomplice, the engineer Salido, profited heavily off of this and the 1892 commission that he led, formed large estates from the seized land.

82 *La Constitución*, Tomo III, March 10, 1881, AGES; Padilla Calderón, “Irriga

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- tion Water in the Yaqui,” 54; Hu-DeHart, *Yaqui Resistance and Survival*, 100.
- 83 Sanderson, *Agrarian Populism*, 46.
- 84 Bernardo Reyes in Ruiz, 170, 176. Reyes is further lamenting that no land would be left for the Yaquis.
- 85 Hu-DeHart, *Yaqui Resistance and Survival*, 101-2.
- 86 Ruiz, *Yankee Capitalists*, 175-76.
- 87 Hu-DeHart, *Yaqui Resistance and Survival*, 106-18. Geronimo, the famed Apache leader whose campaigns crossed Sonora and the American Southwest, surrendered to US forces the same year. Following Cajemé’s defeat, much of the Mayo tribe accepted privatization and Mexican colonization of the Mayo river valley. It developed into an agricultural exporter.
- 88 Ibid, 118-19, 129, 133, 143.
- 89 Cynthia Radding, “Peasant Resistance on the Yaqui Delta: An Historical Inquiry into the Meaning of Ethnicity,” *Journal of the Southwest* 31, no. 3 (1989): 343. Radding discusses the use of the term yoreme as a collective ethnic endonym for the related Yaqui and Mayo peoples. When referring to a single tribe, yoreme are the Mayo and the Yaqui would be yoeme.
- 90 Ibid, 170.
- 91 Ibid, 343; Hu-DeHart, *Yaqui Resistance and Survival*, 204.
- 92 Hu-DeHart, *Yaqui Resistance and Survival*, 156.
- 93 Radding, “Peasant Resistance,” 342. For more information on indigenous resilience in Mexico, see James Mestaz, *Strength from The Waters: A History of Indigenous Mobilization in Northwest Mexico* (Lincoln: The University of Nebraska Press, 2022).
- 94 Acuña, *Sonoran Strongman*, 117.
- 95 Ruiz, *Yankee Capitalists*, 147-48.
- 96 Ibid; Hu-DeHart, *Yaqui Resistance and Survival*, 128, 161; Padilla Calderón, “Irrigation Water in the Yaqui,” 56; Radding, “Peasant Resistance,” 345. Conant himself received either 25,000 or 35,000 hectares for his shares.
- 97 Radding, “Peasant Resistance,” 345.
- 98 Padilla Calderón, “Irrigation Water in the Yaqui,” 56-57; Hu-DeHart, *Yaqui Resistance and Survival*, 181-2.
- 99 Ruiz, *Yankee Capitalists*, 148-49.
- 100 Ibid, 150.

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Oaths of Allegiance

Religion, Gender, and Citizenship During the Civil War

Tom Attard-Manche



Image: “Registered Enemies” taking the oath of allegiance to the U.S. at the office of General Bowen in New Orleans on June 6, 1863. John R. Hamilton, Registered Enemies Taking the Oath of Allegiance at the Office of Gen. Bowen, at New Orleans, 1863, ink illustration, The Historic New Orleans Collection, The L. Kemper and Leila Moore Williams Founders Collection, New Orleans, Louisiana.

Tom is a former professional ballet dancer, recent graduate of Yale College, and aspiring legal student. He is fascinated by the legacy of the Civil War, and focuses his studies on U.S. history, political science, and political philosophy.

Oaths and Allegiance

In April 1862, a year into the Civil War, the Union Army captured New Orleans, to the despair of its residents. New Orleanians never conceived of the fall of the Crescent City. However, they should have. Union occupation endured the duration of the Civil War, and city residents abhorred it. In particular, Louisianians loathed the requirement that they take the US oath of allegiance. If one valued honor, as most did, an oath of allegiance could only be sworn if the words rang true to one's heart. The stakes, however, were high. The ramifications of refusing to take the US oath of allegiance under occupation entailed the confiscation of property, the inability to travel, potential denial of public services, and the exclusion from work as a civil employee. On the other hand, taking the oath permitted an enslaver to retain enslaved people in bondage prior to the Emancipation Proclamation.

The US oath of allegiance provided a mechanism to ensure stable governance and maintain control in a city inhabited by individuals harboring profound loyalties to the Confederacy. Civil officials were required to proclaim: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, and will support the Constitution thereof."¹ The US oath emphasized adherence to the Constitution, which Abraham Lincoln claimed secessionists violated. Both civil officials and residents were required to take the oath of allegiance at the City Hall, Provost Court, or Provost Marshal's office. The oath was administered and witnessed by an officer who registered their names in a book and issued a certificate to the oath-taker, which bestowed them with US citizenship rights.² Such an oath was not unprecedented. Historian Linda Kerber notes that when the colonies were engaged in war with England, colonists imposed oaths of allegiance on people to compel them to choose between allegiance to England or to the rebels. The US oath requirement in New Orleans during the Civil War was motivated by a similar rationale: to force individuals to publicly reveal their allegiance.³

Major General Benjamin Butler, a spirited former lawyer from Massachusetts and subsequent politician, adopted a two-pronged strategy for domination when he controversially commanded troops in New Orleans from May 1 to December 16, 1862. Butler imposed martial law and issued a proclamation on his first day, May 1, 1862, declaring that New Orleanians must take an oath in return for "the safeguard and protection, in their person and property, of the armies of the United States."⁴ While soldiers and guns gained physical command of the Crescent City, the oath requirement furthered his objective of establishing enduring authority: the psychological subjugation of New Orleans's citizens. The oath of allegiance—deeply consequential to New Orleanians, the Union, and the Confederacy—represented a formal, legal, religious, and public ceremony that symbiotically bound a citizen and a nation-state. The

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study of oaths reveals the power of religious leaders who endeavored to prevent Southerners from public displays of allegiance to the US. It also unveils the burgeoning political power of women. Additionally, the oath sheds light on and clarifies Confederate conceptions of citizenship, ideas that had enduring consequences for Reconstruction and the future of the American polity.

While limited historical research has focused solely on oaths, historians



Figure 1: Major General Benjamin Butler photographed by Mathew Brady in 1861. Mathew B. Brady, Major General Benjamin Butler, 1861, Photograph. Image courtesy of the Library of Congress. <https://www.loc.gov/>

have examined Union occupation in New Orleans and other cities, and signaled the significance of oaths of allegiance as tools of control and coercion.⁵ When historians occasionally discuss oaths of allegiance, they engage with them to articulate a larger historical narrative. By contrast, this article magnifies oaths during a limited period of time and anchors itself to a specific city. It examines the attitudes towards oaths, illuminates who influenced oath-taking, and reveals the significance of oaths in New Orleans and its environs during the Civil War. It is unique in its consolidation of the context, motives, and perspectives related to the oath.

The Crescent City was a critically important city during the war. Historian Justin Nystrom asserts that when Louisiana seceded, “New Orleans stood

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at the apex of its wealth and strength” and was “the financial capital of the entire South.”⁶ Additionally, as historian Carl Brasseaux notes, despite a growing body of literature concerning Louisiana’s wartime experience, “a synthesis of the new scholarship...fails to provide a truly comprehensive representation of wartime Louisiana.”⁷ Moreover, as historian Stephanie McCurry asserts, New Orleans was the most consequential place where the tussle between Union occupiers and local residents ensued.⁸ By virtue of New Orleans’s diversity and prominence, it offers a complex lens through which to study the oath.

Three principal aspects of the nature, purpose, and consequences of oaths emerged from my analysis of official military correspondence, newspaper articles, diaries from diverse groups of Louisianians, letters, photographs, and pamphlets. First, the religious significance of an oath of allegiance was crucial: oaths acquired value by virtue of faith. In occupied New Orleans, maintaining command involved more than combating Louisianians’ capabilities to physically resist. Quelling the influence of the church proved a more challenging crusade for the Union. Second, women living in an occupied city were salient political actors, despite not having the franchise. Finally, Louisianian prisoners of war and New Orleanian civil officials revealed the tension that arose between perceived duties of citizenship and the oath. Confederate officers’ rejection of the US oath was fueled by their duty to adhere to their earlier Confederate oaths for as long as their Confederate government still breathed. Confederate oaths, flowing from the heart, were held as indissoluble; this, in turn, contributed to the persistence of Confederate ideology.

Oaths of allegiance demonstrate how Confederate nationalism was fortified, and that despite successful US efforts to obtain oaths of former Confederates, securing heartfelt allegiance would require more than impelling oaths. While the US oath reinstated former Confederates’ citizenship, Black Union allegiance was not duly acknowledged in 1862. Moreover, a benefit of taking the US oath and reclaiming citizenship, prior to the Emancipation Proclamation, was that enslavers retained the right to keep enslaved people captive. Understanding the events that culminated in the Union occupation of New Orleans aids the analysis of oaths. It was the Confederacy’s First Brigadier General, Pierre Gustave Toutant Beauregard, a revered Creole, who fired the first shots on Fort Sumter on April 12, 1861.⁹ Louisiana’s significance to the Civil War extended beyond the war’s inception and the bloodshed its troops shed on the battlefield. New Orleans’s economic prominence ensured it was a treasured possession for both sides. Governor Thomas Overton Moore of Louisiana maintained that “New Orleans is the Commercial Depot of the state... the channels of trade constantly flow between it and the country.”¹⁰ Moreover, historian Gerald Capers claims that the Confederacy could not have become

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an independent and successful Southern republic without control of New Orleans.¹¹ Hence, command of the Crescent City—whether by the Confederacy or the Union—was of critical concern to both factions. On February 10, 1862, Secretary of the Navy Gideon Welles proclaimed that, if the Union captured New Orleans, “the rebellion will be riven in the center, and the flag to which [Unionists] have been so faithful will recover its supremacy in every state.”¹² Despite New Orleans’s significance, the city was absurdly unprepared for the inevitable Union invasion.¹³

The vulnerability of the city engendered New Orleans’s immediate capitulation, which implanted an enduring humiliation in its residents.¹⁴ After Admiral David Farragut captured New Orleans in April 1862, he held the city until the arrival of Butler’s troops. The fall of the Crescent City whipped Confederates into a frenzy, and Farragut consequently braved opposition from the mobs roaring “Kill em” and “Hurrah for Jeff Davis.”¹⁵ Residents sought to redress their shame, devastation, and disbelief, due to their incapacity to defend their cause, by maintaining, at least, formal allegiance to it. To this end, Confederates such as Mayor John T. Monroe and his advisor, Pierre Soulé, tussled with Union officials by delaying their technical surrender. Monroe refused to install the US flag in government buildings, retorting to Farragut that “you are not satisfied with the peaceable possession of an undefended city... because of its bearing its doom with some manliness and dignity; and you wish to humble and disgrace us.”¹⁶ Governor Moore conceded that the fall of New Orleans was a “bitter humiliation,” and New Orleanian resident Julia LeGrand bemoaned in her diary that “this city, the most important one in the Confederacy, has fallen... Poor New Orleans!... I never felt so hopeless and forsaken.”¹⁷ New Orleanians had accepted the futility of engaging in battle with the Union. Nevertheless, they hoped to preserve some degree of pride.

Battered Confederate morale roused resistance to the Union and its embodiment in Butler. In fact, Confederates had loathed Butler even prior to his arrival in New Orleans. In August 1861, Butler had established the precedent of not returning enslaved people who fled to Union lines to bondage. He declared that Frank Baker, Shepard Mallory, and James Townsend, formerly enslaved men, were now being held as “contraband of war.” Lincoln subsequently approved Butler’s “contraband” policy, to the fury of Confederates.¹⁸ In 1867, when New Orleanian Marion Southwood recounted her experiences under occupation, she described the hordes that poured onto the streets to witness the arrival of “Picayune Butler,” whom many regretted they had not killed. Southwood relayed the general opinion that “every epithet which could be applied to the vilest was heaped upon him.”¹⁹ Despite the scathing reception that Butler’s arrival provoked, the roughly 25,000 people of color and white

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Union sympathizers in New Orleans would have been reassured by Butler's arrival, albeit discreetly.²⁰ Nonetheless, Butler's occupation enraged most New Orleanians, whom he was compelled to command.

On June 10, 1862, Butler endeavored to enforce his authority without military force. He issued General Orders No. 41, which clarified that all civil officials had to take an oath of allegiance to the US.²¹ The necessity of the order, which furthered Butler's initial May 1 proclamation pertaining to the oath merely five weeks after its issuance, suggests lingering enmity within the city, as the Union struggled to confront Confederate allegiance. Butler declared the oath a "public exigency" to separate those who remained loyal to the Confederacy from those "well disposed toward the Government of the United States."²² Butler's biographer, James Parton, invited by the general to reside with him to sculpt Butler's legacy, conceded that General Orders No. 41 were designed to ensure that those who did not take the oath would be prevented from exercising authority in local decision-making.²³

As the war raged, the requirements of the oath ensnared women as well as men, and oath-refusers increasingly faced Union retaliation. The US government coerced oath-taking by implementing the First Confiscation Act in June 1862, soon solidified by the Second Confiscation Act, passed by Congress in July 1862.²⁴ The acts gave federal authorities in subjugated land the right to seize the property of those who refused to take the oath of allegiance within sixty days.²⁵ Butler furthered the ramifications for perceived disloyalty, issuing his General Order No. 76 on September 24, 1862, which required all citizens, eighteen or older—"male or female"—to take the oath of allegiance or register as "an enemy of the United States." As Butler became increasingly intolerant of Confederate allegiance, police were compelled to report those within their beats who refused the oath.²⁶ Total protection of person and property mandated total loyalty.

Taking the oath ensured that oath-takers could maintain "favor, protection, privilege, passport," and, crucially, property.²⁷ "Registered enemies"—those who refused to take the oath—were required to report details of their property to Union officials. The Union could then legally seize that property. Amid confusion, Provost Marshal General Jonas H. French clarified the situation as such: "Let it be distinctly understood that only those who have not taken the oath of allegiance are required to furnish lists of their property."²⁸ By the end of September 1862, the property of more than three thousand residents was legally subject to confiscation.²⁹ Moreover, registered enemies were expelled to Confederate territory, and a "mass deportation" of at least eight thousand New Orleanians transpired in 1863.³⁰ Still, many Confederates were unflinching in their refusal to take the US oath. Registered enemies stoically

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faced deportation. In fact, French Consul to New Orleans Charles Prosper Fauconnet reported that nobody sought representation from the French consul, deeming it cowardly.³¹ The consequences of being a “registered enemy” were tremendous. As Fauconnet revealed, “[the Union] deposit penniless [deportees] on some deserted beach or in the middle of woods or swamps.”³² Despite the hardships that befell registered enemies, thousands of New Orleanians refused the US oath.

As the bitter Civil War encircled New Orleans, Butler’s forces considered the oath a crucial tool to ascertain which residents would—or would not—succumb to Union control. Parton referenced the Bible when he called this a “long series of measures, by which the sheep were separated from the goats.”³³ Butler exploited the oath as a litmus test; as Parton explained, “the name, standing, residence, and political sympathies...of men were placed on record, and the general was enabled to know where they were to be found ... in time of danger.”³⁴ Indeed, the Union clearly recorded the names and addresses of “Registered Enemies.”³⁵ By contrast, the names of persons taking the oath of allegiance that same year of 1862 were less clearly written, and their addresses were not documented.³⁶ Staunch Confederate loyalists were evidently the concern.

While most New Orleanians were conflicted about taking the US oath, many succumbed to it. An oath of allegiance to the US bound men to the conscription law. Hence, many formerly wealthy New Orleanians chose destitution in lieu of the oath. As Fauconnet proclaimed, people courageously chose “confiscation and ruin” to “treason against nature,” refusing to fight against their brethren in Louisiana.³⁷ A New Orleanian woman under occupation, Julia LeGrand, questioned, “How can an outsider ever know what a temptation it was to us to take that oath? Many women, and men, too, took it in tears... Some fainted and some went crazy.”³⁸ A young lawyer took the oath to prevent minors living on his property from being displaced. LeGrand recounted that “he has since gone completely mad in consequence,” presumably due to his realization that he could be compelled to fight his fellow Louisianians.³⁹

Nonetheless, approximately 68,000 people did eventually take the oath of allegiance under General Butler’s tenure.⁴⁰ Shortly after the capitulation of New Orleans, Colonel French “had the pleasure of reporting” on August 7, 1862, that 11,723 people had taken the oath.⁴¹ LeGrand complained that people “flocked to take the oath to the United States,” and Butler proudly proclaimed, on August 4, 1862, that more people took the US oath than had voted for secession, suggesting his desire to rule by mandate in lieu of total occupation.⁴² Butler had an interest in exaggerating the number of oath-takers; nevertheless, there was presumably a rough parity between oath-takers and those

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who had voted for secession. Butler had obtained formal, albeit nominal, allegiance from many New Orleanians early on in the occupation.

Both the Confederacy and the Union professed a belief in the sanctity of sincere oath-taking. The Reverend Benjamin Morgan Palmer of New Orleans abhorred the claim of insincere oath-takers that “it was lawful to swear an oath with the lips to which the heart gave no response.”⁴³ Union men were also aware that many “avowed their readiness to take as many oaths as Picayune Butler thought it necessary to impose; as no faith was to be kept with Yankees.”⁴⁴ Further, the *Daily True Delta*, a New Orleans newspaper, claimed that people took the oath of allegiance and “afterward say, with a sneer, ‘it did not go farther than there’ (pointing to their throat).”⁴⁵ In his General Order No. 111 on December 23, 1862, Jefferson Davis pronounced Butler to be “a felon, deserving of capital punishment...the entire population of New Orleans have been forced to elect between starvation...and taking an oath against conscience.”⁴⁶ To such accusations, Butler protested that “this oath will not be, as it has never been, forced upon any. It is too sacred an obligation...to be profaned by an unwilling lip service.”⁴⁷ By 1865, the US oath included the phrase “I take this oath of my own free will, and without any mental reservation or evasion whatsoever,” surely to counteract insincere oath assertions.⁴⁸ The Union and the Confederacy both professed to cherish adherence to truth.

During the occupation, however, the oath became a method to scorch Confederate sentiment from the hearts of Louisianians and publicly affirm that the US had regained, and could maintain, authority in New Orleans. Indeed, Dr. Leacock of New Orleans condemned Butler’s oath as a sinful method of obtaining glory, as “not one in ten that has taken the oath are you willing to trust.”⁴⁹ The Union army deployed oaths of allegiance as a weapon to promote its authority in the subjugated land. But this reveals the limits of military posture. Military might enabled occupation; however, it was not sufficient to govern. As Southwood revealed, the government demanded “not only a quiet submission to its authority, but an open declaration of his adherence to the Government,” expressed by the oath.⁵⁰ The oath was an armament in the Union’s arsenal, discharged to induce what guns and cannons could not: to divide a people from their cause and break the Confederate psyche.

The US oath requirement for New Orleanians enraged the Confederacy and spurred their retaliation in a battle for public displays of allegiance. While all General Orders issued in New Orleans under Union occupation antagonized residents, “none of them caused... such universal alarm as [the oath of allegiance].”⁵¹ Hence, on January 13, 1863, the Hon. John Perkins of Louisiana, a Yale graduate, New Orleans lawyer, and member of the Congress of the Confederate States of America (CSA) from 1862 to 1865, introduced Confed-

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erate Congressional Resolution No. 21. The resolution broadcasted the Confederate Congress's pride that some New Orleanians resisted the US oath and were "openly registering themselves enemies to the United States...[they] have borne most noble testimony to the martyr-like courage and patriotic spirit and Christian faith of our people."⁵² While the resolution sought to discourage oath-taking, the CSA refrained from condemning oath-takers. Religious leaders, however, were willing and able to exert their influence to further the Confederate cause by reprimanding oath-takers.

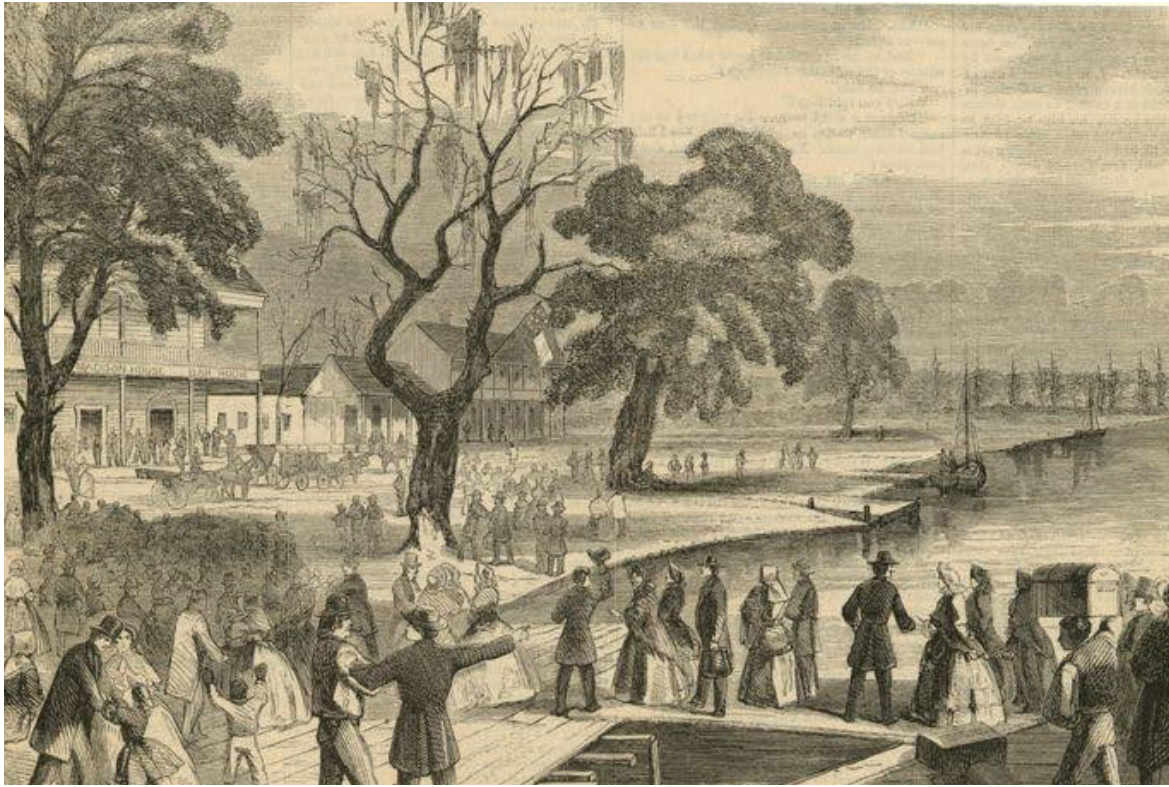


Figure 2: This sketch shows the landing of "Registered Enemies" at Madisonville, Louisiana, on February 2, 1863, after they were deported from New Orleans. John. R. Hamilton, Landing of Registered Enemies of the United States at Madisonville, LA., Feb 2, 1863, 1863, ink illustration. Image courtesy of Historic New Orleans Collection, New Orleans, Louisiana.

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Confederate Religious

*"I think [the clergymen] much more mischievous in this city than they would be as soldiers in arms in the Confederate Service."*⁵³

- Major General Benjamin Butler

Religious leaders were instrumental in promoting Confederate allegiance. Staunchly secessionist religious leaders in New Orleans included the Reverend Benjamin Morgan Palmer, Reverend W.T. Leacock, and Rabbi James K. Gutheim. All three promoted secession from their pulpits in New Orleans, notably on Thanksgiving Day, 1860, following Abraham Lincoln's election.⁵⁴ Palmer and Leacock preached "The Rights of the South Defended in the Pulpits," to the dismay of Butler, who complained that "four editions of about 30,000 copies" were circulated.⁵⁵ Leacock declared that "as a southerner...I give it as my firm and unhesitating belief, that nothing is now left us but secession."⁵⁶ The Thanksgiving sermons were intended to herd men to the battlefield by galvanizing secessionist sentiment among the ranks of Louisianians. Clerics endeavored to legitimize the Confederate cause, which Palmer described as "the cause of God and religion."⁵⁷ The sermons portray religious leaders' willingness to sculpt New Orleanians' decision-making.

Despite many Southerners' flawed interpretation of scripture pertaining to slavery, the South championed a Christian culture.⁵⁸ In the antebellum period, the Episcopal and Presbyterian churches were the dominant religious institutions. Amidst war's turmoil, Southerners desperately sought God's word from preachers, a venerated elite due to their education and wealth.⁵⁹ Religious leaders, Christian and Jewish, leveraged their authority to advance the Confederate cause and proved formidable foes with whom the Union had to contend. While religious leaders did not formally enter the battlefield, they demonstrated a perilous capacity for rebellion.

To further the Confederate effort to suppress US oath-taking, Palmer wrote a letter on February 10, 1863, addressed to the Hon. Jon Perkins in response to Confederate Congressional Resolution No. 21. Palmer stated that Perkins could use his letter "in any way [he] may think conducive to the public good."⁶⁰ A publisher in the Confederate Capital of Richmond, Virginia, printed the letter as a pamphlet, indicating that Perkins believed its message should reach a broader audience. Palmer reproached New Orleanians who had sworn an oath of allegiance to the US.⁶¹ He leveraged his—ostensibly apolitical—position as an influential "religious teacher to the people of Louisiana" to further the aims of the Confederacy by reprimanding oath-takers.⁶² Palmer revealed an alliance between religious and political authorities by allowing his letter to be published. Hence, Palmer delivered a CSA-sanctioned protest "against the we-

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akness of those who have succumbed beneath the tyranny of Gen. Butler and sworn allegiance to the government of the United States.”⁶³

Palmer allied with the Confederate Congress to ensure that his message would reverberate around the South and counteract the narrative that US oath-taking was justifiable. Indeed, New Orleanians used Palmer’s letter to discourage it. Julia LeGrand declared Palmer’s rebuke of oath-takers “a fine thing,” and was grateful to see that the letter was circulating among secessionists to promote resistance.⁶⁴ Moreover, LeGrand delivered Palmer’s letter to a Confederate woman who had taken the oath, and the woman subsequently “came over after dinner and cried as bitterly as she did the day she took it.”⁶⁵ Religious leaders’ directives exerted tremendous impact on New Orleanians grappling with the oath.

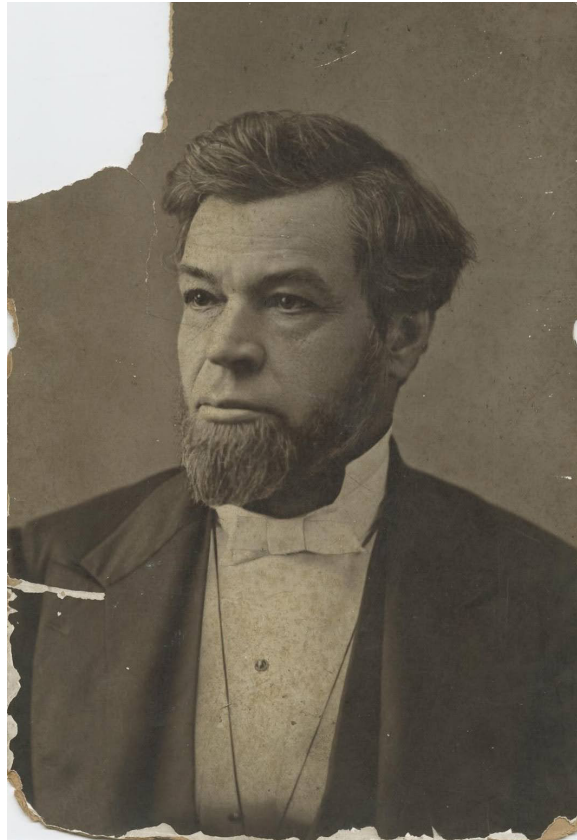


Figure 3: A portrait of the Reverend Benjamin Morgan Palmer. Images from the Civil War and Reconstruction. 55-FF Box 21. Special Collections, Tulane University, New Orleans.

An oath bound one’s allegiance before God; thus, disavowing or not abiding by an oath was a sin. Crucially, two of the Ten Commandments can be applied to oath-taking. Exodus 20:17 declares that “Thou shalt not bear false witness against thy neighbor,” and Exodus 20:7 asserts that “Thou shalt not take

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the name of the Lord thy God in vain.” Breaking an oath would entail bearing false witness; moreover, disavowing one’s oath before God would be a sin. Palmer highlighted the religious significance of the oath: “what is an oath, but an appeal to the omniscient God as a witness to the truth whereof we affirm?”⁶⁶ Fear of committing the sin of perjury suggests why so many residents were willing to be “ruined by this miserable war” through their sustained refusal to take the oath.⁶⁷ Catholic Confederate soldier Jacques Alfred Charbonnet was “completely disgusted with the life of a soldier...[however] being a man of honor and a Christian, I shall not desert my post.”⁶⁸ It was not until after the war’s end, on May 8, 1865, that Charbonnet swore to no longer bear arms against the US.⁶⁹ Faith was instrumental in Louisianians’ decision to uphold their original oaths to the Confederacy. One’s oath before God was paramount.

Amid the battle for public loyalty, the church stood as a formidable opponent of Union allegiance. Three New Orleanian Episcopal ministers also engaged in battle on the home front. Dr. John Fulton, Dr. Charles Goodrich, and Dr. William Leacock, all well-known secessionists, refused to take the oath of allegiance to the US and led prayers for the Confederacy in church.⁷⁰ In a sensational confrontation, on October 12, 1862, the contest between the Confederate-supporting church and the Union reached a climax as Butler seized the opportunity to summon the clergymen who refused to pray for the president or take a US oath. To the fury of the congregation, Union Major Strong shut down the service of Dr. Goodrich after, as Strong likely anticipated, Goodrich omitted the prayer for the US president. LeGrand recounted that “many became infuriated and women especially clustered around Strong to his evident fear.”⁷¹ Butler exiled the ministers to New York following their sustained refusal to take the US oath, which undermined his authority.⁷² Moreover, the “purging of the pulpits,” as described by Parton, was memorialized in a Confederate song, “sung by a Louisiana soldier.”⁷³ The lyrics proclaimed that “the greatest fight yet fought...twas not the first Manassas...But a greater I will tell. Twas fought on Sunday morning, within the church’s walls.”⁷⁴ The song, an oral narrative, would have reverberated across Confederate land and bolstered nationalism.⁷⁵

The clergy’s sustained refusal to take the US oath was an example of pious conduct for New Orleanians to emulate. Butler claimed that “I think [the clergymen] much more mischievous in this city than they would be as soldiers in arms in the Confederate service,” an opinion that surely spurred his clerical clampdown.⁷⁶ However, in February 1863, during General Nathaniel P. Banks’s tenure in New Orleans, the clergymen returned to the port of New Orleans from their exile in New York. LeGrand wrote that “this proceeding caused great excitement, and many persons have visited the boat...in which they are imprisoned.”⁷⁷ New Orleanians anxiously awaited the clergy’s response. Despite an

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ardent desire for the three clergymen to have “even one visit to their homes, or a simple walk on the shore they loved so well,” the ministers refused the oath.⁷⁸ Banks retaliated firmly by refusing to allow them to disembark and returned them to exile in New York. LeGrand celebrated: “No Episcopal minister dishonored himself here by taking the oath to a Government he had abjured.”⁷⁹ LeGrand’s statement confirms that religious leaders’ conduct was closely observed and scrutinized. Ministers during the Civil War could be removed from their pulpits, excommunicated from their churches, and treated with contempt by local people for their conduct and speech.⁸⁰ The Confederacy reigned victorious in this epic contest for public allegiance. Nevertheless, the Union remained resolute in punishing influential oath-refusers.

The tussle between the Episcopal church and the Union endured as the Confederate clergy remained defiant. On January 20, 1864, Provost Marshal General Bowen of the Department of the Gulf wrote to Mr. Wheeler, a trustee of Trinity Episcopal Church in New Orleans, demanding an explanation for why the prayers for the Union were “habitually omitted in the public services of Trinity church.”⁸¹ While Bowen’s letter is courteous, he is uncompromising, surely due to his beliefs regarding allegiance. As Bowen previously asserted, “A person who will not take the oath should be to you as one dead.”⁸² Hence, Bowen exerted his command over the Episcopal church and asserted that if the omissions continued to occur, “the government of your church will be committed at once to the case of persons loyal to the United States.”⁸³ The church’s influence was too powerful to permit sustained defiance.

Jewish leaders also threatened Union command.⁸⁴ Five Jewish congregations existed in Louisiana, which accounted for roughly 8,000 Jewish residents.⁸⁵ Rabbi Gutheim fled to Confederate lines following his refusal to take an oath to the “Dictator of Washington,” a refusal that is said to have inspired Southern Jews.⁸⁶ According to one New Orleanian Jew, “almost the entire Jewish population daily leave, and two-thirds of the Portuguese Congregation with their Rabbi [James Gutheim] have already departed.”⁸⁷ On May 21, 1863, the Mobile congregation lauded Gutheim’s defiance: he had “nobly preferred martyrdom of his principles and sacrifice...to a degrading submission.”⁸⁸ Later, pro-Confederate writers would herald Gutheim’s “intense Jewishness, and glorious patriotism,” praising his refusal to “pledge fealty to his victor.”⁸⁹ Due to Gutheim’s revered status, his refusal to take the oath, paired with his self-proclaimed allegiance to “our beloved country, the Confederate States of America,” informed a Confederate course of action.⁹⁰

Gutheim’s oath refusal surely influenced Jewish Confederate soldiers. Private Simon Mayer resisted allegiance to the US, revealed by his Paroled Prisoner document signed on May 25, 1865, and his oath of allegiance to the

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US signed on July 19, 1865, both after the war's end.⁹¹ As a religious Jew born in New Orleans, Mayer was surely aware of Rabbi Gutheim's refusal to take the oath, which would have reinforced his resistance to oath-taking. Another observant New Orleanian Jew, Lt. Edwin Israel Kursheedt, also refused the Amnesty Oath until May 12, 1865, after the war's end. A Confederate soldier's resolute resistance to the US oath was deemed patriotic, and Jewish soldiers were undoubtedly proud to emulate Gutheim's defiant example.

Christian leaders also illustrated model conduct. Culpability for the sin of perjury tormented New Orleanians. Louisianian Sarah Morgan emotively recounted her alleged forced US oath on June 21, 1863: "If perjury it is, which will God punish: me, who was unwilling to commit the crime, or the man who forced me to it?"⁹³ In a letter to Butler, Leacock suggested that he was culpable for the perjury of New Orleanians: "You elevate your will above the law for people to bow down and obey...and whose is the sin?"⁹⁴ Dr. Leacock denounced Butler's "universal wickedness" by pressuring New Orleanians to risk salvation by requiring the US oath to retain property.⁹⁵ He decried to Butler that "your insisting upon the taking of the oath of allegiance is causing half of my church members to perjure themselves."⁹⁶ When tested, religious leaders adhered to their convictions regarding the perils of perjury and refused the US oath, serving as examples to Confederates.

Nonetheless, many oath-takers surmounted their fears of perjury by claiming that because their words were insincere, their oaths were nugatory. Palmer, repulsed, proclaimed that eroding trust in an oath was sinful. He preached that society relies on a devotion to truth and therefore "the oath has been ordained by God...the conscience is surrounded... from a consideration of God and his retributive justice."⁹⁷ An oath, according to religious Confederates, could only be sworn if grounded in unfeigned convictions. An insincere oath-taker committed a crime against God. Truth underpinned government and the fabric of society. Consequently, the erosion of faith in an oath of allegiance would be calamitous.

Sources illustrate a shared objective, across religious sects, to serve the Confederacy. While the oath of allegiance wrought discord, it also engendered interfaith intimacy, as demonstrated by the adoration Palmer maintained for Gutheim post-war, surely stemming from their shared refusal to take the US oath. Pro-Confederate Louisianians venerated the "patriotism" of all the religious leaders exiled due to their refusal to take the US oath.⁹⁸ Religious leaders leveraged their authority to further the Confederate cause by dissuading New Orleanians from taking the oath of allegiance to the US. The Union, consequently, fought to neutralize the enduring influence of such instrumental political actors.

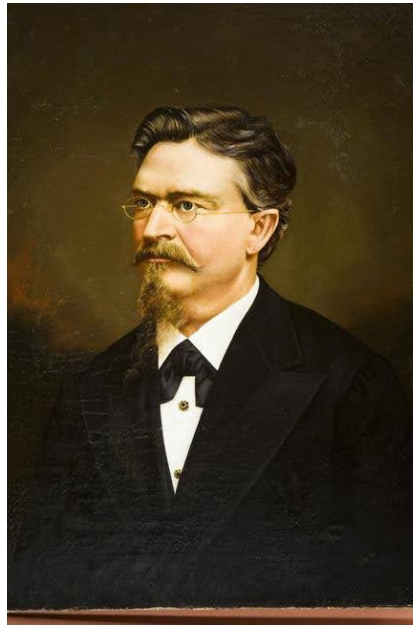


Figure 4: A portrait of Rabbi James K. Gutheim in 1881. Julius Robert Hoening, Portrait of Rabbi James Koppel Gutheim, 1881, oil on canvas, Historic New Orleans Collection, Gift of Mr. Charles F. Sanders, 1994.146, New Orleans, Louisiana.

The Gendered Code of Honor and Women's Crusade

*"The venom of the she-adder is as dangerous as that of the he-adder"*⁹⁹

- Printed on a placard in Butler's office

While men decimated their former countrymen on the battlefield, women in occupied New Orleans compelled the Union to engage with them. During the American Revolution, due to the law of coverture, women were not expected to take oaths, as society maintained they could not have political views independent of their husbands.¹⁰⁰ Linda Kerber asserts that during the Revolutionary War, oaths were almost entirely imposed on men, and women were exempt.¹⁰¹ Fauconnet relayed that in 1862, New Orleanians "particularly hope that women will be exempted from [the oath]," suggesting a deviation from former gendered policy was not certain.¹⁰² Requiring women to take the oath demonstrated Union recognition that "the venom of the she-adder is as dangerous as the he-adder," cautionary words Butler framed in his office.¹⁰³ As Stephanie McCurry claims, imposing the oath on women constituted "an entirely new estimation of women's political significance and standing in relation to the state."¹⁰⁴ Indeed, many women were rebels who transgressed patriarchal boundaries and compelled a reevaluation of women's political capacity. The oath of allegiance revealed normative codes of masculinity, resulted in women's crusade against gendered expectations, highlighted Black female loyalty to

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the Union, and illuminated the racial inequity of allegiance.

The gendered language of honor was explicitly applied to men. Palmer implored those who “once listened to me with affection and respect” to “cancel this dreadful oath ... retrieve your position by a bold and manly retraction... say to the Federal authorities we have recovered our manhood.”¹⁰⁵ For many, masculinity entailed never surrendering to pressure to take the oath. Parton claimed that “ladies refused to receive gentlemen who were known to have taken [the oath],” as women validated the gendered expectations of men.¹⁰⁶ A woman we only know as Marion wrote to her cousin Anne to lament that only two men in her community had refused to swear the oath and that “it is shameful that while some men are fighting the battles of the county [some] stay at home and disgrace themselves.”¹⁰⁷ A man’s role was defined as militant and non-compromising, and was policed by both sexes.

Analysis of the “code of honor” elucidates the mindset of New Orleanians as they grappled with the US oath. A pervasive ethos of honor compelled men to restrain their emotions, refine their comportment, and be duty-bound to their word.¹⁰⁸ Additionally, slavery entrenched the code of honor. The white population insisted that the enslaved were liars, and as historian Kenneth Greenberg claims, “that their lies were intimately connected to their position as slaves.”¹⁰⁹ Consequently, “men of honor” abhorred any challenge to their word that threatened their position. A repudiation of a man’s honor spurred retaliation as the constructed racial hierarchy was connected to economic prosperity.

The code of honor instructed conduct when Confederates were confronted with the US oath. Hence, A. G. Brice, a member of the New Orleans school board, refused the US oath surely to defend his reputation: “Respect and honor dictate that I should resign.”¹¹⁰ A Confederate’s word—their honor—would have been shattered by succumbing to the US oath. The consequences of spoiling one’s reputation tormented New Orleanians, and they expressed themselves in the gendered language of honor. For instance, Charbonnet illustrated the intersection of masculinity and honor: “being a man of honor...I shall not desert my post.”¹¹¹ Confederate Prisoner of War Ezekiel John Ellis praised the resolution regarding the amnesty oath, which declared that Louisianians had a solemn duty to obey their oaths to the Confederacy. Ellis commented that “this action is manly.”¹¹²

While the language of honor was primarily portrayed as masculine, the oath also had a significant impact on women. Women’s military threat, displayed by their rebel-rousing resistance, fractured the cherished belief in women’s innocence in war, which was central to the protected status of non-combatants.¹¹³ As Butler claimed, “we were 2,500 men in a city...of

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150,000 inhabitants...all hostile, bitter, defiant, explosive, standing literally in a magazine, a spark only needed for destruction.”¹¹⁴ Confederate women could ignite that spark. Thus, Butler endeavored to reduce the threat by requiring women to take the oath. Additionally, he issued General Orders No. 28 on May 15, 1862, which stated that a woman insulting or showing contempt for a man in the Union army would be “held liable to be treated as a woman of the town plying her vocation”—treated as a prostitute.¹¹⁵

Women’s fervent defiance earned the commendation of Confederate men and Butler’s indignation. A contemporary song, “sung by a Louisiana soldier,” chanted: “We men were all away...But when has Southern woman Before a Yankee quailed?”¹¹⁶ The Confederate Congress’s proclamation included women when it viewed “with pride the course pursued by the true men and women of the Confederacy” who refused to take the US oath of allegiance.¹¹⁷ While Confederate sympathizers celebrated defiant women, General Butler dreaded them. He complained that “the devil had entered the hearts of the women of this town...every opprobrious epithet, every insulting gesture, was made by these bejeweled, crinolined and laced creatures, calling themselves ladies.”¹¹⁸ New Orleanian women were a political force that the oath was unable to subdue.

Some women resolutely refused the oath. Fauconnet stated that “I myself was particularly astonished at the spirit with which the women...refused to submit. All of them spoke with courage and fervor.”¹¹⁹ LeGrand boasted that “when it comes to ‘oath of allegiance’ taking, I am staunch; let me lose what I may by refusing.”¹²⁰ She was willing to suffer a prison sentence for her defiance. Indeed, women were prepared to endure hardship alongside men in pursuit of their “cause.” The self-proclaimed “Wife of a Southern Planter” disparaged the true allegiance of oath-takers during Butler’s tenure and declared in a letter to him: “Have you power to change our true Southern hearts? No.”¹²¹ New Orleanian women celebrated and monitored female Confederate allegiance. LeGrand wrote to a fellow New Orleanian that she “thought her mother highly honored, she had resisted [the oath].”¹²² Louisianian Amelia Faulkner was acutely aware that if a soldier “has ever gone willingly to Baton Rouge and swallows the oath, he loses the friendship and esteems” of others.¹²³ A Confederate soldier, Francis F. Palms, instructed Faulkner that “Yes, you are now the subjects of Lincoln, but you can do much by not countenancing these Tyrants...these men are our enemies and should be treated as such.”¹²⁴ Women were expected, and were often eager, to further the war effort.¹²⁵ As historian Thavolia Glymph asserts, “Men’s business was women’s business” and vice versa.¹²⁶ War besieged all.

Many women, however, succumbed to the oath within a few months of Butler’s Orders No. 41 to ensure the survival of their households.¹²⁷ Margue-

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rite Cenas, from a “noble family,” and future mother-in-law to René Toutant Beauregard (son of renowned Confederate States Army General Pierre G.T. Beauregard) initially refrained from taking the oath.¹²⁸ On September 20, 1862, three days before the Confiscation Act went into effect, Cenas felt compelled to have “taken and subscribed the Oath required by General Orders No. 41, for a Citizen.”¹²⁹ The same day that Cenas took the oath, Butler informed his wife that “The ‘ladies’ of New Orleans are in great trouble now about their property, and taking the oath. They literally swarm upon me.”¹³⁰ Parton claimed that “no one was OBLIGED to take the oath [however many feared] what would happen to those who did not take it”—for instance, New Orleansians’ property could be confiscated or they might be unable to access public services, including food.¹³¹ Cenas’s husband, Hilary Breton Cenas, had died in 1859, leaving her as the head of a large household and facing a “financial disaster.”¹³² Hence, Cenas took the oath, surely to protect her family.

Cenas’s delay in taking the oath implies a reluctance to swear allegiance to the US. She presumably supported the Confederacy, as her son was First Lieutenant Hilary Cenas of the Confederate States Navy, and her brother-in-law Augustus H. Cenas was a “Registered Enemy.”¹³³ As Parton stated, “the social influence of the city was all employed against the taking of the oath... Books were kept, by noted secessionists, in which the names of such [oath takers] were recorded for future vengeance.”¹³⁴ Social pressure presumably impacted Cenas as she deliberated on whether to take the oath. Despite Cenas taking the oath, her daughter married P.G.T. Beauregard’s son after the war ended.¹³⁵ Thus, circumstances could extenuate a Confederate woman’s oath to the US. Cenas’s reputation could not have been ruined by taking the oath; otherwise, her daughter would have been prevented from marrying such a cherished Confederate veteran.

While some women took the oath out of necessity, others guilefully endeavored to exploit the oath to aid the Confederacy. Initially, there was doubt whether a woman refusing to take the US oath would result in the same legal enforcement as a man.¹³⁶ In fact, in Provost Marshal General Bowen’s office, some women expected to evade the oath through a combination of beguiling and deriding the authorities.¹³⁷ Despite failing to avoid taking the oath, women took command of the property of male rebels, still anticipating exemption from the Confiscation Acts.¹³⁸ As Southwood wrote, this “more cunning sort sought to cover up their personal and floating property under the broad folds of female crinoline.”¹³⁹ Union generals, such as Napoleon B. Buford, were aware of women taking the oath to protect Confederate men who refused it. Buford lamented to US Secretary of War Edwin Stanton: “The wives of Rebel officers of high rank... take the oath of allegiance ... violate their oaths, and

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the laws, make large fortunes ... and not a friend is made for the Union.”¹⁴⁰ Butler complained that “all the property of New Orleans is changing hands into foreigners and women, to avoid the consequences of the Confiscation acts.”¹⁴¹ Southwood, however, promoted an equitable application of law. She claimed that it was notorious that the “most active among us in aiding, countenancing and abetting rebellion” were the women attempting to protect the property of Confederates.¹⁴² Indeed, “[Women] must return to her allegiance, [to the US,] or she must suffer the penalty of law.”¹⁴³ Confederate women were cunning, eager to leverage their gender. This compelled a reevaluation of women’s political capacity.

The oath of allegiance created a battleground on the home front, an unforeseen front whereby civilians, particularly women, were dominant political actors. Butler boasted to his wife on September 23, 1862, the day before the Confiscation Act went into effect, that “the oath of allegiance has been taken by almost everybody in the city—they have taken it to save their property, but with very wry faces. The women have all had to ‘come up to the scratch.’”¹⁴⁴ Women were no longer outside the body politic. The days when the law of coverture governed ceased to exist. Amidst the battle for public allegiance, Butler would have been pleased that he had compelled so many women to take the oath, despite their lingering Confederate loyalty.

While many women antagonized the Union by displaying their disdain for oath-taking, there was one form of feminine resistance that Butler professed to admire. Presumably to refute claims that Butler made war upon women, he elevated a feminine ideal.¹⁴⁵ Butler described two women, Mrs. Slocomb and her daughter, Mrs. Urquhart, who requested a travel pass despite declaring “with courteous frankness” that they could not take the oath to the US due to a devotion to “the cause,” nor did they wish to surrender their house to the Union.¹⁴⁶ Butler confessed his “peculiar pleasure” in meeting ladies who, despite being enemies to his government, maintained a devotion to their convictions.¹⁴⁷ This charmed him. Remarkably, Butler issued his “solitary exception to the general rule adopted” and granted the Slocombs a travel pass. Amid the turmoil of mutinous women who endangered his army’s authority, Butler presented his version of respectable female resistance as a model in accordance with the chivalrous code of honor. In New Orleans, white female defiance manifested in methods in line with propriety but also in conduct that fractured feminine norms. Taking the oath, or “graciously” refusing, afforded white women certain advantages.

By contrast, Black people’s staunch loyalty to the Union was not honored in 1862 and has not been widely recognized. As historian Thavolia Glymph asserts, “the story of black women’s fight, the war they waged for

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Union and freedom and to be accorded even the small rights white women claimed, continues to exist on the margins of the Civil War historiography.”¹⁴⁸ Enslaved people understood that eradicating slavery entailed destroying the slaveholder’s state: the Confederacy.¹⁴⁹ As Southwood revealed, “the whole mass of the Ethiopian population appeared to turn out, for the purpose of taking ‘de oaf’...Slaves, as well as freedmen, all went in, so that their numbers might have been summed up by thousands.”¹⁵⁰ Many people of color seized their first opportunity to exert political power by taking the oath and justly exuded, in Southwood’s words, “an air of triumph [as] these ebony patriots would receive their certificates.”¹⁵¹ Enslaved people exhibited their allegiance to the Union in ways beyond oath-taking. Hatty and Charles Scott, an enslaved couple, were informants against their enslaver in October 1862. They disclosed that “their master declared that he would forfeit all of his property before he would take the oath of allegiance to the United States.”¹⁵² Union control presented a potential “third front,” whereby enslaved people could wage war against their currently occupied enslavers.¹⁵³ Enslaved peoples’ acts of resistance towards Confederates in the South, such as those of the Scotts, demonstrate that the “slave’s war” commenced in the South.¹⁵⁴ The exertion of Black political power in New Orleans helped recast a war for the Union into a war for emancipation.

The Union, however, failed to defend enslaved people when they demonstrated a shared, often greater, devotion to the destruction of the Confederacy. The Boston anti-slavery newspaper *The Liberator* published a first-hand account by a Union official about Lydia, an enslaved young mother who fled the relentless beatings from her enslavers to the US customs house in New Orleans. Lydia trusted that Butler, and by extension the Union, would protect her because she was a loyal Unionist and her enslavers were active rebels. A large crowd, “white and black,” surrounded Lydia as her enslaver tried to re-kidnap her.¹⁵⁵ Lydia was momentarily protected by the crowd, which was composed of many people of color who surely advocated for her protection. Despite being in tears, protecting her baby, Lydia remained resolute. She pointed out her master, John A. Stephenson, to the Union man in charge and confirmed that Stephenson had built the CSS *Manassas*, a Confederate gunboat. Additionally, Lydia verified that Stephenson had repeatedly refused the oath of allegiance and that reviling Butler was routine in his household. Lydia, by stark contrast, was proclaimed by a Union official to be a “Unionist,” which suggests she had taken the oath of allegiance. The *Liberator* reports that the Union official initially supported Lydia. He asked Stephenson, “What right have you, a Rebel, to seize a Union woman and carry her off?”¹⁵⁶ Nonetheless, Lydia’s plea to speak with Butler, surely aware that he initiated the “Contra-

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band policy,” was not granted.¹⁵⁷ Lydia waited from 7 a.m. to 3 p.m. in front of the customs house, desperate but hopeful that the Union would honor her loyalty by protecting her against a common and relentless “enemy.” However, the Union turned Lydia away, failed to honor her allegiance, and allowed her to be likely “lodged in jail and whipped as a runaway before night.”¹⁵⁸

Glymph writes that white Northerners believed that Southern “Unionist women” were by definition white; hence, Black female Unionists were by default denied the same benefits as white Southerners.¹⁵⁹ Nevertheless, *The Liberator* reported Lydia’s fortitude to persuade Northerners that “these odious state laws,” which did not acknowledge Black people’s allegiance, required revision.¹⁶⁰ Lydia’s loyalty to the Union, juxtaposed with the rebellion of Stephenson, who refused the oath, suggested that Black women were the true patriots. Black loyalty merited full citizenship rights. Lydia furthered enslaved peoples’ fight to shift the meaning of the Civil War from a war to save the Union to a war for emancipation by demonstrating Black Union loyalty in stark contrast to the white Confederates. Historian Erik Mathisen describes how freed people, at war’s end, compelled US officials to recognize that solidifying Union loyalty in the South depended upon protection for loyal African Americans, particularly as white Southerners’ allegiance remained dubious.¹⁶¹ Lydia’s allegiance in 1862 served as an early example of the potential benefits of Black loyalty to the Union.



Figure 5: This sketch presents General Butler’s proclamation, in 1862, as successful at subordinating women. The Ladies of New Orleans Before and After General Butler’s Proclamation, 1862, cartoon, *Harper’s Weekly*.

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Figure 6 (left): A southern woman takes the US oath with her young son to receive food rations in 1865. John Rogers, Taking the Oath and Drawing Rations, 1865, painted plaster, Smithsonian American Art Museum, Gift of John Rogers and Son, <https://edan.si.edu/saam/id/object/1882.1.1>

Figure 7 (right): A drawing of Julia LeGrand. LeGrand, The Journal of Julia LeGrand (New Orleans, 1862-1863), 2.

The Duties of Citizenship, Enduring Confederate Oaths, and the Insidious Benefit of Reclaiming US Citizenship

*"I pity the government that is bolstered and propped up by oaths of allegiance...
Can an oath make me love and respect that government?"*¹⁶²

- Ezekiel John Ellis

Soldiers, Union and Confederate, took an oath of allegiance prior to enlistment and were expected to give their lives, the greatest sacrifice a citizen can offer, to their republic.¹⁶³ The accounts of Louisianian Confederate prisoners of war (POWs), imprisoned in Ohio, testify to their faith in the Confederacy as a legitimate government and their belief in a soldier's duty to that nation-state. Confederate POWs portray the most ardent beliefs regarding the duties of citizenship. Their testimonies illustrate that many imprisoned officers deemed their Confederate oaths of allegiance eternal. Additionally, some civil

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officials did not feel capable of acting as individual citizens when confronted with the US oath; rather, they felt compelled to represent the will of their Confederate constituents. Further, New Orleanian residents were incentivized to take the US oath, prior to the Emancipation Proclamation, to regain citizenship rights, which included retaining enslaved people in bondage. Despite citizenship not being duly granted to all people, Black people's allegiance to the Union was palpable.

When US Secretary of War Edwin Stanton declared that Johnson's Island prison in Ohio would become a "prison for officers alone," he would not have known that the prison would solidify fraternity among the most ideologically resolute US oath-refusers.¹⁶⁴ On January 23, 1865, thirty-two hundred prisoners, primarily elite officers, were detained in Johnson's Island prison.¹⁶⁵ Among them were Ezekiel John Ellis, Henry Brown Richardson, and Charles Erasmus Kennon, imprisoned Louisianian comrades who revealed Confederate sentiments pertaining to oaths. Ellis wrote in his diary on June 10, 1865, upon learning that Richardson was imprisoned again: "Where in the world was he to get captured again? I am glad however to hear from him once more."¹⁶⁶ While the sources obtained were written by three POWs, a wider Confederate ideology can be inferred. Ellis recounts playing numerous chess games with "Charlie" Kennon and spending long hours with fellow prisoners in Block twelve discussing current events, including the US oath requirement. Ellis revealed that on May 7, 1865, "only 135 men out of 2840 are left who have failed to apply for the [US] oath. My best and most trusted friends are with this small number."¹⁶⁷ Despite being few, resolute US oath-refusers exerted influence.¹⁶⁸

The most ideologically devout POWs who, like Ellis, were determined that "never shall it be said that I 'proved false' to two governments," were adamant that they could not take an oath to the US until the irreversible destruction of the Confederate government.¹⁶⁹ As Richardson claimed in a letter addressed to his Unionist parents, "it was my greatest objection to taking the oath of allegiance to the US that I felt so long as a Confederate flag was flying anywhere there might be a Confederate government, and I could not while it existed violate my allegiance to it."¹⁷⁰ Blank Confederate oaths of allegiance, printed in 1863 presumably for soldiers, ensured that a soldier pledged to serve "honestly and faithfully against all their enemies."¹⁷¹ Confederate soldiers were required to "solemnly swear or affirm that while I continue in the service I will bear true faith, and yield obedience to the CONFEDERATE STATES OF AMERICA ... and that I will observe and obey the orders of the President of the Confederate States."¹⁷² Confederate oaths duty-bound them to the Confederacy. Louisianian POWs were instructed how to respond to the US oath

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by fellow Louisianians during meetings in Johnson's Island. Ellis relayed that POWs were informed that "it is our duty to remain as we are [refusing the oath] till the Confederate government has actually ceased to exist."¹⁷³

The oath of allegiance was rooted in Enlightenment ideals about the authority of government, which spurred Confederates' refusal to consent to the US oath. Former Confederate civilians who succumbed to the US oath in New Orleans justified their decision by claiming that the laws of war permitted them to surrender to an overpowering force. The Reverend Palmer repudiated that claim, arguing that taking the oath to the Union was not akin to military surrender. Rather, "the oath of allegiance transferred with the citizenship all its moral obligations and invested the authority of Butler with the sanctions of a recognized and legal government."¹⁷⁴ Butler agreed. In General Orders No. 41, he asserted that the oath permits an individual to say, "I am an American citizen."¹⁷⁵ The oath of allegiance granted a government consent, bestowing a republic with legitimacy.

Upper-class Confederate POWs professed a devotion to a government that ruled by consent. This fueled their resistance to the US oath. Confederates, including Palmer and Ellis, echoed social contract theorists. On June 11, 1865, Ellis declared that the US was making "every man who takes this oath a supple abject slave" by preventing a citizen's right to revolt.¹⁷⁶ Ellis wrote in quotation marks around the phrase, "Governments derive their rights (to govern) from the consent of the governed," illustrating the currents that influenced nationalism.¹⁷⁷ Ellis's diary reveals the tension that the two competing oaths posed for POWs, and he recognized the perils of taking the US oath too soon, writing that "an unguarded step of the kind might embitter my whole life."¹⁷⁸ Taking that step prior to the official demise of the Confederacy would have stymied the political ascendance of Southerners after the war because former Confederates would venerate those who had not legitimized the Union by taking the oath while hostilities were ongoing.

While many Louisianians took the US oath insincerely, Ellis and his cohort respected the sanctity of an oath, which reinforced their resistance to it. On May 5, 1865, Ellis asserted: "I want to keep that oath when I do take it and to try and make a law-abiding citizen and to do this I must take it with a clear conscience, knowing that I am perfectly absolved from former oaths by the total dissolution of the Confederate government."¹⁷⁹ Richardson concurred: "I intend, having taken [the US oath], to keep it as faithfully as I can, so long as I am a resident of this country. There is no casuistry that to me can justify the breaking of an oath."¹⁸⁰ The Union was surely aware of Confederate officers' devotion to honor. Hence, they would have been reassured that Union Private Horace P. Milton described on May 8, 1863, that "there are a great many of the

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‘grey backs’/ rebel prisoners who have taken the oath of allegiance,” as many former Confederates, including Ellis and his cohort, intended to abide by any oath that they took.¹⁸¹ The gravity of legitimizing the Union justified suffering. As Kennon claimed, “just so many ounces of rations, a man’s appetite does not at all times come under subjection,” and Ellis almost ate a cat that a fellow prisoner had cooked.¹⁸² Only after one’s unit surrendered did a Confederate soldier’s oath cease to dictate duty. Once Ellis’s unit’s general, Confederate States Army General Edmund Kirby Smith, surrendered on May 30, 1865, Ellis “determined to take the amnesty oath of allegiance...for [he] conceive[d] that [he was] no longer a soldier and can act as an individual.”¹⁸³

As many intended to adhere to their US oaths once administered, coaxing the US oath out of former Confederate soldiers could cease hostilities. Hence, some Union officials coerced oath-taking by subjugating oath-refusers to wretched conditions. Richardson recalled that, after war’s end, he and other oath-refusers were thrown “like Shadrack, Meshac, and Obednego.... into a place seven times hotter and worse than... I expect to see if I escape the torments of regions infernal,” despite being informed that the oath was “entirely voluntary, as indeed the oath itself expressly sets forth.”¹⁸⁴ After suffering the horrors of war, Union soldiers ached for peace and were prepared to coerce allegiance to induce stability.

However, a previously administered heartfelt oath could be eternal. Richardson expressed the psychological torment that ensued following his coerced oath to the US. Despite being confined in “a sort of dungeon,” and consequently suffering severe illness, Richardson assumed full responsibility for taking the oath. He reiterated that, “I went out and worshipped the great golden image, and became a prostitute... rape does occur sometimes, a forced oath, never.”¹⁸⁵ Nonetheless, Richardson asserted that “my oath of allegiance to the US government can not change the desires and emotions of my heart.”¹⁸⁶ Additionally, Ellis claimed to “pity the government that is bolstered and propped up by oaths of allegiance. Can any other oath ever bind me to the United States like the obligation imposed by birth upon its soil... Can an oath make me love and respect that government?”¹⁸⁷ The dissolution of the Confederate government and Union pressure resulted in POWs taking the oath to the US, which many intended to adhere to as reclaimed citizens.

Nonetheless, the US oath did not entirely supplant Confederate officers’ original oaths to the Confederacy—oaths from the heart. The administration of the US oath could quell rebellion. It could not, however, secure heartfelt allegiance from all Confederates. POWs’ allegiance to the Confederacy persisted and plagued Reconstruction. POWs’ nationalism is pertinent because some, including Ellis, would later serve in Congress. Ellis went on to serve in the

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Louisiana State Senate from 1866-1870, and then in the US House of Representatives from 1875-1885. He would be instrumental in the Wormley House Conference that contributed to the resolution of the disputed election of 1876. This resolution eroded the success of Radical Reconstruction.

Further, some local New Orleanian representatives maintained that they could not act as individual citizens when faced with the US oath. Rather, they had a duty to adopt the position desired by their constituents. Many declined the oath for this reason. Forty-six letters from a range of civil officials notified Union General Shepley, prior to the deadline of June 20, 1862, that they would not comply with General Orders No. 41.¹⁸⁸ Alderman E. Cox claimed that the oath was “incompatible with a proper sense of the position he holds... whatever might be his opinion or sentiment as a private individual or citizen he conceives that as a man entrusted with...local governmental power, a sense of propriety if not duty should restrain him” from taking an oath that his constituents would surely not endorse. According to Cox, a representative’s duty entailed adopting the will of one’s constituents. Cox’s posture contrasts with the declaration by British conservative member of Parliament Edmund Burke that “Your representative owes you, not his industry only, but his judgment.”¹⁸⁹

Butler clarified the Union’s perspective on the duties of citizenship when an influential New Orleanian, Dr. William W. Mercer, refused the oath. Mercer wrote to Butler on September 26, 1862, to express his surprise that despite his “strict neutrality,” and his not having taken an oath to the Confederacy, he could be designated an enemy of the US.¹⁹⁰ Butler conceded to Mercer the “high respect I entertain for your personal character...but I am dealing with your duty as a citizen of the United States,” and clarified that “all good citizens are called upon to lend their influence to the United States... He that is not for us is against us.”¹⁹¹ Moreover, Butler charged Mercer’s status in the city rendered him more “pernicious...more dangerous to the interests of the United States, than if, a younger man, you had shouldered your musket and marched to the field in the army of rebellion.”¹⁹² Despite Butler’s lucidity, Mercer still refused the oath and decided to register as an enemy.¹⁹³ Mercer’s influence was confirmed in the *Times-Picayune* in 1874. It declared that “Dr. Mercer’s conduct was most heroic... Required to renew his oath of allegiance to the United States or surrender his whole estate...he did not hesitate to hand in [his estate].”¹⁹⁴ A prominent citizen’s refusal to take the oath pressured Butler into solidifying the often-murky duties of citizenship. Neutrality on the subject of allegiance ceased to exist.

The oath of allegiance served to restore citizenship rights, albeit only for white former Confederates. Residents of Vacherie, just outside of New Orleans, implored Butler “to come to their assistance, and give them that

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protection which is due to every loyal American citizen,” as they had “renewed their allegiance to their government by a solemn oath” and were being intimidated by the Confederacy.¹⁹⁵ Loyalty warranted protection for white people. Moreover, reclaiming US citizenship for former Confederates had the insidious benefit of retaining the right to keep enslaved people in bondage. Butler sentenced Black people, as non-citizens, to enslavement, provided their enslavers took the oath. Butler wrote to General J.W. Phelps on July 22, 1862, to advocate that a boy of thirteen be returned to his “mistress” as “the widow is a loyal woman, has taken the oath of allegiance and in my judgment should have back her servant.”¹⁹⁶ Butler’s policy of returning enslaved people to bondage appalled the Treasury Secretary Salmon P. Chase, who complained to Butler “that your policemen are now engaged all the time in returning fugitives to masters, provided only they take the oath.”¹⁹⁷ Julia LeGrand’s diary confirms that New Orleanians were instructed, “according to Federal command,” that they could “get papers for [their] negroes” provided they had taken the oath.¹⁹⁸ The Union official informed New Orleanians that he “was compelled not to issue passes for servants belonging to disloyal people.” As historian Stephen Kantrowitz asserted, Union officials “enforced a de facto slave code in nominally ‘liberated’ Louisiana.”²⁰⁰ During Union occupation, prior to the Emancipation Proclamation, Butler offered benefits for enslavers if they reclaimed citizenship, to the detriment of Black people.

Nevertheless, Black people demonstrated their devotion to the Union. A report by Union General James Morrison Mackaye, addressed to Stanton in 1864, celebrated Black loyalty in New Orleans upon the arrival of Union troops. It concluded, “are not these people then, as fit in all respects to enjoy and exercise the rights civil and political of citizenship, as they whose only qualification is a shade whiter skin, and a reluctant swearing to an oath of allegiance under protest.”²⁰¹ Brigadier General Neal Dow wrote that Louisianians “come in great numbers to take the oath of allegiance...many of these persons are free negroes... intelligent and active men, who understand perfectly that this dreadful war is for the benefit of their race.”²⁰² Black allegiance in New Orleans furthered efforts to expand citizenship rights to them as the Union was increasingly cognizant of their loyalty.

The Union was aware that white Confederates took the US oath to reclaim citizenship because their government had been eradicated, or that they took the oath to retrieve property, which tragically included enslaved people. Nonetheless, reconciliation and reunification were complex. As Historian David Blight reminds us, “Americans faced a profound and all but impossible challenge of achieving two deeply contradictory goals—healing and justice.”²⁰³ To end the bloodshed, the US oath requirement served as a pragmatic tool for

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the Union. However, despite taking the oath of allegiance to the US, Confederate officers maintained a belief in the legitimacy of their Southern republic. Confederate nationalism endured, and it would devastate Reconstruction.²⁰⁴

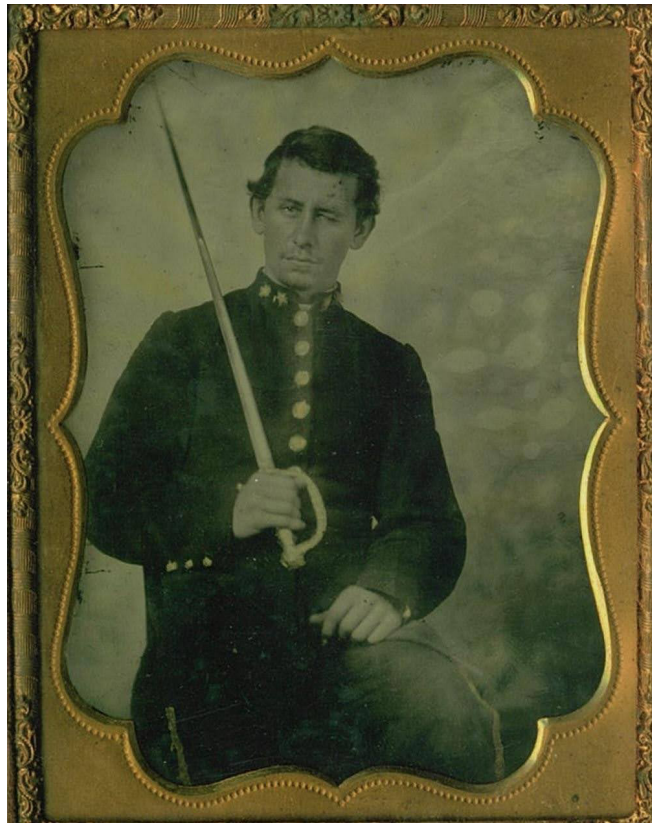


Figure 8: A photograph of Ezekiel John Ellis in his military uniform in 1862. 1862, E. John Ellis Diary, Mss. 2795, Box 1, Folder 3, Louisiana and Lower Mississippi Valley Collections. Image courtesy of LSU Libraries, Baton Rouge, Louisiana.

Conclusion

Analysis of oaths reveals that Confederate nationalism was prevalent in New Orleans, despite the Confederacy's anti-democratic ideology. The study of oaths of allegiance, through the lens of religious leaders, gender, Confederate POWs, Union officials, and enslaved people, illustrates how Confederate ideology was disseminated. Moreover, it elucidates the persistence of Confederate allegiance and its repercussions.

During the Civil War, the religious significance of an oath tormented New Orleanians and informed their conduct. Religious leaders professed a belief in the sanctity of religion remaining separate from politics while simultaneously engaging politically. The clergy's conduct illuminated the will of religious leaders to impact the polity by allying with politicians to promote an interwoven objective: the success of the slaveholders' state. Confederate re-

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ligious leaders leveraged their authority to further the Confederate cause by dissuading New Orleanians from taking the oath to the US. They advanced this by publishing anti-US oath pamphlets and praying for Confederate allegiance in churches. Additionally, the clergy established an example to be emulated by staunchly refusing the US oath. The Union consequently fought to neutralize the influence of New Orleanian religious leaders, who proved instrumental political actors.

An alliance between church and state persists even today. Despite current federal legal challenges, Louisiana was the first state to require the Ten Commandments in public school classrooms. Governor Jeff Landry of Louisiana signed this requirement into law on June 19, 2024, Juneteenth, a federal holiday to celebrate the final freeing of enslaved people in Texas. As Alanah Odoms, executive director of ACLU Louisiana decried, “this move undermines the...separation of church and state.”²⁰⁵ Clearly, Southern politicians still deem the church an ally. The importance of federal resistance to the coalition between Southern politicians and the church was pertinent during the Civil War and remains so.

Confederate women in New Orleans assumed a novel degree of political power during the Civil War. Women defied the US oath requirement and endured deportation as a result, succumbed to the US oath to maintain property, endeavored to protect Confederate men’s prosperity, and adopted the chivalrous code of honor. While many white women swore the oath of allegiance to the US, a significant number of women maintained loyalty to the Confederate cause. During Union occupation, Confederate women established their burgeoning role as political actors, no longer limited by the laws of coverture. Meanwhile, Black women such as Lydia displayed their allegiance to the Union, which was not duly recognized.

As white women’s political power continued to blossom following the Civil War, the remnants of Confederate ideology would plague Reconstruction and racial integration a century later. Historical consideration of Confederate nationalism, as observed through the study of oaths, has present-day relevance. David Blight reminds us that “past and present are always utterly interdependent.”²⁰⁶ In 1960, Confederate flags were wielded by mob members who encircled Ruby Bridges, a six-year-old African American child who became the first Black child to attend William Frantz Elementary School in New Orleans. US officials recognized the importance of defending Ruby’s right, as a citizen, to go to school—almost a century after Lydia’s devotion to the Union was not duly protected by Union officials. Nonetheless, the racist Confederate sentiment that culminated in Union defiance during the Civil War resurfaced in 1960.

The oath of allegiance to the US could be coerced, especially for Confed-

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erate soldiers, because the US endeavored to reclaim former citizens, particularly perilous ones, into the polity. Allegiance, as fulfilled by the oath, arose as the governing principle of citizenship.²⁰⁷ An oath reinstated formal citizenship, which prevented further bloodshed; however, it failed to secure the hearts of all former Confederates. Moreover, taking the US oath did not eradicate white supremacist views, and it enabled former Confederates to retain enslaved people in bondage prior to the Emancipation Proclamation, despite enslaved people's fervent displays of Union loyalty. Richardson proclaimed, "so long as a Confederate flag was flying anywhere there might be a Confederate government."²⁰⁸ On January 6, 2021, the Confederate flag was wielded in the US Capitol for the first time. The eradication of Confederate allegiance remains incomplete, despite requiring US oaths during the Civil War.

This article illustrates the persistence of Confederate nationalism, which would undermine the objectives of Reconstruction, and indeed the American polity. Butler's oath requirements were controversial; nevertheless, his attempt to supplant Confederate allegiance was imperative. Following the war, Louisiana oaths of allegiance required the oath-taker to state that they would "abide by and faithfully support all laws and proclamations which have been made during the existing rebellion, with reference to the emancipation of slaves."²⁰⁹ As the "colored citizens of the South" revealed on May 31, 1865, they feared former Confederates "who have hitherto entertained the most inveterate feelings of hatred against the Government of the United States, but now have taken the oath of allegiance... with all their vindictive feelings of hatred against the colored man, as such cannot expect justice at their hands."²¹⁰ Despite the inclusion of text to compel oath-takers to respect the emancipation of enslaved people, racial justice remained elusive. Atrocities towards Black people continued in Louisiana.²¹¹

During the Civil War, it was difficult to distinguish friend from foe. Unionists and Confederates looked, talked, and conducted themselves similarly. After all, the war was a fratricidal conflict. Hence, the Confederacy and the Union were relentless in their pursuit of securing oaths of allegiance to ascertain loyalty. Even if oath-takers did not feel genuine allegiance in their hearts, at least oaths were public symbols of legitimacy for the Union government.²¹² Religious leaders were integral to perceptions of the oath, and women were active participants in the battle for public allegiance. The US oath of allegiance helped engender stability among previously warring factions. Oaths, however, did not secure racial justice or expunge Confederate allegiance from American soil.

Endnotes

- 1 United States Army, Department of the Gulf, General Orders from Headquarters, Department of the Gulf, issued by Major-General B. F. Butler, from May 1st, 1862, to the Present Time (New Orleans: E.R. Wagener, 1862), 3; Whites and Long claim that “all or most of Butler’s clashes with the civilian population of New Orleans might have been avoided.” While Butler was provocative, controversial, and took advantage of some people, the danger that Butler was presented with was real. See LeeAnn Whites and Alecia P. Long, *Occupied Women: Gender, Military Occupation, and the American Civil War* (Baton Rouge: Louisiana State University Press, 2009), 18.
- 2 United States Army, Department of the Gulf, General Orders from Headquarters, 14.
- 3 Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: The Institute of Early American History and Culture by the University of North Carolina Press, 1980), 121.
- 4 James Parton, *General Butler in New Orleans* (Boston: Houghton Mifflin, 1892), 150; United States Army, Department of the Gulf, General Orders from Headquarters, 14.
- 5 Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2010), 110; J. Matthew Ward, *Garden of Ruins: Occupied Louisiana in the Civil War* (Baton Rouge: Louisiana State University Press, 2024), 84-86; Whites and Long, *Occupied Women*, 29; Gerald Mortimer Capers, *Occupied City: New Orleans Under the Federals, 1862-1865* (Lexington: University of Kentucky Press, 1965), 93; Paul Quigley, *The Civil War and the Transformation of American Citizenship* (Baton Rouge: Louisiana State University Press, 2018), 10, 89-137.
- 6 Justin A. Nystrom, *New Orleans After the Civil War: Race, Politics, and a New Birth of Freedom* (Baltimore, MD: Johns Hopkins University Press, 2010), 7.
- 7 Charles Prosper Fauconnet, Carl A. Brasseaux, and Katherine Carmines Mooney, *Ruined by this Miserable War: The Dispatches of Charles Prosper Fauconnet, a French Diplomat in New Orleans, 1863-1868. Voices of the Civil War* (Knoxville: University of Tennessee Press, 2012), preface.
- 8 Stephanie McCurry, *Women’s War: Fighting and Surviving the American Civil War* (Cambridge, MA: The Belknap Press of Harvard University Press, 2019), 29.
- 9 Harry T. Williams, *P. G. T. Beauregard: Napoleon in Gray* (Baton Rouge: Louisiana State University Press, 1960); Gary W. Gallagher and Joan Waugh, *The American War: A History of the Civil War Era* (State College: Flip Learning, 2016), 22; For discussion of the categorization of “creole” see Joseph G. Tregle, “On That Word ‘Creole’ Again: A Note,” *Louisiana History: The Journal of the Louisiana Historical Association* 23, no. 2 (1982): 193–98, <http://www.jstor.org/stable/4232170>.

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10 Benjamin F. Butler, *Private and Official Correspondence of Gen. Benjamin F. Butler, During the Period of the Civil War* (Norwood: The Plimpton Press, 1917), 16. New Orleans's economic prominence was thanks to its geographic location. Francois Furstenberg informs us, all goods shipped down the Ohio and Mississippi Rivers flowed into the port of New Orleans. See François Furstenberg, *When the United States Spoke French: Five Refugees who Shaped a Nation* (New York: The Penguin Press, 2014), 400.

11 In 1860, New Orleans comprised roughly 140,000-170,000 residents. It was more than four times the size of Charleston or Richmond, signaling its economic and strategic significance. Edward Larocque Tinker, *Creole City: its Past and its People* (New York: Longmans, Green & Co, 1953), 82; Capers, *Occupied City*, 51.

12 Official Records of the Union and Confederate Navies in the War of the Rebellion, Series I, Volume 18,

13 *Civil War Naval Chronology 1861–1865* (Washington, DC: Naval History Division, 1971), 15. Historians largely agree with Justin Nystrom who claims that the loss of New Orleans “might well be the single most underappreciated blunder of the entire war.” See Nystrom, *New Orleans after the Civil War*, 13.

14 For a description of the overconfidence of New Orleanians in their ability to defend their city see Capers, *Occupied City*, 44; Tinker, *Creole City*, 73; John D. Winters, *The Civil War in Louisiana* (Baton Rouge: Louisiana State University Press, 1963), 82.

15 For a description of New Orleans military capitulation see Winters, *The Civil War in Louisiana*, 71-102; Tinker, *Creole City*, 73; Capers, *Occupied City*, 29; Mark F. Bielski, *A Mortal Blow to the Confederacy: The Fall of New Orleans, 1862* (El Dorado Hills: Savas Beatie LLC, 2021), 61-133.

16 For discussion of the pandemonium that ensued in New Orleans immediately following Union capture, see Tinker, *Creole City*, 74-76; “GIDEON WELLES ON THE CAPTURE OF NEW-ORLEANS,” *New York Tribune*, September 4 1875, 1.

17 Tinker, *Creole City*, 82.

18 Butler, *Private and Official Correspondence of Gen. Benjamin F. Butler*, 16; Julia Ellen Le Grand, *The Journal of Julia Le Grand, New Orleans, 1862-1863*, eds. Kate Mason Rowland and Agnes E. Browne Croxall (Richmond: Everett Waddey co., 1911), 40.

19 Gallagher and Waugh, *The American War*, 91.

20 Marion Southwood, “Beauty and Booty:” *The Watchword of New Orleans* (New York: M. Doolady, 1867), 40-42.

21 Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 45; Elizabeth R. Varon, *Longstreet: The Confederate General Who Defied the South* (New York: Simon & Schuster, 2023), 139.

22 United States Army, Department of the Gulf, General Orders from Headquar-

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ters, 13-14.

23 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 575.

24 Parton, *General Butler in New Orleans*, 150.

25 Lawrence L. Hewitt and Arthur W. Bergeron, *Louisianians in the Civil War* (Columbia: University of Missouri Press, 2002), 29; Parton, *General Butler in New Orleans*, 123-125.

26 Capers, *Occupied City*, 86.

27 United States Army, Department of the Gulf, General Orders from Headquarters, 30-31.

28 Ibid., 14.

29 Southwood, "Beauty and Booty," 124.

30 Capers, *Occupied City*, 86.

31 Fauconnet, *Ruined by this Miserable War*, 22.

32 Fauconnet, *Ruined by this Miserable War*, 23.

33 Fauconnet, *Ruined by this Miserable War*, 22; "The landing of "Registered Enemies" at Madisonville, Louisiana," *Harper's Weekly*, Feb. 2, 1863.

34 Parton, *General Butler in New Orleans*, 449; Whites and Long, *Occupied Women*, 19.

35 Parton, *General Butler in New Orleans*, 150.

36 Names of Persons Taking the *Oath of Allegiance* Index and Registered Enemies Record, 1861-1865, MSS 143, Williams Research Center, The Historic New Orleans Collection.

37 Copy of Index to Five Books Containing the Names of Persons Taking the *Oath of Allegiance* in 1862, 1862, MSS 143.1, Williams Research Center, The Historic New Orleans Collection.

38 Fauconnet, *Ruined by this Miserable War*, 22.

39 LeGrand, *The Journal of Julia LeGrand*, 282.

40 LeGrand, *The Journal of Julia LeGrand*, 124.

41 Hewitt and Bergeron, *Louisianians in the Civil War*, 29; Parton and Tupper claim the number of oath-takers was 60,000. See James Brainerd Taylor Tupper, *Civil War Memories* (Washington, 1917); Parton, *General Butler in New Orleans*, 474.

42 Parton, *General Butler in New Orleans*, 462.

43 Parton, *General Butler in New Orleans*, 309; LeGrand, *The Journal of Julia LeGrand*, 127.

44 Benjamin Morgan Palmer, *Oath of Allegiance* (Richmond: Macfarlane and Fergusson, 1863), Beinecke Rare Book and Manuscript Library, Yale University.

45 Parton, *General Butler in New Orleans*, 463.

46 Ibid., 474.

47 Jefferson Davis, General Orders no. 111, 24 December 1862, General Orders, (Richmond: Adjutant and Inspector-General's Office, 1861-1865), 2-3.

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- 48 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 575.
- 49 Oath of Allegiance, 26 June 1865, Merrick Family Papers, Folder 11, Mss 64, Williams Research Center, The Historic New Orleans Collection.
- 50 Parton, *General Butler in New Orleans*, 481.
- 51 Southwood, “*Beauty and Booty*,” 130.
- 52 Parton, *General Butler in New Orleans*, 452.
- 53 Joint Resolutions Expressing Opinion of Congress in Relation to the Conduct of Certain Citizens of Louisiana Within the Lines, and in the Presence of the Enemy, 13 January 1863, 2000-53-RL.5, Williams Research Center, Historic New Orleans Collection.
- 54 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 408.
- 55 B.M. Palmer and William Thomas Leacock, *The Rights of the South Defended in the Pulpits*. Slavery and Anti-Slavery: A Transnational Archive (Mobile: J.Y. Thompson, 1860); B. M. Palmer, Thanksgiving Sermon: Delivered at the First Presbyterian Church, New Orleans, on Thursday, December [i.e., November] 29, 1860. Slavery and Anti-Slavery: A Transnational Archive (New York: G.F. Nesbitt, 1860); Sermon, November 29, 1860, J.K. Gutheim Manuscript Collection, No. 224, AJA.
- 56 Palmer and Leacock, *The Rights of the South Defended in the Pulpits*; Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 408.
- 57 Palmer and Leacock, *The Rights of the South Defended in the Pulpits*, 16.
- 58 Ibid., 8.
- 59 Christianity was the most influential institution that could legitimize the Confederate Cause. See Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge: Louisiana State University Press, 1988), 22-32.
- 60 Whereas the average free white male in the US possessed an average wealth of \$2,580, clerics in the Old South were worth an average of \$10,177. See E. Brooks Holifield, “The Penurious Preacher?: Nineteenth-Century Clerical Wealth: North and South,” *Journal of the American Academy of Religion* 58, no. 1 (1990): 17–36; Timothy Reilly, “Genteel Reform Versus Southern Allegiance: Episcopalian Dilemma in Old New Orleans,” *Historical Magazine of the Protestant Episcopal Church* 44, no. 4 (1975): 437–50; McCurry, *Confederate Reckoning*, 17; Timothy L. Wesley, *The Politics of Faith During the Civil War* (Baton Rouge: Louisiana State University Press, 2013), 3.
- 61 Palmer, *Oath of Allegiance*, 3.
- 62 Ibid.
- 63 Palmer exerted such influence that a park and an avenue, Palmer Avenue, was named in his honor in New Orleans.
- 64 Palmer, *Oath of Allegiance*, 3.
- 65 Julia LeGrand, *The Journal of Julia LeGrand*, 252.

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- 66 Ibid., 252.
- 67 Palmer, *Oath of Allegiance*.
- 68 Fauconnet, *Ruined by this Miserable War*, xx.
- 69 The Diary of Jacques Alfred Charbonnet, 27 December 1863, Jacques Alfred Charbonnet Papers, 1860-1865, Manuscripts Collection M-423, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA 70118.
- 70 *Oath of Allegiance*, 8 May 1865, Jacques Alfred Charbonnet Papers, 1860-1865, Manuscripts Collection M-423, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 71 *Daily Missouri Democrat*, July 17, 1862, 2; By February 20, 1861, during the customary prayer for the US President and Congress, Bishop of the Protestant Episcopal Church in the Diocese of Louisiana Leonidas Polk instructed the clergy to substitute the words “the President of the United States” to “the President of the Confederate States” and pray for “the Congress of the Confederate states” rather than the US Congress. While the New Orleanian ministers desired the success of the Confederacy, their orders, in fact, came from their clerical senior. See *Extracts From the Journal of the Twenty-Third Annual Convention of the Protestant Episcopal Church, in the Diocese of Louisiana: Containing an Extract From the Address of the Rt. Rev. Leonidas Polk, D.D., Bishop of the Diocese. Also, the Report of the Committee on the State of the Church, With the Resolutions Thereupon Adopted* (New Orleans: Bulletin Book and Job Office, 1861), 12.
- 72 Julia LeGrand, *The Journal of Julia LeGrand*, 122.
- 73 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 408-409.
- 74 Southwood, “*Beauty and Booty*,” 111-112.
- 75 Ibid., 111-112.
- 76 Historian Drew Gilpin Faust notes the elevated illiteracy rates, printing disadvantages, and distribution issues in the South. Thus, song and other oral messages, which were expressions of popular sentiment, often reached more people than printed material. Faust, *The Creation of Confederate Nationalism*, 17-19.
- 77 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 408.
- 78 LeGrand, *The Journal of Julia LeGrand*, 121.
- 79 Ibid., 121.
- 80 Ibid., 121.
- 81 Wesley, *The Politics of Faith During the Civil War*, 3.
- 82 James Bowen Letter to Trinity Church, 20 January 1864, Box 4, Folder 75, Civil War Collection, Manuscripts Collection 524, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 83 Ward, *Garden of Ruins: Occupied Louisiana in the Civil War*, 86.

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- 84 James Bowen Letter to Trinity Church, 20 January 1864, Box 4, Folder 75, Civil War Collection, Manuscripts Collection 524, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 85 Wesley did not include Jewish Americans in his study, as he claimed that Jews were “collectively and contextually a minor force.” However, Rabbi Gutheim exerted a relatively strong impact in New Orleans. The influence of Rabbis in New Orleans merits analysis because numerous Jewish soldiers fought in the Civil War and some held significant power. Indeed, Confederate Secretary of War, Judah P. Benjamin was Jewish and settled in New Orleans, Louisiana, prior to the Civil War. See Wesley, *The Politics of Faith During the Civil War*, 5; Robert Douthat Meade, Judah P. Benjamin: *Confederate Statesman* (New York: Oxford University Press), 1943.
- 86 Robert N. Rosen, *The Jewish Confederates* (Columbia: University of South Carolina Press, 2000), 17, 25.
- 87 *The Universal Jewish Encyclopedia: An Authoritative and Popular Presentation of Jews and Judaism since the Earliest Times* (New York: The Universal Jewish Encyclopedia, inc., 1939-43), 134; Rosen, *The Jewish Confederates*, 249.
- 88 Rosen, *The Jewish Confederates*, 249.
- 88 Bertram Wallace Korn, *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society of America, 1951), 48. “Congregations Honor the Memory of Rabbi Gutheim Centenary of His Birth Occasion,” *Times-Picayune*, November 18, 1917, 18.
- 89 Korn, *American Jewry and the Civil War*, 49.
- 90 Confederate Army Certificates dated in 1864-5, Box 1, Folder 1, Simon Mayer Family Papers, Manuscripts Collection 815, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA 70118.
- 91 Kursheedt was described as an “outstanding citizen of the past,” alongside Gutheim. See *Times-Picayune*, November 5, 1928, 14; Rosen, *The Jewish Confederates*, 111, 55; Edwin I. Kursheedt Papers, 1861-1865, MSS 227, Williams Research Center, The Historic New Orleans Collection.
- 92 Sarah Morgan Dawson and Charles East, *The Civil War Diary of Sarah Morgan* (Athens: University of Georgia Press, 1991), 392.
- 93 Parton, *General Butler in New Orleans*, 482.
- 94 Ibid., 481.
- 95 Ibid., 484.
- 96 Palmer, *Oath of Allegiance*.
- 97 Palmer delivered a tribute to Gutheim at his funeral: “he was ever ready for action; a man always to be found when wanted, and always to be trusted when found...[I] drop a Christian tear over Israel’s loss and ours,” “A Beautiful Tribute,” *Clarion*, June 16, 1886.
- 98 Southwood, “*Beauty and Booty*,” 159.

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- 99 For further discussion of *couverture*, see Kerber, *Women of the Republic*, 121.
- 100 Linda K. Kerber, "The Paradox of Women's Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805," *The American Historical Review* 97, no. 2 (1992): 358.
- 101 Fauconnet, *Ruined by this Miserable War*, 22.
- 102 Southwood, "Beauty and Booty," 159.
- 103 McCurry, *Women's War*, 29.
- 104 Palmer, *Oath of Allegiance*, 15.
- 105 Parton, *General Butler in New Orleans*, 462.
- 106 Personal Letter from "Marion," [Louisiana], to Her Cousin [Anne], 1863, Rosemonde E. and Emile Kuntz Collection: National Period, Manuscripts Collection 600, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 107 Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven, CT: Yale University Press, 2001), xv.
- 108 Kenneth S. Greenberg, "The Nose, the Lie, and the Duel in the Antebellum South," *The American Historical Review* 95, no. 1 (1990): 65.
- 109 Gen. G.F. Shepley Letters, 20-23 June 1862, Manuscripts Collection B-16, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 110 Gen. G.F. Shepley Letters, 20-23 June 1862, Manuscripts Collection B-16, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 111 The Diary of Jacques Alfred Charbonnet, 27 December 1863, Jacques Alfred Charbonnet Papers, 1860-1865, Manuscripts Collection M-423, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA; E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 10.
- 112 McCurry, *Women's War*, 14.
- 113 McCurry, *Confederate Reckoning*, 108.
- 114 United States Army, Department of the Gulf, General Orders from Headquarters, 9.
- 115 Southwood, "Beauty and Booty," 112.
- 116 Joint Resolutions Expressing Opinion of Congress in Relation to the Conduct of Certain Citizens of Louisiana Within the Lines, and in the Presence of the Enemy, 13 January 1863, 2000-53-RL.5, Williams Research Center, Historic New Orleans Collection.
- 117 Parton, *General Butler in New Orleans*, 343.
- 118 Fauconnet, *Ruined by this Miserable War*, 24.
- 119 LeGrand, *The Journal of Julia LeGrand*, 36.

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- 120 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 449.
- 121 LeGrand, *The Journal of Julia LeGrand*, 152.
- 122 Letter from Francis F. Palms to Henrietta Lauzin, 7 February 1864, Gras-Lauzin Family Papers, Box 2, Mss. 5, 893, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, LA.
- 123 Letter from Francis F. Palms to Henrietta Lauzin, 27 April 1862, Gras-Lauzin Family Papers, Box 2, Mss. 5, 893, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, LA.
- 124 For discussion on women's role in the war, see Gallagher, *The American War*, 155-175.
- 125 Thavolia Glymph, *The Women's Fight: The Civil War's Battles for Home, Freedom, and Nation* (Chapel Hill: The University of North Carolina Press, 2019), 256.
- 126 Jonathon Berkey claims that people in cities that were occupied early on in the war, such as New Orleans, succumbed to the oath in greater numbers because they could not maintain the hope of Confederate victory. By contrast, residents of Winchester, Virginia resisted the oath in greater numbers due to a tangible belief that the Confederacy would return. Quigley, *The Civil War and the Transformation of American Citizenship*, 90-91.
- 127 *Times-Picayune*, March 27, 1877; Pierre G.T. Beauregard and Family Papers, 1818-1912, Box 2, Mss. 601, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, LA; Harry T. Williams, *P. G. T. Beauregard*, 323.
- 128 Pierre G. T. Beauregard and Family Papers, 1818-1912, Box 2, Mss. 601, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, LA.
- 129 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 316.
- 130 Parton, *General Butler in New Orleans*, 452. Marguerite Cenas ran a prominent French boarding and day school to overcome poverty. Cenas would have exerted influence over women as the principal of a school. *Times Picayune*, 6 November 1885.
- 131 The National Archives in Washington D.C. Record Group: Records of the Bureau of the Census; Record Group Number: 29; Series Number: M653; Residence Date: 1860; Home in 1860: New Orleans Ward 2, Orleans, Louisiana; Roll: M653_416; Page: 737; Family History Library Film: 803416.
- 132 Names of Persons Taking the *Oath of Allegiance* Index and Registered Enemies Record, Folder 2, 1861-1865, MSS 143, Williams Research Center, The Historic New Orleans Collection.
- 133 Parton, *General Butler in New Orleans*, 462.
- 134 In fact, P. G. T. Beauregard's granddaughter was named Marguerite Toutant Beauregard, surely after her grandmother Marguerite Cenas. Harry Williams claims, "The Beauregard and Cenas families were very close, [post war] and often they filled

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- [P.G.T.] Beauregard's home to overflowing," Williams, *P. G. T. Beauregard*, 324.
- 135 Southwood, "*Beauty and Booty*," 131.
- 136 McCurry, *Confederate Reckoning*, 115.
- 137 Southwood, "*Beauty and Booty*," 134.
- 138 Ibid., 131.
- 139 Abraham, Lincoln, Abraham Lincoln Papers: Series 1. General Correspondence, 1833-1916: Napoleon B. Buford to Edwin M. Stanton, Friday, Affairs in Arkansas, 1863.
- 140 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 307. The requirement that foreigners take the oath was a subject repeatedly discussed in Union correspondence and in the dispatches of foreign consuls. During the course of the war, foreigners became increasingly ensnared in issues of allegiance as consuls and the Union grappled for answers.
- 141 Southwood, "*Beauty and Booty*," 134.
- 142 Ibid., 135.
- 143 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 323.
- 144 Parton, *General Butler in New Orleans*, 344; Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 631. Butler was routinely rebuked for allegedly seizing property arbitrarily for personal and familial gain.
- 145 Mrs. Slocomb was Cora Ann Cox Slocomb, born in New Orleans in 1811, mother to celebrated Confederate Captain Cuthbert H. Slocomb. Mrs. Slocomb's daughter, who encountered Butler, was Augusta Slocomb Urquhart. An author who romanticized the South, Eliza Ripley, recounted her cherished memories of the "prominent" Slocombs, depicting them as one of the leading families in New Orleans. Her grand portrayal is reinforced by newspaper articles describing Mrs. Slocomb's "endearing manners, kindly deeds and public spirit [which] made her name familiar in every household." Articles declared that Mrs. Slocomb "concerned herself in all [New Orleans's] important affairs, having much administrative capacity." Due to Slocomb's status and Creole identity, her refusal to take the US Oath of Allegiance and her conduct with Butler would have been widely discussed. See Eliza Ripley, *Social Life in Old New Orleans, Being Recollections of my Girlhood* (New York: D. Appleton and Company, 1912), 31, 172; *The Times-Democrat*, March 17, 1884, 3-5.
- 146 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 323.
- 147 Glymph, *The Women's Fight*, 10.
- 148 McCurry, *Confederate Reckoning*, 5.
- 149 Southwood, "*Beauty and Booty*," 132.
- 150 Ibid., 132.
- 151 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 381-382.
- 152 Long, *Occupied Women*, 5.

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- 153 McCurry, *Confederate Reckoning*, 5.
- 154 “THE SLAVE-CATCHING BUSINESS LIVELY IN NEW ORLEANS.: SELECTION JAILERS AND UNION PRISONERS—RECRUITING EASY—LYDIA THE SLAVE,” *The Liberator*, August 22, 1862, 34.
- 155 Ibid, 34.
- 156 Many women who reached Union lines became “contraband” and worked as cooks, nurses, and laundresses for the Union. Numerous runaway women often experienced neglect and many were returned to their owners. Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 125-126.
- 157 “THE SLAVE-CATCHING BUSINESS LIVELY IN NEW ORLEANS,” 34.
- 158 Glymph, *The Women’s Fight*, 9.
- 159 “THE SLAVE-CATCHING BUSINESS LIVELY IN NEW ORLEANS,” 34.
- 160 Crystal Feimster describes how Black women testified against white men for rape and sexual assault. They demanded sexual justice and full citizenship rights. In 1862, Lydia also called for citizenship rights to apply to her.
- 161 Gregory P. Downs, and Kate Masur, *The World the Civil War Made. The Steven and Janice Brose lectures in the Civil War Era* (Chapel Hill: The University of North Carolina Press, 2015), 264-283; Erik Mathisen, *The Loyal Republic: Traitors, Slaves, and the Remaking of Citizenship in Civil War America* (Chapel Hill: The University of North Carolina Press, 2018), 87-118.
- 162 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 30.
- 163 The Confederate government, as historian Erik Mathisen claims, “turned its army into a school of citizenship.” Mathisen, *The Loyal Republic*, 10.
- 164 Roger Pickenpaugh, *Johnson’s Island: A Prison for Confederate Officers* (Kent, OH: The Kent State University Press, 2016), 11.
- 165 Quigley, *The Civil War and the Transformation of American Citizenship*, 123; Charles Erasmus Kennon Papers, 23 Jan 1865, Box 1, Folder 11, Manuscripts Collection 948, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 166 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 28.
- 167 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 12.
- 167 For discussion of the social pressures, indeed life-threatening danger, from other inmates in Johnson’s Island prison for taking an oath to the US, see Quigley, *The Civil War and the Transformation of American Citizenship*, 120-124.
- 168 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 12.

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- 169 Richardson Family Papers, 21 June 1865, Box 1, Volume 3, Manuscripts Collection 1069, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA 70118.
- 170 Butler (Thomas and Family) Papers, 1863, Box 4, Folder 7, Mss. 2850, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana.
- 171 Ibid.
- 172 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 10.
- 173 Palmer, *Oath of Allegiance*, 12. Historian Jonathon Berkey agrees that “swallowing the oath marked an explicit rejection of Confederate Citizenship.” Quigley, *The Civil War and the Transformation of American Citizenship*, 90.
- 174 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 41.
- 175 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana. (parenthesis in original), 31.
- 176 Ibid., 31.
- 177 Ibid., 31.
- 178 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 11.
- 179 Richardson Family Papers, 21 June 1865, Box 1, Volume 3, Manuscripts Collection 1069, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
- 180 Horace P. Milton Letters, 8 May 1863, Mss. 2279, 2724, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, LA.
- 181 Charles Erasmus Kennon Papers, 23 January 1865, Box 1, Folder 11, Manuscripts Collection 948, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA; E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana.
- 182 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 24.
- 183 Richardson Family Papers, 21 June 1865, Box 1, Volume 3, Manuscripts Collection 1069, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA 70118; Shadrach, Meshac, and Abednego were Jewish men thrown into a fiery furnace by King Nebuchadnezzar for refusing to worship a statue of gold, as recounted in chapter three of the biblical Book of Daniel.
- 184 Ibid.
- 185 Ibid.
- 186 E. John Ellis Diary, 1862-1865, Mss. 2795, Louisiana and Lower Mississippi

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Valley Collections, LSU Libraries, Baton Rouge, Louisiana, 31.

187 Gen. G.F. Shepley Letters, 20-23 June 1862, Manuscripts Collection B-16, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.

188 Edmund Burke, *The Writings and Speeches of Edmund Burke* (Beaconsfield: Little, Brown, 1901), 95.

189 Parton, *General Butler in New Orleans*, 125-126; Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 332.

190 Parton, *General Butler in New Orleans*, 126; Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 332.

191 Parton, *General Butler in New Orleans*, 126; Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 333.

192 Names of Persons Taking the *Oath of Allegiance* Index and Registered Enemies Record, 1861-1865, Folder 2, MSS 143, Williams Research Center, The Historic New Orleans Collection.

193 *Times-Picayune*, August 18, 1874.

194 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 89-90.

195 The boy was surely an enslaved boy, despite Butler referring to him as a servant, as Butler claimed he could not be called a “fugitive of labor” (a term employed for runaway enslaved people). Federal Occupation of New Orleans Collection, 22 July 1862, MSS 577, Williams Research Center, The Historic New Orleans Collection.

196 Butler, Private and Official Correspondence of Gen. Benjamin F. Butler, 102.

197 LeGrand, *The Journal of Julia LeGrand*, 216.

198 LeGrand, *The Journal of Julia LeGrand*, 216.

199 Stephen Kantrowitz, *More than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889* (New York: Penguin Press, 2012), 298.

200 James Morrison Mackaye, *The Mastership and its Fruits: The Emancipated Slave Face to Face with His Old Master: A Supplemental Report to Hon. Edwin M. Stanton, Secretary of War*, 1864, United States War Department, Miscellaneous Pamphlet Collection, and Daniel Murray Pamphlet Collection (New York: The Loyal Publication Society, 1864), 14.

201 Neal Dow, *On the American War*, (N. P., 1862), 158.

202 David W. Blight, “The Civil War Isn’t Over,” *The Atlantic*, April 9, 2019.

203 For analysis of racial violence towards Black people during Reconstruction in Louisiana, see Varon, *Longstreet*, 141-142, 160, 188.

204 Cailey Gleeson, “Louisiana Becomes First State to Require Ten Commandments in Public School Classrooms,” ACLU of Louisiana, September 17, 2024, <https://www.laaclu.org/en/news/louisiana-becomes-first-state-require-ten-commandments-in-public-school-classrooms>

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ments-public-school-classrooms.

205 Blight, "The Civil War Isn't Over."

206 Mathisen claims that personal allegiance became the "prerequisite for Citizenship in the American republic." Mathisen, *The Loyal Republic*, 105.

207 Richardson Family Papers, 21 June 1865, Box 1, Volume 3, Manuscripts Collection 1069, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.

208 Oath of Allegiance to the United States Sworn by F.E. Harding, Rosemonde E. & Emile Kuntz collection: National period, 1804-1950, Manuscripts Collection 600, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.

209 "INTELLIGENCE OF THE COLOURED CITIZENS OF THE SOUTH," *The Anti-Slavery Reporter*, August 1, 1865, 196.

210 For analysis of the racial violence in New Orleans in 1866, see Foner, *Reconstruction: America's Unfinished Revolution*, 262-265.

211 Stephen C. Neff, *Justice in Blue and Gray: A Legal History of the Civil War* (Cambridge, MA: Harvard University Press, 2010), 154.

Traces of the Slain

Photography's Mediation of Identity and Death in the American Civil War, 1861-1865

Harry Greenblatt



Image: Hand-colored sixth-plate tintype showing unidentified girl in mourning dress holding framed photograph of her father as a cavalryman with sword and Hardee hat, 1861-1870, Liljenquist Family Collection.

Harry Greenblatt graduated from Yale University this past December with a double major in History and Film and Media Studies. He's been fascinated (and terrified) by the Civil War ever since his babysitter told him that, driving near the battlefield of Gettysburg, she had seen a regiment of ghosts marching in Confederate uniform. In his free time, he takes pictures, struggles to play "Don't Think Twice, It's Alright" by Bob Dylan on guitar, and plays pickup basketball.

Traces of the Slain

In July of 1863, the soil of Gettysburg, Pennsylvania offered up a bitter harvest to John G. Frey. After a three-day bloodbath that left over 7,000 dead and another 30,000 wounded, the small-time farmer would reap corpses instead of crops. For months, Frey and his neighbors identified, preserved, and shipped the bodies that littered the fields surrounding their once-quiet town. By December, word of Frey's new profession must have reached George Ryder in Livonia, Michigan. He tasked the farmer with locating the remains of his two sons, both slain in the Battle of Gettysburg, and sending them home. Frey, evidently, was both a good person and a bad businessman—after completing his task, he sought no compensation from the grieving father. He did, however, have one request: "If you have...pictures, send me one of each of them, those small case photographs. I have sent forty [sic] to different parts and would like to have these pictures. I have now already the most of them."¹Bodies for photographs; photographs for bodies. This exchange—and the manifold forms that it assumed during the American Civil War—is the subject of this article.

From 1861 to 1865, Americans of both North and South were forced to confront their most basic assumptions about national belonging, identity, and death. As millions of young men enlisted for service in the Civil War, many shared an initial sense that their membership in the army would give them a chance to become heroes, expanding the sphere of their individual importance from the level of the community and family to that of the nation. But this was not to be a war that would lend itself to such romanticism. Innovations in the technology of killing had far outpaced advancements in the technology of healing. Once casualty totals began to pile up on the order of hundreds of thousands, soldiers and their families began to wonder if this industrial war was instead transforming men into beings that were less than human: cold-hearted killing machines or, perhaps worse, cannon fodder. As they read about the horrors of the war in newspapers and letters sent back from the front, mothers and fathers, wives and children worried that even if a soldier survived, the man they had known before the war might never return.

Photography was the visual medium where these questions of individual worth and identity played out. The year 1861, in fact, also marked a point of transformation and transition in photographic history. With the introduction to America of the *carte de visite*, a cheap and reproducible form of the photograph, the medium could, for the first time, be considered a truly mass phenomenon. For the first time, the average American also began to use pictorial representation to construct a personal *image*—separate from the physical body—that would function as a widespread commodity. To German philosopher and media theorist Walter Benjamin, the introduction of the

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carte de visite marked the moment when “industry conquered the field” of photography.² Functioning as a prototypical social medium, the carte’s essential function lay in the proliferation of the image: Americans across social strata compiled “family” albums composed of both cartes of the famous and the personal cartes that they exchanged with each other, constructing an encompassing, partially imagined national kinship group.

Tom Gunning, a historian of film and media, has characterized the photograph as a form that holds a “dual identity as an icon, a bearer of resemblance, and as an index, a trace left by a past event.”³ If all photographs contain both of these elements, however, some photographic practices seem to privilege one above the other. The images produced by photojournalists from the twentieth century onward, for instance, correspond with the role of the photograph as index. By contrast, the carte de visite portrait was, without question, an iconic mode. American cartes were aspirational likenesses, showing their sitters not as they were but as they would like to be. They were also “iconic” in another sense, for the image cultivated in the carte was often constructed according to representational tropes used for portraying American contemporary icons, from politicians to businessmen who had amassed “princely fortunes.”⁴ With the beginning of the Civil War, this social aspiration manifested among soldiers in an emulation of leading American military men. As soldiers did this, they envisioned belonging to a community of valiant war heroes wide enough to incorporate privates as well as generals.

Just as quickly as this heroic identity had formed, however, it collapsed under the weight of soldiers’ lived experience. The war produced nothing less than a crisis of image. This crisis centered on the body itself; the likeness shown in the carte de visite no longer corresponded to a soldier’s physical body, which was threatened during wartime in ways that challenged its very humanity. Instead of being heroes, soldiers in the Civil War felt that they were becoming animals or machines. If cartes de visite transformed a soldier’s body into a commodified image, the war presented that body *itself* as a commodity that was all too expendable. The soldier’s humanity was fiercely challenged by the mechanisms of death in battle and then burial.⁵ In dominant contemporary Christian mourning practices, loved ones’ proximity to the body of the deceased was essential.⁶ The corpse itself was revered as the receptacle of identity, an understanding that was tied to the belief that the physical body would ultimately be redeemed upon the return of Christ. In the aftermath of battle, the irreverence shown toward the dead, whose bodies were often left to rot unburied or packed into mass graves—as revealed by the work of photographers such as Alexander Gardner—was viewed as a tragedy that diminished the value of the individual and threatened his humanity.

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To justify this loss of life on such a scale that individuals could no longer be adequately mourned, American public figures, from Walt Whitman to Abraham Lincoln, developed a discourse of national martyrdom. Implicit in their rhetoric was a transferral of ownership of wartime loss from immediate family members to the nation at large: a subsumption of personal identity into the national cause. This marked a sharp, irreconcilable departure from the universal understanding of the “Good Death,” which had developed in antebellum America. In this tradition, grief and mourning were personal and domestic, centered on close relations’ reverence for the corpse. This proximity facilitated the two critical facets of a Good Death. First, the dying were expected, in their last moments—through last words or, failing this, simply through their physical appearance—to demonstrate an acceptance of their fate which would signal their impending salvation to family members. Second, in the hours and days after death, the family of the deceased would carefully watch over, clean, and finally bury the body according to traditions formulated to affirm the worth of the departed.⁷ To close the gap between the anonymous and national on the one hand and the intimate, familial conceptions of loss on the other, the photograph was adopted as a proxy for the body, enabling a mediated return of the corpse to its sacred position within the grieving family.

Essential for this role was the ability of the photograph to function as an index, a trace of the body itself, rather than as an iconic image. Here, the *carte de visite* would not do. Instead, bereaved families turned to the ambrotype and the tintype. These two established modes of photography used a direct positive process—in which a photographic negative is not used—to create a unique, unreproducible image on a glass or iron plate, respectively. Consequently, they more convincingly conveyed the physical presence of the sitter; to borrow Benjamin’s formulation, they preserved the subject’s aura.⁸ For purely unrelated, functional reasons, which I will explain in depth, ambrotypes and especially tintypes formed the majority of photographic portraits that were made of soldiers *during* the war and sent home to their families. Through choices of pose and props, soldiers used these photographs to contemplate their own mortality, proactively justifying their death to their families as a form of patriotic duty. Thus, over the course of the war, soldiers deployed photographic portraits both to publicly express self-confidence, rendering themselves as invincible heroes (*cartes de visite*), and to acknowledge the threat of mortality privately, preemptively consoling their families as they anticipated their own death (tintypes and ambrotypes). The *carte de visite* had portrayed soldiers as superhuman; the experience of war and its unique patterns of death and burial made them appear subhuman. Through tintypes and ambrotypes, then, Americans sought to find a middle path, using photography to construct a

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mediated Good Death that reasserted the individual soldier's human worth by reestablishing his bodily connection to the family and emphasizing the honor that came with his sacrifice for the nation.

My research path has featured many curves and not a few U-turns. Initially, as I set out to write about photography's role in shaping Americans' understanding of war death (and vice versa), I turned to the images that have become the icons of the period: the battlefield death studies of Alexander Gardner and Timothy O'Sullivan. There is a wealth of scholarship about these pictures; as the first widespread, systematic campaign of photojournalism in American history, everything related to their production has been studied in great detail. And yet, out of the thousands of letters from soldiers and civilians that I sifted through, I could not find a single mention of the battlefield images. This is not to say that photography was entirely absent in these correspondences—quite the opposite. But instead of photojournalistic images, the pictures that figured in these letters were invariably the portraits sent back and forth between soldiers and their families.

On the subject of 1860s photographic portraiture, interestingly, far fewer major works have been written—understandably, since they are certainly less immediately striking than the death studies. I began my secondary research with Alan Trachtenberg's *Reading American Photographs*, by which I gained an understanding of the medium's role as a status symbol, a way of making oneself important. This dynamic accorded well with Bruce Catton's description of the confident air of volunteers at the beginning of the war in *This Hallowed Ground*. Trachtenberg's way of "reading" photographs for meaning, which depends on, but extends beyond, the contents of an image, became an essential method for me moving forward. At the same time, I remained stuck on the matter of death. During the initial stages of research, I had read Drew Gilpin Faust's *This Republic of Suffering*—which in turn led me to Gary Laderman's *The Sacred Remains*—and found myself simultaneously moved and excited by both authors' discussions of the importance of the body in funerary practices and the Civil War's disruption of the traditional mourning process. Ultimately, this article offers a generative synthesis by building on analyses of the tumultuous changes that occurred during the Civil War in the landscape of both photography and death.

Social Images: Reputation-Making and the Construction of the Civil War Solider

At the outset of the Civil War, Union and Confederate soldiers were entering a struggle that, as Francis Trevelyan Miller argues in his introduction to the 1910 *Photographic History of the Civil War*, seemed "more than

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Napoleonic, for its warriors battled for principle rather than conquest.”⁹ In the early days, however, with most volunteers enlisted for a term of only ninety days, there was no telling how long this watershed conflict would last. Indeed, many Americans were convinced that the secession of the southern states would resolve itself with little or no bloodshed. Southerners did not anticipate the enthusiasm with which the North would mobilize its militias to form armies at the disposal of the federal government. James Chestnut, a senator from South Carolina, “promised to drink all the blood that might be shed as a result of the Confederate declaration of independence.” Northerners, for their part, felt confident that a single battle would suffice to prove their insurmountable military advantage and force the Confederacy into surrender.¹⁰

Crucial, then, was the ability for a soldier to be photographed immediately upon receipt of his uniform, to demonstrate the fact that he had enlisted, as one Union volunteer put it on his way to the front in 1862, “to serve my country in a good cause”—a sentiment that, in fact, could easily have come from either side of the conflict. A soldier’s desire to be photographed in uniform, particularly in the months after the firing on Fort Sumter, was connected to the air of jubilant anticipation and pride that permeated America in the summer of 1861. Historian Bruce Catton describes an irresistible sense that the coming war would present the common soldier with “the chance of a lifetime:” the opportunity to insert oneself into American history as it was unfolding.¹¹ A photograph was *the* way to inaugurate one’s entry into the army. Taking a survey of regiments stationed at Cairo, Illinois, one affiliate of the United States Sanitary Commission reported that “from the immense number of photograph... likenesses which the ‘boys’ have made of themselves when they receive their uniforms, I conclude that they take considerable pride in them, at least as long as they are new.”¹² With spots in volunteer regiments limited, Catton stresses that “the man who enlisted felt that he was lucky beyond all natural expectation.”¹³

Alongside this initial sense of good fortune was a desire to impress the folks at home with a photograph that would capture the “heroic aura” of a Civil War soldier, magnifying the individual importance of the sitter to a nation at war.¹⁴ Tailor-made for this purpose was the *carte de visite*, a method of photography that, since its inception, had lent itself to boastful self-representation. A French invention of the early 1850s, *cartes de visite* used a glass plate negative to produce small paper prints bearing a stylized portrait that was glued onto cardstock. Crucially, the use of the negative meant that one photograph could be used to produce an infinite number of prints. Unsurprisingly, then, the format gained popularity as a means of circulating the likeness of the powerful: *cartes* featuring Napoleon III and Queen Victoria sold

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by the thousands in Europe. In the United States, portraits of famous politicians and generals were available for purchase at photographic establishments.¹⁵

Almost immediately, however, affordable production prices allowed the general public to have their own cartes made, and “cartomania” no longer exclusively centered on images of the elite. The most expensive part of the process was producing the glass negative itself. Afterward, paper prints in the carte format could be had cheaply and in bulk for distribution to anyone in the sitter’s social circle. To American physician and poet Oliver Wendell Holmes Sr., they had undeniably become “the social currency, the sentimental ‘green-backs’ of civilization.”¹⁶ The carte was a tool of self-representation intended to impress its recipient, usually a friend or family member. To this end, photographs were often taken in an extravagantly furnished studio setting designed to emulate a domestic parlor. Columns, lavish drapes, and upholstered chairs were staples of the studio portrait. If cartes de visite had helped to make photography “an art for the millions,” the millions were anxious for their images to fit into the mold established by the few.¹⁷

Aside from providing extravagant settings, photographers sought to exaggerate the status of their sitters through posing. The best artists posed their sitters in ways that bestowed upon them a visible, self-possessed confidence. A standing position with a hand resting on a well-appointed desk or pressed against a stately column was one favorite; a seated position with one leg crossed over the other and the body tilted away from the photographer was another. Then, there was the question of the look. In their cartes, celebrities were often photographed in profile or three-quarters face—with the sitter avoiding direct eye contact with the lens of the camera—a convention that was quickly applied to sitters of lesser status as well (fig. 1). This gaze away from the camera was a trend for portraying the famous which was already well-established in photographic practice by the time of the time of the carte’s invention. In Matthew Brady’s 1850 *The Gallery of Illustrious Americans*, a book of twelve lithographs from daguerreotypes (the earliest widespread form of photography), eleven of his subjects, including presidents, senators, and artists, look away from the camera. As American historian of photography Alan Trachtenberg explains, this avoidance of eye contact was calculated to match the fame of the sitter: “Indifferent to spectators (an effect achieved by looking anywhere but into the lens) is the way in which men of eminence should be seen... Unawareness is precisely the mode befitting the illustrious performing as American icons.”¹⁸

During the war, American icons were up for sale on cardstock at every respectable photographic establishment in the country. Foremost among them were the country’s leading military men, initially George B. McClellan,

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Winfield Scott, and John C. Fremont for the Union, and Robert E. Lee and P. G. T. Beauregard for the Confederacy. Especially in the North, cartes of less prominent officers also found their way into stores and then homes. Curator Elizabeth Siegel explains that in this period, “the ability to control the destination...of one’s portrait was much hampered by the broadly circulating card photograph.”¹⁹ In 1863, Luther Bruen, a major in the 12th US infantry, wrote bemusedly to his wife, “Stacey tells me that Williamson keeps my picture for sale! He bought one himself. This accounts for one of them being in hands, otherwise, unaccountable.”²⁰ In the early days of the war, even cartes of ordinary privates were being sold. In New York, Anson’s Photograph Gallery notified potential customers that the establishment had “many negatives of soldiers who have gone to war, from which duplicates may be had for 50 cents” (the equivalent of about \$20 today).²¹ Evidently, enthusiasm for the war effort had reached such a fever pitch that patriots at home wanted a piece of as many of their nation’s soldiers as possible.



Figure 1: Carte de visite showing Michael Sylvester McConville of Co. C, 3rd Massachusetts Rifle Battalion, 1861, Liljenquist Family Collection of Civil War Photographs, Library of Congress.

If in some stores, cartes de visite of volunteers were sold alongside the giants of the army, it was at home where common soldiers were even more

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likely to be slotted in among the powerful. In the early 1860s, the most frequent landing place for a carte was in the personal or family album. Previously conceived of as a book in which to collect autographs of celebrities and acquaintances, the introduction of the lightweight carte fundamentally shifted Americans' understanding of the album to one that centered on visual, rather than textual, mementos. By the outbreak of the war, newspapers abounded with advertisements for specially designed photographic albums with recessed pockets to hold multiple images per page.²² Into these pockets went both the cartes of one's friends and family *and* the iconic faces of the time: As *Harper's Weekly* put it, an album in the 1860s should be a "gallery of friendship and fame."²³ To assemble such an album was to place friends and family on the same plane as the famous, with the resulting composite forming a fictive kinship group that incorporated them both.



Figure 2: Two pages from an album given to Mrs. M.J.A. Kellogg, March 6, 1865. The left-hand page includes images (clockwise from the top left) of generals Ulysses S. Grant, William Hervy Lamme Wallace, Franz Siegel, and George B. McClellan; the right-hand page includes photographs of privates Allen Bradley, Norman P. Ward, Younger Filson, and Adam Dittmar, Liljenquist Family Collection.

In compiling carte de visite albums that represented both close relations and the celebrities of their time, Americans were constructing images of their social world. Perhaps, then, the most fitting comparison for carte de visite culture—one proposed by historian of photography Annie Rudd—is to the social media of our modern society.²⁴ Just as one's Instagram feed may feature

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an image of Beyonce and an image of a college roommate separated only by a scroll, flipping the page of an 1860s photo album can bring a viewer from Queen Victoria to an unknown family member of the album's compiler, or, more topically, from Ulysses S. Grant to a private now forgotten by history (fig. 2). Crucially, to Rudd, these prints on flimsy cardstock were “ephemeral and performative” in nature.²⁵ Especially at the beginning of the war, when newly minted officers and privates alike anticipated that the conflict would be resolved in a matter of weeks, a carte de visite would have seemed a perfect way to commemorate what most men imagined would be a brief subplot in the narrative of their lives. To distribute one's carte taken in uniform could be construed as something akin to the modern social media phenomenon of the “status update.”



Figure 3: Gen'l Geo. B McClellan, c. 1861, carte de visite, Prints and Photographs Division, Library of Congress.



Figure 4: Carte de visite showing Private George J. Britland of Co. D, 10th New York Heavy Artillery Regiment, 1862-1865, Liljenquist Family Collection.

Similar to modern social media, soldiers tended to inflate this new status. When the war began, the “fame” portion of many albums was dominated by the cartes of generals. The trick for common soldiers

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and lesser officers, then, lay in ensuring that their images—occupying the “friendship” portion—were not entirely outshone, that they could be placed among America’s great military men without looking completely out of place. Photographers knew this and responded by offering volunteers ways to elevate the self-importance imbued in their pictures using props and poses. Pictures of the famous set the standard for the rest, resulting in the “great sameness of the attitudes” with which cartes portrayed sitters; to Coleman Sellers, the American correspondent for the *British Journal of Photography*, this sameness represented “the great fault with card pictures.”²⁶ If, in their cartes, generals looked away from the camera, as if refusing to let the viewer’s gaze distract them from important military matters, then why shouldn’t all soldiers be photographed this way? Some volunteers, perhaps at the prompting of their photographers, went so far as to copy the Napoleonic hand-tucked-in-jacket pose that Union generals Scott and McClellan adopted in their cartes (see figs 3 and 4).

Also notable in cartes de visite is the striking absence of the weapons that feature prominently in almost all ambrotypes and tintypes from later in the war. In a significant proportion of cartes, they are nowhere to be seen. When weapons do appear, they are often trivialized: In some cases, rifles and swords are repurposed as crutches to lean on during the exposure. In others, they are treated as ornaments (fig. 5). In these images, there is no sense of danger, no emphasis on the threat posed to a soldier’s life in war; instead, we find an assured confidence in the inevitability of victory that was ubiquitous in both the North and the South in the early war period. In the carte de visite, a soldier often seems to transcend his physical self, becoming something more than his human body. He becomes an idea: a conception of heroic, victorious military identity that gained strength through proliferation and circulation.²⁷ The detachment of this iconic representation from the body itself can be easily noted in a particular style of carte popular in the early war period, where only the sitter’s head and shoulders appear (fig. 6). The resulting images, through their emulation of the style of classical busts, convey a timelessness that borders on immortality. These are the photographs of an imagined Civil War without bloodshed.

For sale in American studios were not simply images but new identities created and performed for the camera. In February 1862, the daughter of Union Admiral Louis Goldsborough informed her father, “in Philadelphia, *you* sell very fast,” while in Washington, “*you* are for sale” at “all the book stores and galleries” (emphases added).²⁸ The distinction between self and image had collapsed (or perhaps it had not yet been established): men were selling—not only literally, but in the sense of persuasion—a military, heroic

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Figure 5 (left): Carte de visite showing Private Voltaire Combe of Co. B, 3rd New York Cavalry Regiment, 1861-1864, Liljenquist Family Collection.



Figure 6 (right): Carte de viviste showing Private Robert Wilson of Co. G, 1st Maryland Cavalry Regiment, 1861-1862, Liljenquist Family Collection.

conception of themselves to the public and their social circles. Art historian Jeff Rosenheim beautifully describes early Civil War portraiture as “an entire nation of faces searching for identity and looking at the camera to find its way there.”²⁹ Trachtenberg describes the photographic studio as a “place devoted to performance: the making of oneself over into a social image.”³⁰ Only in the twentieth century would photographers such as August Sander explicitly use the medium of the photographic portrait album or portfolio to flush out the existence of “types” within society. Nevertheless, in the early carte de visite albums, a type was being created—the confident, heroic soldier—and for a soldier to solicit and distribute his carte de visite was to affirm that he fit the bill.

Seeing the Elephant

The more American men who experienced the war and witnessed battle, the more intensely many of them did indeed note a transformation within themselves. They were becoming soldiers, no doubt, but the reality of this new identity looked quite different from the calm, heroic image they

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had cultivated in their cartes de visite. Confederate soldier and historian Alexander Hunter remarked that the tribulations faced by Civil War soldiers brought out “the animal in the face... Little by little the intellect disappears from the countenance, divine reason from the eyes, and the face grows gaunt, lean and lank, while its expression becomes that of a lower order of creation, a brutish animal.”³¹ As photographs taken at the front began to flood home, anxious families analyzed them for evidence of these changes. An American correspondent for *The Times* of London, noted in the summer of 1862 that “the soldier of a year’s campaign sends home his likeness that the absent ones may see what changes have been produced in him by war’s alarms.”³²

Though the “absent ones” never used words as dramatic as Hunter’s, what changes they did find were seldom positive. The best case, for many, would be to find no changes at all: Lyman Strong, for instance, prayed that his young son Arthur would emerge from the war “with the same pure, earnest, truthful expression of integrity & peace written upon your face.”³³ The idea that one’s inner character could manifest itself in the physical aspect of the face—a notion put to insidious use in the pseudoscience of phrenology—hearkened back to an earlier period of photography. Trachtenberg finds that beginning in the era of the daguerreotype, photography “developed a rationale that held that the true Daguerreian artist looked through surfaces to depths, treated the exterior surface of persons as...expressions of inner truths, of interior reality.”³⁴ Thus, an observation as seemingly innocent as Augusta Bruen’s in late 1863 upon receiving a photograph of her husband, Luther—she found him “rather rougher looking... than we often see you”—could also betray deeper anxieties about the impact of the war on his moral character.³⁵ Although families believed that this dreaded transformation could manifest itself externally, most soldiers described it in letters as an internal process. Still, they often put it in physical terms: some described a hardening of the heart; others wrote of a numbing effect that seemed to increase in potency with each successive battle.³⁶

Although this suppression or narrowing of the normal range of human emotion was required of soldiers if they were to keep hold of their wits, some felt that it undermined their very humanity, leaving them as murderous automatons. This sense was enhanced by the growing disillusionment that afflicted both Union and Confederate soldiers as they gradually realized that the new industrialized mode of warfare produced few heroes and plenty of unmarked graves. One private, Angus Waddle, lamented his devolution into “a machine by which fame and glory is manufactured [sic] for some great Gen.”³⁷ For soldiers who made the ultimate sacrifice, the result was anonymity rather than fame: in a war that claimed hundreds of thousands, the loss of each individual soldier—especially of a private—had to be quickly glossed over not

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just by higher ups, but also by the men in the soldier's own company. Perhaps the most devastating implication of the "hardening" process described by so many was that the numbness with which a soldier greeted the deaths of others would be mirrored in these others' reactions to his own death.

Indeed, the dead were soon so numerous that the men and women who compiled casualty lists could not keep up. In official, unpublished records kept by the Union army, naming the dead was "more an aspiration than an order."³⁸ Casualty reporting in newspapers, a source of endless anxiety for family members at home, was likewise hopelessly inaccurate. Often, men who were listed as having sustained slight wounds had already been killed, and the reverse was equally common. In 1862, Fred L. Smith of the 104th Pennsylvania wrote to a friend, "I heard that it was reported in Old Bucks that I was dead & buried... If I hear any more such report until it becomes a fact I shall sue the author for libel."³⁹ The humor that Smith derived from this experience would have been lost on the families whom these inaccuracies kept in agonizing uncertainty as to the fate of their loved ones.

The challenge of accurately naming the dead (as distinct from the missing) was partly tied to the difficulty of identifying corpses. Dog tags were not instituted in the American military until the First World War, and improvised precursors were not universally employed. Thus, if a soldier had been separated from his unit before he died—an extremely common occurrence in the heat of battle—there was often no easy way to ascertain his identity.⁴⁰ Then there was the problem of disfigurement and decay. In each engagement, historian Drew Gilpin Faust explains, "men had become putrefied meat, not so much killed as slaughtered, with 'nothing to distinguish them from so many animals.'" The dead, it seemed, had lost their faces and their names. If membership in the army had given them a spot in a powerful collective, making them more than their individual selves, soldiers had paradoxically also come to be treated as less than individuals. The aftermath of battle, its fields filled with the unnamed dead, was, to the soldiers, indescribable. "No words," Benjamin Thompson of the 111th New York wrote, "can depict the ghastly picture."⁴¹ Perhaps, though, a photograph could.

The Dead of Antietam

In October of 1862, there was a strange new show on Broadway. Just a few blocks from P. T. Barnum's American Museum, home of mermaids, learned seals, and Siamese twins, crowds filtered through the entrance to Mathew Brady's New York studio, where a small placard proclaimed a different sort of novelty: "The Dead of Antietam."⁴² Inside, visitors fixed their eyes upon a series of photographs with "terrible fascination."⁴³ As the exhibit's title suggested, the

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images lining the gallery walls took the corpses left on the battlefield as their subjects. It was not the presence of bodies, however, that shocked the audience so much as the appearance of these bodies. “In the antebellum United States,” explains historian of Civil War photography William A. Frassanito, “war was depicted by the visual arts as a glorious adventure... The dead and wounded were invariably present, but somehow they always appeared intact.”⁴⁴

The “Dead of Antietam” in Gardner’s photographs did not fit this mold. Instead, they offered a window into the reality of a war which had, to Trachtenberg, “put an end to pageantry and glory,” converted “warriors... into ‘operatives.’”⁴⁵ The corpses in varying stages of decomposition captured by the cameras of Alexander Gardner and his assistant James F. Gibson had been disfigured by exposure as much as by gunfire, the late-summer sun “blotting out from the bodies all semblance to humanity” (fig. 7).⁴⁶ Transformation into human carrion seemed to be the endpoint in the devolution of the soldier’s image which had begun with the heroic carte de visite. Here was a decisively different image of what it meant to give oneself to the nation in war.



Figure 7: Alexander Gardner, *View on Battlefield of Antietam*, September 1862, albumen silver print on card mount, Prints and Photographs Division, Library of Congress.

Above all else, the Antietam photographs shocked and upset the public through their blunt depiction of the fate of the corpses produced by the war. After a major battle, some of the dead on the winning side might have been dug individual graves by their exhausted comrades; fallen enemies, however, would

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be lucky to receive a spot in mass graves that held hundreds. In the aftermath of the Battle of Shiloh, an Iowa soldier reported soldiers climbing into the trenches, “straightening out their legs and arms and tramping them down so as to make the hole contain as many as possible.”⁴⁷ Often, when the victors pursued the retreating army immediately after a battle, corpses on both sides were left to rot in the open air. The irreverence that was shown to the bodies of the fallen had always been disturbing to soldiers—it seemed to diminish, if not entirely eliminate, the importance of the individual soldier and his sacrifice—but civilians had as yet been shielded from a full understanding of this fact of the war.

Through his Antietam photographs, Gardner had cast aside this shield, for better or worse. One of the most striking images, “Confederate dead gathered for burial,” featured scores of bodies, their faces obscured, lined up for easier placement in a mass grave (fig. 8). In a remarkable review of Brady’s exhibit, a *New York Times* reporter described the impact of the images: “If [Brady] has not brought bodies and laid them in our dooryards and along the streets, he had done something very like it.” The carelessness with which the fallen soldier was handled was on full display, to the horror of the public:

How can a mother bear to know that the boy whose slumbers she has cradled, and whose head her bosom pillowed until the rolling drum called him forth—whose poor, pale face, could she reach it, should find the same pillow again—whose corpse should be strewn with the rarest flowers that Spring brings or Summer leaves—when, but for the privilege of touching that corpse, of kissing once more the lips though white and cold, of smoothing back the hair from the brow and cleaning it of blood stains, she would give all the remaining years of life that Heaven has allotted her—how can this mother bear to know that in a shallow trench, hastily dug, rude hands have thrown him.⁴⁸

Physical proximity to and reverence for the body of the deceased were essential components of the grieving process for Americans before the Civil War. Death and its attendant rituals were phenomena that, by and large, still occurred in the home, where “the body of the deceased would remain... for a period of one to three days under constant surveillance, especially at night.”⁴⁹ Until the turn of the twentieth century, over eighty percent of Americans died in their own homes.⁵⁰ Victorian religious thought, dominant in nineteenth-century America as in Britain, ascribed to the corpse “a sacred quality greatly determined by its liminality.”⁵¹ Before burial, the body was still thought to

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be tied to the living soul that had resided within it; as such, it was subjected



Figure 8: Alexander Gardner, *Antietam, Md. Bodies of Confederate Dead Gathered for Burial*, September 19, 1862. Wet-plate collodion stereoscopic negative (left half), Civil War Glass Negatives and Related Prints, Library of Congress.

to intense ritual grooming and surveillance by the most intimate family and friends until the moment it was interred.

In the buried corpse, there was thought to be something eternal: this was a time when “redemption and resurrection of the body were understood as physical, not just metaphysical, realities.”⁵² To Henry Raymond, the editor of *Harper’s New Monthly Magazine*, to neglect the “sacred reverence and care” due to the corpse was “unchristian, as well as irreligious and demoralizing.”⁵³ Anonymity in death and burial had exclusively negative connotations in antebellum America: in peacetime, burial in an unmarked or mass grave was a fate suffered only by plague victims and those “on the margins of society, such as criminals.”⁵⁴ The neglect with which bodies were treated—an unavoidable reality of a war on a scale never before seen in America—was an essential factor in the difficulty of identifying the dead. To be packed into a mass grave or left unburied was to have one’s identity “obliterated,” one’s life lost in the shuffle of “impersonal and overwhelming carnage.”⁵⁵ If early war cartes de visite had established typified visual tropes for portraying the gallant, invincible soldier, the Antietam photographs expressed a new type: the unnamed, unburied soldier.

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From Public Martyrdom to Private Death: Cased Photographs

It simply would not do for the American consciousness, North or South, to leave these bodies as carrion. The notion suggested by the mistreatment and neglect of corpses—that the hundreds of thousands of soldiers who had given their lives were worthless—had to be challenged. Commentators sought to remedy the tragic inability to honor each death individually by glorifying the collective body of the unknown dead, which Gardner's photographs depicted. To Walt Whitman, always the champion of the common man, it was precisely the “unnamed, unknown” who “remain, and still remain, the bravest soldiers.”⁵⁶ Indeed, if the stark naturalism of battlefield images was new and upsetting, the text that described and accompanied the photographs in captions often sought to mitigate their devastating visual content through narrativization. The mediation of the aftermath of battle, which was provided by photographs, itself needed mediating.

Without family or friends present to witness his dying moments and mourn him as their personal loss, the unburied soldier was subsumed into a general, national sense of redemptive loss. In the absence of the all-important corpse, widows and orphans, grieving siblings and parents were encouraged to rationalize their loss according to the rubric of national struggle, purgation, and regeneration, centering the communal over the individual. The most famous espousal of this logic of national martyrdom came from Abraham Lincoln. A little over four months after the battle of Gettysburg, Lincoln traveled to Pennsylvania to deliver a dedicatory speech for the newly created Gettysburg National Cemetery. Buried there—or rather reburied, as was most often the case—were over 3,500 Union men; of these, 979 still lie beneath graves marked “Unknown.”⁵⁷ In his Gettysburg Address, which would quickly gain pride of place within the corpus of American rhetoric, Lincoln referred to the Union soldiers who had fallen as “those who here gave their lives, that that nation might live.”⁵⁸ That the president was a primary driver of the narrative justification of war death is unsurprising. As historian Gary Laderman explains, “if the government was going to maintain the confidence and support of the citizens... it had to find an emotionally satisfying way to account for and handle the fallen soldiers.”⁵⁹

And yet, for immediate family members, it was not comforting to have one's son or husband buried such that his resting place bore no distinction from the thousands of other soldiers who had all died for their country. The yearning for proper burial and its attendant rituals was recognized by Currier and Ives, who produced a print entitled “The Soldier's Grave,” complete with blank spaces on a headstone where mourners could insert the name, regiment, and place of death (fig. 9). Here, as art historian Jennifer Raab points out, the

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locus of grief was removed from the battlefield to a family gravesite, placing the print in the realm not of reality but of “wish fulfillment.”⁶⁰ This was a soldier’s burial as Americans felt it should be, rather than as photographs like Gardner’s had shown.



Figure 9: Currier & Ives, *The Soldier's Grave*, 1865, hand-colored lithograph, Prints and Photographs Division, Library of Congress.

For the relations of any soldier who had died at Antietam or Gettysburg, after all, one grave was bound to matter above all others. The established notion of the Good Death as domestic, private, and centered on the physical interaction between survivors and the corpse clashed with the trend of describing war death in terms of communal martyrdom. Intimates of Civil War casualties were not primarily interested in the nation’s loss of a soldier; rather, they mourned the loss of a person who had been—and, had he lived to see the war’s end, could again have been—more than his uniform. Family grief centered not on an abstract conception of the nameless, faceless soldier-as-martyr but on the embodied human whom they had known and who had been taken from them. Thus, they were loath to let their loved ones remain part of a collective of bodiless martyrs. When families with means received the dreaded news that a loved one had died at the front (or, as was often the case, were

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forced to assume the worst when they abruptly stopped receiving letters from a soldier), they immediately endeavored to have the body transported home, delivered from careless hands into reverential ones.⁶¹

In a war where dead soldiers' bodies seemed to blur into each other, becoming difficult to distinguish, the process of retrieving a corpse posed some unexpected difficulties. As he sought to secure the return of his son William's body, Friedrich Hartman wrote to a nurse, Sarah Ogden, imploring her to ensure that he would be sent the correct corpse: "It has happened that people who have ordered bodies to be sent, have found out that they did not receive the body they wished; this must be more grief to the afflicted one than the loss itself."⁶² To receive the wrong body would certainly have painfully and dramatically driven home the reality that a soldier's individual identity became meaningless in the context of industrial warfare, where casualties came at a dime a dozen. In an effort to stave off this possibility, one grieving New Hampshire family sent a photograph of a slain soldier to an embalmer "so that we may be sure of having the right body."⁶³ The sending of this photograph (most likely a carte de visite, since sending a one-of-a-kind tintype or ambrotype would have been too big a sacrifice) also revealed the family's assumption—or hope—that the physical body of the soldier would still correspond closely enough to the image for it to be of use in identification.

A Battle for the Soldier: Family vs. Nation

To some degree, the two modes of mourning for Civil War soldiers—national loss and intimate familial loss—can be mapped onto different modes of photography active during the war. The logic of national martyrdom bore similarities to the practices of carte de visite production and album-making: here, practically indistinguishable, if heroically posed, individuals were grouped into a national-familial collective. Especially early in the war, cartes de visite became tools in the process of collectivizing the loss of individual soldiers, a use of the photograph encouraged by studios if only out of a thirst for profit. After the first Battle of Bull Run, the proprietors of Whitehurst studio on Pennsylvania Avenue in Washington sought to capitalize on the fact that so many newly mustered men had visited their studio by putting the cartes de visite of soldiers reportedly killed in battle on sale. In August of 1861, Whitehurst ran advertisements in the *National Republican* informing readers that "likenesses of many of the slain at the recent battle [of Bull Run] can be obtained at this gallery."⁶⁴

The purchase of these images constitutes a tangible demonstration of a process described by Faust as a kind of transferral of ownership of the Civil War dead: "The soldiers being interred did not just belong to their friends and

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relatives; their loss was more than just a diminution of their own families.” Indeed, they had become “more than their individual selves,” transforming into “a shadow nation of sacrificed lives to be honored” by all devotees of the Union or Confederate cause.⁶⁵ As they bought the portraits of the men who had made this ultimate sacrifice, Americans were taking the fallen into their homes, affirming their place as the objects of communal veneration.

Among the intimates of the deceased, however, a public-facing image designed for widespread dissemination simply could not fulfill the mourning family’s desire for physical proximity to the corpse. Cartes de visite were designed to make socioeconomic claims about the sitter by imposing standardized, repetitive photographic conventions of respectability upon him; in short, they downplayed individuality and emphasized class membership. To be sure, the family album filled with cartes played an essential role in maintaining a collective familial memory in the long durée. Still, it did little to provide what was demanded most urgently in the immediate aftermath of death: a physical trace of the deceased. Possessing and treating such a bodily relic with appropriate reverence reaffirmed the deceased’s importance to the family, restoring what was often threatened by the impersonal horrors of battlefield burial (or lack thereof): a sense of the soldier’s humanity and dignity.

Since retrieving the body itself would prove impossible in most cases, the photograph was usually the closest thing to the corpse that a family could have. Thankfully, two other modes of photography could do this more successfully: the ambrotype and the tintype. During the war, these two modes, especially the cheaper tintype, had come to dominate the portraiture of soldiers.⁶⁶ This was not a matter of preference but of necessity: it was unfeasible for the itinerant photographers who followed the armies to bring the fragile paper and light sources required to make albumen prints for cartes de visite in their portable, improvised wagon-studios. Ambrotypes and tintypes, by contrast, were produced using less involved processes: a plate of glass or metal (respectively) was coated with light-sensitive collodion and inserted directly into the camera and exposed; these same plates, placed into protective cases or frames, served as the final, unique photographic product.

Eschewing the intermediary usage of the negative, these techniques maintained a direct, physical connection between photograph and subjects: the image was formed by the photons of light emitted and reflected by the body in front of the lens. The nature of this process has precipitated an enduring conception of a linkage between the physical presence of the subject and the photograph: Roland Barthes articulates this connection in positing that “a sort of umbilical cord links the body of the photographed thing to my gaze.”⁶⁷ When sons, fathers, and brothers left for the front, their families clung to the

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photographs they sent back, as if these new soldiers had sent home special pieces of themselves that they had withheld from the army. Ambrotypes and tintypes were fundamentally more private, personal objects than carte de visites designed for distribution; since each photographic exposure resulted in only one image, they were usually taken with a recipient in mind.

Perhaps because of the dominance of the tintype during the war, a logic emerged that conflated the photograph with the body itself: the photograph's value was its status as index, or trace. The language used to describe photographs in wartime correspondence (though they rarely indicate what type of photograph was being discussed) illustrates that portraits came to be seen as a way to annihilate space to maintain a physical connection between soldiers and loved ones at home. Children in particular seemed to have difficulty conceptualizing the separation between the real body and the photograph. In a letter to her husband, Luther, from late 1863, Augusta Bruen reported that "[Mr. Miller] took your photograph to show Mary how to color it. Now it's the practice (a secret) to lick the pictures before layering in the colors. This he did several times; whereat Rob shook his head and muttered to himself.. 'he shouldn't lick my Papa.'"⁶⁸

Another time, Augusta Bruen wrote to describe a dinner to which "Judge and Mrs. Holt with Martha and Belle came, also Uncle John and Aunt Ann." And then, strikingly: "We had a very pleasant evening; and I brought you down to spend it with us." Luther himself was hundreds of miles away, stationed, at the time, at Fort Hamilton in New York; Augusta was referring not to the man himself but to his photograph, which "the Judge pronounced... very excellent." The blurring of lines between the portrait and the sitter's body could result, as we have seen, in moments of humor: when Martha declared that she "ought to have one" since "she would like to 'hang Luther' herself," Aunt Ann was forced to quickly explain that "she meant to have a little frame too and hang you up, as she didn't want you shut up in an album."⁶⁹ Her statement demonstrates that the photograph in question was almost certainly not a carte de visite but a tintype or ambrotype, both of which were always kept in cases or frames rather than placed in albums. It also serves to confirm that having someone's carte de visite in an album did not imply the same level of intimacy between the photograph's subject and its owner that ownership of a framed or cased image did.

There were other signs that these photographs established an intimate, physical connection between subject and recipient. In ambrotypes and tintypes of soldiers, the sitter almost always makes direct, startling eye contact with the camera. This nearly unanimous posing decision indicates that either photographers or soldiers (or both) were seeking to instill in these images a

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sense of reciprocity that was absent from many cartes de visite: in ambrotypes and tintypes, the subject returns the viewer's gaze, enhancing the sense of his presence. Often, the connection between the cased photographs and the body of their subjects was further strengthened through the incorporation of hair. Locks of hair frequently accompanied a tintype or ambrotype in its case (importantly, by contrast, hair was never paired with cartes de visite). In some examples, the hair was placed opposite the picture in the case; otherwise, it could be hidden between the photograph and the mat. Perhaps most strikingly, it could also intrude into the space of the image itself (fig. 10).



Figure 10: Hand-colored sixth-plate showing unidentified soldier in Union uniform with sword, with lock of hair in case, 1961-1865, Liljenquist Family Collection.

When one is in the physical presence of these objects, it is easy to understand why tintypes and ambrotypes held a greater significance for their recipients than cartes de visite. Unlike the paper prints that filled the pages of albums (or digital photographs on our computers or smartphones), cased images require the viewer to unclasp them, to tilt them so that the positive image, not the negative, emerges from the silvery background—in short, to handle them, to feel their weight. They refuse to be trivialized in the way that component images of a larger album can be. They insist on their singularity.

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If wartime ambrotypes and tintypes simulated the presence of their living subject, their production was always haunted by the specter of death. Since the earliest days of photography, its importance as an aid to the living in preserving the memory of the dead had been a point of emphasis for its practitioners. Even before the outbreak of the Civil War, Matthew Brady was placing advertisements in the *New York Daily Herald* that urged readers: “Never delay the important business of getting your portrait; you cannot tell how soon it may be too late.”⁷⁰ The first widespread photographic advertising cliché, employed by several practitioners, encouraged potential customers to “Secure the Shadow, Ere the Substance Fade.”⁷¹ During the war, new advertising campaigns emerged around the sentiment that soldiers’ physical existence had to be safeguarded against the anonymity of death in war. In the same advertisement that pronounced the sale of photographs of the slain at Bull Run, Whitehurst’s studio included an ominous exhortation to soldiers: “Go to Whitehurst’s and obtain a likeness before going to the battle field.”⁷² Left unwritten was the implication that to die in battle without having first procured a photographic portrait would be to risk going unrecognized, to enter the realm of shadows without leaving a trace behind for others to revere.



Figure 11: Hand-colored sixth-plate ambrotype showing unidentified soldier in Union uniform holding a US Model 1855 pistol-carbine with attached shoulder stock and a saber, 1861-1865, Liljenquist Family Collection.

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To American intellectual Susan Sontag, death is always present in picture making: “To take a photograph is to participate in another person’s... mortality, vulnerability, mutability.”⁷³ Barthes felt that in being photographed, he experienced “a micro-version of death;” that the click of the shutter was tantamount to being embalmed.⁷⁴ When a soldier had a photograph taken by a camp photographer, both subject and artist would have similarly regarded their interaction with the heightened awareness of mortality that was omnipresent in the Civil War American psyche. It did not take an advertising campaign to remind men at the front that a photograph taken and mailed home before a battle could prove to be the last glimpse their family would have of them. By staring directly into the camera, soldiers were not only meeting the gaze of their loved ones; they were also coming face to face with death.

Perhaps this can help to explain another curious fact of posing in soldiers’ ambrotypes and tintypes: in many of them, weapons are given a peculiar place of prominence. Often, as is the case for this unidentified cavalryman (fig. 11), soldiers hold up multiple weapons for the camera, including some mix of rifles, pistols, swords, and daggers. The awkward, overstated presence of weaponry is usually understood as simply another way to make a sitter look like a fierce soldier.⁷⁵ There is something unsatisfactory about this explanation, however, and not only because so many sitters, with anxious expressions, appear burdened, rather than empowered, by the arms that they display for the camera (see, for example, fig. 12, fig. 13). It should be noted that generally, Civil War soldiers were reluctant—at least outwardly—to place great emphasis on their individual prowess at violence. Faust is surely correct in her assertion that “dying assumed clear preeminence over killing in the soldier’s construction of his emotional and moral universe.”⁷⁶ These photographs hew more closely to medieval paintings of Christian saints holding the instruments of their martyrdom. With this framing, instead of representing the capacity to inflict violence, the weapons become *memento mori*; as evidence of the various threats posed to a soldier’s body in war, they also serve as a self-reinforcing justification for a soldier to have his picture taken.

If the content of ambrotypes and tintypes prefigured the sitter’s death, so too did their material components. To begin with, the hinged case—made either of wood-lined with leather or the newly discovered thermoplastic and usually bearing a patterned design—had to be unclasped and opened for the photograph within to be revealed. Even before a photograph’s subject had died, this engraved case, enclosing a body, bore similarities to a coffin. Incidentally, the coffin—considered absolutely necessary for humane burial—was another element that had been denied to many of the Civil War dead. Soldiers,

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contemplating battle death, were distressed by the thought that even if they were lucky enough to be buried at all, there might be nothing to separate their corpses from the earth. This would be a burial fit only for an animal, or even, as one Union chaplain mused bitterly, a potato.⁷⁷



Figure 12: Hand-colored ninth-plate tintype showing unidentified young soldier in Confederate kepi and vest with small book in pocket, possibly a Bible, 1861-1865, Liljenquist Family Collection.



Figure 13: Hand-colored sixth-plate ambrotype showing Captain William A. Hill of Company D, 4th Virginia Cavalry Regiment, with book on lap, 1861-1865. Liljenquist Family Collection.

The preparative work of death, which is implicit in these photographic objects, made them all the more potent as tools to facilitate mourning. After all, another essential element of the Good Death had been seemingly denied to soldiers and their families: evidence of the dying's acceptance of death. According to the nineteenth-century understanding of the *Ars moriendi* (late medieval Latin texts on the art of dying), the last minutes of a dying man afforded him a chance to make sense of the meaning of his life and provided valuable harbingers of the all-important fate of his spirit. One prerequisite for this insight was that he be "conscious and able to confront his impending demise;" ideally, he would accept his fate with a calmness of both speech and expression that suggested an "anticipation of salvation," revealing a soul at peace with God.⁷⁸ No small part of the horror of battle death in the Civil War, then, derived from the fact that it was often so sudden, "depriving [soldiers] of the chance for the life-defining deathbed experience."⁷⁹ Thus, Faust finds that

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soldiers often did the preparatory “work of death” in advance. Many soldiers spoke of a foreboding sense of impending death when a battle was brewing. Paradoxically, this was a comforting phenomenon: “Sure knowledge—even of death—seemed preferable to persisting uncertainty, for it restored both a sense of control and the possibility for the readiness so central to the *ars moriendi*.”⁸⁰

When the comrades or nurses of a recently deceased soldier gave insight of this kind to family members, they almost invariably touched on his religious faith before or at the moment of death. Unsurprisingly, the preparatory work of death undertaken by soldiers through posed photographs also included religious motifs. In one tintype, a young Confederate poses with what is almost certainly a small Bible, of the kind frequently carried by Civil War soldiers, protruding from his breast pocket (fig. 12). In another, a Virginia cavalryman holds a book entitled “Literary History of the Bible” on his lap (fig. 13). Perhaps, in photographs that acknowledged the possibility of death, these men were hoping to demonstrate to their families that their Christian morals had not been corrupted by army life. This was a concern frequently voiced by religious family members: in a letter to her son Arthur, Ruth Maria Strong exhorted him to “Be very careful in forming habits of thought or deed that you would feel were improper at home, for you have many friends that daily pray for you and expect much of you... Return to us Arthur as you left, free from the many vices that surround you.”⁸¹ Arthur would return in a casket. He died in the same month that his mother had written the letter, one of about 400,000 soldiers killed not by a bullet but by disease.⁸²

Only through this nineteenth-century understanding of the Good Death and the photograph’s connection to the body can the modern viewer comprehend the importance to families of ambrotypes and tintypes of slain soldiers. When a soldier died at the front, out of reach of his family, his ambrotype or tintype—understood both as a trace of the absent body and evidence of his preparation for death—slid easily into a funereal function as a relic of the sitter. The tendency to project onto a photograph the desire to touch or at least be close to the dead body, so eloquently described in the *Times*’s Antietam article, is confirmed by the existence of a set of recursive mourning tintypes and ambrotypes. In them, subjects in mourning dress are photographed holding an ambrotype or tintype of a slain soldier, channeling his physical presence after death.

In one particularly evocative example, a young girl wearing a black dress and a solemn expression protectively clasps a framed photograph of her slain father in a Union cavalryman’s uniform against her stomach (fig. 14). Partially obscuring the bottom of the inner photograph with her arm, she withholds the full image from the camera, seemingly emphasizing that this is her loss before

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it is the Union's or anyone else's. The image gives expression to Aunt Ann's sense of not wanting to shut a soldier up in an album. A cased photograph may not have been as desirable as possessing a soldier's physical remains, but it still provided a sense of familial propriety over the body that was critical for the work of mourning in the nineteenth century.



Figure 14: Hand-colored sixth-plate tintype showing unidentified girl in mourning dress holding framed photograph of her father as a cavalryman with sword and Hardee hat, 1861-1870, Liljenquist Family Collection.

A case containing the ambrotype of Private James W. McCullough of the 7th Georgia Infantry, killed in the first battle of Bull Run, provides one of the clearest demonstrations of the way that photographs could be used to stand in for an absent corpse buried in an unknown location (fig. 15). Here, the ambrotype is paired not only with a lock of but also with McCullough's obituary and a poem entitled "My Brother's Grave" by Dan Ashby. In the title, "Brother's" is crossed out, replaced with "Father's." The poem begins:

I shall never see it—I never shall know
The place where he slumbers, lonely and low;

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The sweetest of flowers I never shall bring
To lay on his grave at the coming of Spring;
No prayer shall I breathe o'er his low soldier bed,
Where the tear of a sister [crossed out] will never be shed.⁸³



Figure 15: Sixth-plate ambrotype with hair showing Private James W. McCulloch of Co. E, 7th Georgia Infantry Regiment holding wooden canteen, with lock of hair, obituary, and poem in case, 1862, Liljenquist Family Collection.

In Ashby's poem, the consolation for this tragedy lies in the fact that over the brother's body "The winds of the South will grievingly sweep" and an "All seeing Eye" will watch. Here, again, we see the loss of a soldier subsumed into depersonalized, national mourning. McCulloch's daughter, however, seemed to have devised a way to maintain a more intimate, personal proximity between herself and the absent body by using the ambrotype as its substitute.

Bodies for the Family; Deaths for the Nation

The notion of national martyrdom was troubling when it implied the total erasure of a soldier's individual identity; in cased photographs, however, where that identity had been preserved, the presence of this logic proved comforting for mourners and for soldiers themselves. The return of this trace of the body to the family was critically important, but it was not enough to quell

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the inescapable sense that the hundreds of thousands of young men who died in this war were departing life too early. Evidence of a soldier's preparation for death could not be consolatory without the additional sense that this death had been worthwhile. Flags, sometimes held and sometimes in the background, were much more commonly used as props than Bibles in these photographs.

Indeed, another attribute emerged to join religious piety in the Civil



Figure 16: Hand-colored fourth-plate tintype showing George H. Bannister, 13th New Hampshire Infantry, 1861-1864, Liljenquist Family Collection.

War condolence letters that sought to show that a soldier had died well: the deceased's sense of patriotic duty. In wartime, as illustrated by Lincoln's rhetoric in the Gettysburg Address, dying for one's country seemed to become another path to salvation.⁸⁴ David Cornwell, an Illinois soldier, perhaps to comfort himself as much as his family, wrote that he "couldn't imagine the soul of a soldier who had died in the defense of his country being consigned to an orthodox hell."⁸⁵ In order to reconstruct a sense of their individual significance to the nation—cultivated before the war in cartes de visite and often destroyed by the experience of the war itself—soldiers used tintypes and ambrotypes to preemptively embrace the role assigned to them by Lincoln as martyrs. Anticipation of this sort of selfless, sacrificial death for their country pervades

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cased images of soldiers. It is seen in soldiers' insistence on wearing their complete uniforms when they were, to borrow Barthes's phrase, embalmed by the camera. In 1864, in response to his mother's solicitation of a photograph, New York infantryman Darius Lobdell informed her that she would have to wait until "I get back to the Co. and get on my uniform."⁸⁶ If the inclusion of rifles and swords prefigured death, it was a death of a particular kind: in battle, in the line of duty.⁸⁷

A sense of patriotic duty was also displayed in the rigid, at-attention poses used especially in tintypes of privates. Men like George H. Bannister of the 13th New Hampshire eschewed the relaxed, confident poses that sought to impart an air of eminence in cartes de visite (fig. 16). Bannister instead positioned himself as he would have stood during a review of his corps, ready to accept orders from higher ups and fulfill his patriotic duty; his grim, hard-set stare affirms that his commitment would not waver even if it threatened him with death. Along with a photograph (presumably a tintype) that has now been lost, Private James D. Quilliam of the 154th New York Infantry gave this description of the image: "I stand just as I should if an officer should give [a] command."⁸⁸

The uniform and pose were not the only patriotic markers to be found



Figure 17: Ninth-plate tintype showing unidentified soldier in Union infantry uniform and state of New York beltplate, mat reads "THE UNION NOW AND FOREVER," 1861-1865, Liljenquist Family Collection.

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in Civil War-era tintypes. Often, the most explicit references to the country's cause could be found in the cases that held these photographs. Most cases before the war had employed mats with floral or geometric patterns; at the advent of the Civil War, companies in the North also began to produce mats with patriotic designs and slogans. Perhaps the most common of these designs featured the American flag and the words "CONSTITUTION" and "UNION" on either flank of the picture.⁸⁹ Another bore the emblem "THE UNION NOW AND FOREVER" (fig. 17). In a patriotic tintype or ambrotype case, the soldier's corporeal existence was contextualized, literally framed, by the cause for which he fought.

After a soldier's death, the tintypes and ambrotypes that registered the family's devastating personal loss also asserted the soldier's patriotic duty as a justification for his sacrifice. By demonstrating in these photographs a willingness to die for their country, soldiers primed their families to accept the worthiness of the national cause—Union and freedom on the one hand, independence and the preservation of slavery on the other. Lincoln and others described fallen soldiers using words reminiscent of descriptions of early Christian saints: these were martyrs for the entire country, just as those were martyrs for the entire faith. Cased photographs tweaked this interpretation, positioning their subjects instead in the style of patron saints of a specific community—in this case, of an individual family—to which the martyr had a special connection. Here, to some extent, icon and index were reconciled within the same photograph.

Conclusion

James McCullough, George H. Bannister, Luther Bruen: these are photographic subjects whose names we know. But of the Civil War ambrotypes and tintypes housed in archives, those with identified subjects represent a tiny fraction. In the Library of Congress, the Liljenquist Family Collection contains nearly thirteen hundred cased images; of these, over eleven hundred have unidentified subjects. This is a problem specific to cased images: the fact that one-of-a-kind ambrotypes and tintypes were always sent to those who would know the sitter well meant that they were rarely marked with the sitter's name. When removed from the family context and introduced to an encompassing archive, the very intimacy and individuality of tintypes and ambrotypes become the cause of their anonymity. By contrast, the backs or bottoms of cartes de visite were often signed before being distributed; of the 3,671 Union cartes de visite housed at the Library of Congress, over 3000 of their subjects have been identified.⁹⁰

Some 150 years later, the purpose of the Civil War photographic portrait

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has shifted once again. In the archive, cartes de visite, tintypes, and ambrotypes alike are viewed through an analytical, historical lens. Curator Keith F. Davis asserts that out of these portraits, “the most interesting, to our taste, record artifacts of the soldier’s profession.”⁹¹ Now, we often look upon these photographs with an eye principally for the accoutrements of war; the sitter has become an incidental model for his uniform, his weapons. What we seek in the portraits is the same as what we seek in photojournalistic images; they have become traces not of men but of the war in which they fought. Of course, this is only natural—the modern viewer has no use for the carte de visite as status symbol or for the tintype as a bodily relic of a man lost to history. Still, it is only through contemplation of the original, medium-specific intentions and applications of these photographs that they reveal their most essential historical truths.

In carefully posed cartes de visite, we find a glorious conception of warfare, a notion that the opportunity to fight for one’s country would transform ordinary men into heroes of the nation. This is a sense provided not just by the content of the image, but by the medium itself: the reproducibility and circulation of the carte—the novel, exciting possibility that one’s image could find its way into “unaccountable” hands, as Luther Bruen put it—encouraged ordinary soldiers to inflate their status by conforming to the pictorial standards set by the military celebrities of the day. Photographers helped privates picture themselves as critical components of a war effort that was sure to end in decisive victory. Even when the experience of the war itself disillusioned soldiers from their former confidence and excitement, the cartes de visite they solicited maintained the same aspirational aspect. Indeed, though this article has focused on cartes as an early war phenomenon, they continued to be made during the war when soldiers could visit well-appointed studios (usually when they were posted in a city or home on a furlough).

It is only through analysis of one-of-a-kind ambrotypes and tintypes—and their use after reception—that the true wartime anxieties of soldiers and their families emerge. The soldier saw the cased photograph sent to his family as an opportunity to confront his mortality and reclaim his humanity, structuring an imagined death that was justified by his sense of duty, meaningful despite his lived experience of this war in which individual casualties were treated as insignificant. For families, the unique nature and indexical value that the direct positive photographic process imbued into cased images allowed these images to serve as proxies for the physical remains of slain soldiers that would, in all likelihood, never be recovered. This use of the photograph reveals the importance of the physical presence of the corpse to the period’s mourning practices. Ambrotypes and tintypes of fallen soldiers,

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cherished by their recipients, affirmed that their subjects still belonged to their loved ones—even if their deaths had been for the nation. By assigning a familiar face to the impersonal logic of national martyrdom, these photographs allowed families to properly honor each soldier's patriotic sacrifice. They attest to the complexity of the work of grief and mourning carried out by Americans as they sought to make sense of the devastation wrought by industrialized war.

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Endnotes

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- 2 Walter Benjamin, "A Short History of Photography," *Screen* 13, no. 1 (Spring 1972): 5.
- 3 Tom Gunning, "Phantom Images and Modern Manifestations: Spirit Photography, Magic Theater, Trick Films, and Photography's Uncanny," in *Cinematic Ghosts: Haunting and Spectrality from Silent Cinema to the Digital Era*, ed. Murray Leeder (New York: Bloomsbury Academic, 2015), 42.
- 4 "Brady's New National Photographic Gallery," *New York Daily Herald*, October 5, 1859, 7.
- 5 Drew Gilpin Faust, *This Republic of Suffering: Death and the American Civil War* (New York: Vintage Books, 2009), 31.
- 6 Gary Laderman, *The Sacred Remains: American Attitudes Toward Death, 1799-1833* (New Haven: Yale University Press, 1996), 31.
- 7 Faust, *This Republic of Suffering*, 6-1; Laderman, *The Sacred Remains*, 29-38.
- 8 Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction" in *Illuminations*, ed. Hannah Arendt (New York: Schocken Books, 1968).
- 9 Francis Trevelyan Miller, ed, *The Photographic History of the Civil War*, vol 1 (New York: The Review of Reviews Co., 1911), 16.
- 10 Faust, *This Republic of Suffering*, 3.
- 11 Bruce Catton, *This Hallowed Ground: A History of the Civil War* (New York: Vintage Books, 2012), 21.
- 12 J.S. Newberry, "No. 36: Report on the Condition of the Troops and the Operations of the Sanitary Commission in the Valley of the Mississippi for the Three Months Ending Nov. 30, 1861" in *Documents of the U.S. Sanitary Commission*, Vol. 1 (New York: U.S. Sanitary Commission, ca. 1871), 28.
- 13 Catton, *This Hallowed Ground*, 21.
- 14 Roy Mantle, "Proppin' the Prop: A Glimpse at Martial and Patriotic Props Used by Civil War Photographers," *Military Images* 18, no. 2 (1996): 20.
- 15 Helmut Gersheim, *A Concise History of Photography* (London: Thames and Hudson, 1965), 117.
- 16 Oliver Wendell Holmes, "Doings of the Sunbeam," *The Atlantic Monthly* 12, no. 69 (1863): 8.
- 17 Gersheim, *A Concise History*, 119.
- 18 Alan Trachtenberg, *Reading American Photographs: Images as History, Mathew Brady to Walker Evans* (New York: Hill and Wang, 1989), 46.
- 19 Elizabeth Siegel, *Galleries of Friendship and Fame: A History of Nineteenth-Century American Photograph Albums* (New Haven: Yale University Press, 2010), 22.
- 20 Luther Bruen to Augusta Bruen, December 8, 1863, The Civil War Letters of Wellesley College and Brandeis University (further notes will use WCBU to denote this archive).
- 21 "Anson's Photograph Gallery," *New York Daily Herald*, August 26, 1862.
- 22 Robert Taft, *Photography and the American Scene: A Social History, 1839-1889*

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(New York: Dover Publications, 1964), 141.

23 “Photomania,” *Harper’s Weekly*, February 16, 1861.

24 Annie Rudd, “Victorians Living in Public: Cartes de Visite as 19th-Century Social Media,” *Photography and Culture* 9, no. 3 (2016): 196.

25 Ibid., 196.

26 Coleman Sellers, “Foreign Correspondence,” *The British Journal of Photography* 9, no. 164 (Apr. 15, 1862): 156-157.

27 As the war developed, so too did other types of men to be juxtaposed with the military men: the well-off men who avoided service by paying for a substitute to take their places (empowered by the controversial 1863 Enrollment Act) and foreign-born citizens who appealed to their former countries to shield them from the draft. Writing into Washington’s *National Republican*, one incensed patriot proposed the creation of a kind of photographic counter-archive of these draft-dodgers: “If they have not sworn allegiance, let the Government have a photograph likeness of every one of these contemptible, miserable cowards, and have them placed in a rogues gallery.” This reference to the rogues’ gallery—the police’s collection of what would now be called mug shots which was kept on display in many American cities for the benefit of the public—testifies to the power of photographs to classify. Photography, a medium renowned from its inception for the remarkable detail with which it could portray an individual, was coming into its own, too, as a tool for group-making. Just as a mug shot in a rogues’ gallery seemed irrefutably to proclaim that its subject was a criminal, a well-posed photograph of a man in uniform placed its subject within the community of soldiers whose famed representatives lined the walls of photographic parlors and filled the slots of photographic albums in wartime. “Attention, Irishmen who desire British Protection,” *National Republican*, August 16, 1862.

28 Lizzie Goldsborough to Louis Goldsborough, March 20, 1862, Louis Malesherbes Goldsborough Papers, Library of Congress.

29 Jeff Rosenheim, *Photography and the American Civil War* (New York: The Metropolitan Museum of Art, 2013), 47.

30 Trachtenberg, *Reading American Photographs*, 40.

31 Alexander Hunter, *Johnny Reb and Billy Yank* (New York: The Neale Publishing Company, 1905), 440.

32 “American Photographs,” *The Times* (London), August 30, 1862, 11, <https://www.thetimes.com/tto/archive/article/1862-08-30/11/1.html#start%3D1862-08-28%26end%3D1862-08-30%26terms%3Damerican%20photographs%26back%3D/tto/archive/find/american+photographs/w:1862-08-28%7E1862-08-30/1>.

33 Lyman Whitney Strong to Arthur Tappan Strong, January 18, 1862, University of Washington Civil War Letters Collection (further notes will use UW to denote this archive).

34 Trachtenberg, *Reading American Photographs*, 27.

35 Augusta Bruen to Luther Bruen, October 11, 1863, WCBU.

36 Faust, *This Republic of Suffering*, 58. In the Civil War period there were few efforts to find a medical explanation or diagnosis for this common experience; indeed, it would take some fifty years until men like German psychiatrist Ernst Simmel identified a “war neurosis” in his patients, soldiers in the First World War.

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The “psychic and physical exhaustion of.. war,” Simmel claimed, necessitates a “consistent narrowing of the personality complex.” In order to maintain a psychic balance, emotional responses to the horrors of war had to be buried deep in the unconscious of a soldier, only to manifest explosively at a later point in the form of post-traumatic stress disorder. Ernst Simmel’s segment of the Symposium held at the Fifth International Psycho-Analytical Congress at Budapest, September 1918 in *Psycho-Analysis and the War Neuroses*, ed. Ernest Jones (London: The International Psycho-Analytical Press, 1921), 33.

- 37 Angus Waddle quoted in Faust, *This Republic of Suffering*, 59.
- 38 Faust, *This Republic of Suffering*, 104.
- 39 Fred L. Smith to Harry Woodman, Jan. 1, 1862, Harry Woodman Papers, Library of Congress.
- 40 Faust, *This Republic of Suffering*, 103.
- 41 Benjamin Thompson quoted in Faust, *This Republic of Suffering*, 56-58.
- 42 William A. Frassanito, *Antietam: The Photographic Legacy of America’s Bloodiest Day* (New York: Scribner, 1978), 14; for the studio’s location near Barnum’s museum see Trachtenberg, *Reading American Photographs*, 39.
- 43 “Brady’s Photographs,” *New York Times*, October 20, 1862.
- 44 Frassanito, *Antietam*, 27-8.
- 45 Trachtenberg, *Reading American Photographs*, 76.
- 46 “Brady’s Photographs,” *New York Times*, October 20, 1862.
- 47 Iowa soldier quoted in Drew Faust and Ric Burns, “At Gettysburg, Death and Transformation,” *Time* (July 3, 2013).
- 48 “Brady’s Photographs,” *New York Times*, October 20, 1862.
- 49 Laderman, *The Sacred Remains*, 31.
- 50 Faust, *This Republic of Suffering*, 9.
- 51 Laderman, *The Sacred Remains*, 52, 27.
- 52 Faust, *This Republic of Suffering*, 62.
- 53 [Henry Raymond], “Editor’s Table,” *Harper’s New Monthly Magazine* 8 (April 1854): 690-693.
- 54 Laderman, *The Sacred Remains*, 42.
- 55 Faust, *This Republic of Suffering*, 72, 79.
- 56 Walt Whitman, *Specimen Days* (Boston: David R. Godine, 1971), 21.
- 57 “Soldiers’ National Cemetery at Gettysburg,” *American Battlefield Trust*, <https://www.battlefields.org/learn/articles/soldiers-national-cemetery-gettysburg>.
- 58 Abraham Lincoln, *The Gettysburg Address*, Gettysburg, PA, November 19, 1863, Cornell University Copy.
- 59 Laderman, *The Sacred Remains*, 104.
- 60 Jennifer Raab, *Relics of War: The History of a Photograph* (Princeton: Princeton University Press, 2024), 49.
- 61 To meet this demand, a “network of embalmers, undertakers, and private ‘agents’” emerged, offering to help identify and retrieve bodies (albeit at a price that was prohibitive to ordinary Americans). The recently perfected process of embalming, indeed, was a critical development that enabled bodies to be sent home—usually via locomotive—before decay set in. In an 1863 advertisement, Dr.

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F. A. Hutton promised that “Bodies Embalmed by us NEVER TURN BLACK! But retain their natural color and appearance... so as to admit of contemplation of the person Embalmed, with the countenance of one asleep.” See Faust, *This Republic of Suffering*, 95.

62 Friedrich Hartman to Sarah Ogden, September 10, 1863, Gilder Lehrman Papers and Images of the Civil War.

63 R. B. Neal to Mr. Mason, 8 November, 1864, New Hampshire Civil War Collection, Huntington Library.

64 “Local News,” *National Republican*, August 7, 1861.

65 Faust, *This Republic of Suffering*, 82-3.

66 Taft, *Photography and the American Scene*, 159.

67 Roland Barthes, *Camera Lucida: Reflections on Photography*, trans. Richard Howard (New York: Hill and Wang, 1981), 81.

68 Augusta Bruen to Luther Bruen, October 11, 1863, WCBU. Ambrotypes and tintypes were often hand painted with dry pigments or watercolors to add a touch of color.

69 Augusta Bruen to Luther Bruen, May 31, 1863, WCBU.

70 “Orphic Sayings,” *New York Daily Herald*, September 4, 1856.

71 Jay Ruby, *Secure the Shadow: Death and Photography in America* (Cambridge: MIT Press, 1995), 1.

72 “Local News,” *National Republican*, August 7, 1861.

73 Sontag, *On Photography*, 15.

74 Barthes, *Camera Lucida*, 14.

75 Mantle, “Proppin’ the Prop,” 20.

76 Faust, *This Republic of Suffering*, 6.

77 Ibid., 74.

78 Ibid., 17-18. The prevalence of this belief is rendered visually in the antebellum tradition of postmortem photography, in which the deceased—often a young child or infant—were invariably posed to give the impression that they were peacefully sleeping, their bodies waiting for the arrival of the end of times to be redeemed. On postmortem photography, see Ruby, *Secure the Shadow*, 53-55.

79 Faust, *This Republic of Suffering*, 18.

80 Ibid., 19.

81 Ruth Maria Strong letter to Arthur Tappan Strong, February 17, 1862, WCBU.

82 JS Sartin, “Infectious Diseases During the Civil War: The Triumph of the ‘Third Army,’” *Clinical Infectious Diseases* 16, no. 4 (April 1993): 580-84.

83 See citation for figure 17.

84 Laderman, *The Sacred Remains*, 124; Faust, *This Republic of Suffering*, 25.

85 David Cornwell, quoted in Earl J. Hess, *The Union Soldier in Battle: Enduring the Ordeal of Combat* (Lawrence: University Press of Kansas, 1997), 143.

86 Darius Jared Lobdell to Betsy Lobdell, August 7, 1864, Thew Family Civil War Letters, New York Heritage.

87 The only fate that struck soldiers as more meaningless than death in an inconclusive, poorly managed battle was death from disease. Unfortunately, this was

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also the most common way for Civil War soldiers to die: conservatively, twice as many men fell from disease than from battle wounds, with dysentery and diarrhea alone accounting for some 57,000 deaths. See Irvin B. Wiley, *Life of Billy Yank: The Common Soldier of the Union* (Baton Rouge: Louisiana State University Press, 1952), 124.

88 James D. Quilliam letter quoted in Dunkelman and Winey, “Precious Shadows,” 9.

89 Rosenheim, *Photography and the American Civil War*, 47.

90 This figure is likely higher than it would normally be, given that the cartes de visite at the Library of Congress disproportionately skew toward higher ranking officers.

91 Keith F. Davis, “‘A Terrible Distinctiveness’: Photography of the Civil War Era” in *Photography in the Nineteenth Century*, ed. Martha A. Sandweiss (Fort Worth: Amon Carter Museum, 1991), 146.

Editors' Biographies

Lauren Kelly (Editor-in-Chief) is a junior majoring in History and Biology. She's interested in the History of Science, queer studies, and the intersection of health and identity. She's researching the AIDS crisis in Chicago, specifically exploring the impacts of free and community health clinics. Lauren works as a Peer Advisor for the History Department and Chief Research Coordinator for the university's Nonviolence Project. When she is not reading and writing, Lauren enjoys hosting dinners for her friends and exploring Wisconsin. She is incredibly honored to have served as an Editor-in-Chief for the twenty-eighth edition of ARCHIVE.

Emmett Robison (Editor-in-Chief) is a sophomore majoring in Political Science, History, and Classical Humanities. He is specifically interested in studying twentieth-century European intellectual history with secondary interests in early American political thought and the political history of Rome's transition from a Republic to an Empire. Outside of academics, he enjoys working as a campus tour guide, singing with Jewop Acapella, and reading postmodernist novels.

Isabelle Alyn is a sophomore studying History with a certificate in Graphic Design. She's especially interested in the intersection of history, material culture, and auctions, and is excited to be interning with Heritage Auctions this summer in their World Coins department. Her historical passions range from Russian industrialization and the Greco-Roman world to the Gilded Age in the US. When she's not exploring the past, you can find her playing tennis with friends, curled up with a good book, or, when she's back home in California, surfing with her younger brother.

Anika Feinsilver is a sophomore History major with certificates in Jewish Studies and Material Culture. Her academic interests lie in exploring how personal and often overlooked histories intersect with tangible artifacts and art, deepening our understanding of the past and enriching our collective narrative. Outside of the classroom, Anika is an avid museum-goer, coffee enthusiast, and passionate reader, always eager to share her latest literary discoveries.

Editors' Biographies

Molly Hunken is a graduating senior majoring in History and Journalism with certificates in gender and women's studies and European studies. Her main area of historical interest is LGBTQ+ and women's history, as she loves working to break academia's tradition of underrepresenting—and potentially misrepresenting—this topic throughout history. Beyond academics, Molly can be found learning new songs on guitar and piano, fueling her caffeine addiction, or curled up with a good book.

Callie Knoch is a sophomore majoring in History and English with a certificate in Art History. Her research focuses on the 18th and 19th centuries, particularly with an interest in fashion and art history. Being the vice president of the fencing club at UW Madison, she loves fencing, both competitively and for fun, as well as reading and crocheting. When she's back home in Oregon, she also loves hiking and rock climbing with her dad.

Houye Lyu is a junior majoring in History and Anthropology. His research focuses on 18th- and 19th-century Central Asia, especially Xinjiang and its connections to broader global systems of labor, empire, and exchange. He is currently beginning his senior thesis on Xinjiang's labor market following its provincialization in 1884. Houye also has a strong interest in intellectual history, particularly the works of Hegel. After graduation, he plans to pursue MA and PhD programs in History or Area Studies.

Mia Pyle is a sophomore majoring in History and English, with certificates in Medieval and European Studies. She has a wide variety of historical interests, but has recently been focusing on German history, particularly during the medieval times, as well as medieval English and German literature. When she is not reading or writing (a rare occurrence), you can find her playing the euphonium with the UW Madison Marching Band, going on hikes, or getting coffee with friends.

Jay Riccabona is a junior majoring in History and Geography. His academic interests include covert operations during the Cold War, the political economy of land reform, and the human geography of the heroin trade. Outside of school, he enjoys watching the St. Louis Cardinals, volunteering at the Madison Cat Project, and acting in student films. After graduation, he plans to pursue a career in public school-teaching.

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Erin Sitrin is a junior majoring in History with a certificate in Integrated Liberal Studies. She has an interest in European intellectual and political history, specifically during the Age of Enlightenment. She is currently planning on writing her senior thesis on Frederick the Great starting in the fall. In addition to her love of historical research and writing, Erin enjoys watching and discussing movies, playing Dungeons and Dragons, and making art.

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