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The Pi Chi Chapter of Phi Alpha Theta, International History Honor Society, publishes the *Loyola University Student Historical Journal*. Each year the *SHJ* serves as the culmination of the chapter's scholarly activities. Since 1966, the journal has been published to encourage scholarly activity by students and make public their best research efforts. The papers selected for publication were chosen from among those submitted to an editorial board that includes student members of LUSHA and/or PAT. The papers are judged both for their scholarship and quality of writing. This edition of the journal includes a new Book Review Section. The Book Review Section includes reviews and commentary from student editors on contemporary scholarship in an effort to engage with the professional scholastic community. Students who wish to submit a paper for next year's publication should contact:

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A NOTE ON PUBLICATION

The editorial board has attempted to reproduce all of the papers in this journal in the same form in which they were first submitted. The board has formatted the papers for the sake of publication. Other than formatting style, however, the following works reflect the writing styles and skills of the individual authors.

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EDITORIAL COMMENTARY FROM THE EDITORS

History, in its most basic form comes from the stories we tell about ourselves. In this edition of the *Student Historical Journal* we offer a series of stories from across time and across the globe, stories that are connected by their scholastic excellence and sense of historical justice. In our American section readers are invited to an alternative to the standard progressive view of America, as we hear of the degradation, exploitation, and violence experienced by black slaves and Native Americans, stories far too often hidden by the grand narratives of Southern grandeur and the wide open West. We travel eastward to see how colonial legal edifices and ancient spiritual ideology changed the way in which imperial citizens lived and loved. We draw a thread from medieval Europe to Cold War Brazil to see how myth-making can dominate and even create new historical realities.

As history students we enter into university classrooms with our own stories, our own narratives. Through our academic careers we keep parts of these stories and add to them as we learn new facts, new theories, and new ways of combining them. In this edition of the *Student Historical Journal* we have selected a series of essays that are diverse, each examining a different facet of human identity from gender to race to sexual identity. These essays question prevailing intellectual hegemonies and offer original and insightful stories that show the interconnectedness of humanity and the power of history to either divide or unite us. These essays capture the spirit of the historical discipline to tell us more about ourselves.

The editors of the *Student Historical Journal* encourage readers and contributors alike to see our journal as a space for critical and engaging historical storytelling, and we hope that with each edition and each chapter we will continue our own story as history students at Loyola University and beyond.

The Old St. Louis Hotel: The Failure to Reconcile Greatness and Shame in New Orleans

JUSTIN SAMULSON

“Social memory benefits from an associated structural framework — that is, a place or object that reflects and evokes a historical recollection both good and bad.”¹ These words by New Orleans urban geographer and architectural historian Richard Campanella demonstrate the importance of physical space in creating historical remembrance. In New Orleans one physical location that has played a key part in the creation of historical remembrance is the old St. Louis Hotel located on St. Louis Street between Royal and Chartres. Replacing an exchange house in 1838, and later demolished in 1915, the St. Louis Hotel has been refashioned as the Omni Royal Orleans. The St. Louis Hotel was a glorious epicenter of antebellum New Orleans’ thriving social and economic life, and remains a physical representation of conflicting narratives that illuminate shame and greatness the city’s pre-Civil War days. The engine of this economic and social wealth was racialized enslavement, a trade that occurred within the hotel itself.

The structure’s complex history during the Reconstruction Era when it became the Louisiana State House for an eight-year period has been stunted. The St. Louis Hotel has served as a physical incarnation of racially and socioeconomically progressive achievements as well as two violent, reactionary, white insurrections: the Battle of Liberty Place and the dispute over the victor of the 1876 Louisiana election. A century-and-a-half has transpired between of the end of the slave trade and the present, and yet the conflicting narratives surrounding the St. Louis Hotel have yet to be reconciled. The dominant discussion of the St. Louis Hotel extols the establishment’s greatness without any comparable discussion of the slave trade or the conflict over the state’s political and

social trajectory after its demise. This manner of story-telling indicates a reluctance to fully reconcile its narratives, and indicates a denial of harsh historical realities. This narrative treatment is reflective of much of the greater historical discussion surrounding antebellum and Reconstruction New Orleans.

To explain the persistence of the St. Louis Hotel's narrative dichotomy, this essay seeks to provide a description of the physical building itself, and in doing so recount the co-existence and supposed normalcy of the social life of the hotel with a slavery-based economic system. Despite the changes in the hotel's status during Reconstruction as the Louisiana state house and the violent events that consumed the building, there has been a distinct lack of narrative change regarding the St. Louis Hotel's connection to the slave trade and its prominence in Reconstruction history. The lack of narrative change and intellectual cohesion has manifested itself in historical difficulties reconciling the nostalgia and romance of antebellum New Orleans with the opposing reality that such a world was created by the exploitative and degrading institution of slavery.

The Magnificent Hall

The significance of the St. Louis Hotel is noted in most narratives as the centerpiece of New Orleans' economic and social life. Commemorating the structure's impending demolition in 1915, the *Times-Picayune* went as far as to say: "no other building is more closely linked to the history of the city and state. ...once the center of culture and attraction of the Crescent City."² To underscore the St. Louis' status, many narratives pay particular attention to the architectural aspects of the building. Campanella quotes the *Daily-Picayune's* glossy article describing the "magnificent hall where merchants congregated, the saloon where beauty gathered for the dance, the elegantly furnished hotel, the bar room, the billiard room [and] numerous offices and stores."³ This "magnificent hall where merchants congregated," was the rotunda at the hotel's physical and

metaphorical heart. The rotunda was the continuation of a commercial exchange that preceded the St. Louis's construction and formed the core of its purpose. 88 feet high and 66 feet in diameter, the dome was composed of 16 stucco panels depicting prominent figures in American history such as George Washington and Christopher Columbus, rising above a floor of Italian marble, and the dome was aesthetically supported by wooden columns with Corinthian capitals.⁴ Thus the hotel's grandiose commercial heart clearly sought to establish connections not only to American history and European taste but to classical influences.

Masques and Auctions

Besides emphasizing the St. Louis Hotel's architectural grandeur, popular narratives of the building's history are often keen to add the building's status as a venue for entertainment. Throughout the antebellum period there were a number of noted affairs that occurred at the St. Louis documented by journalists, who focused intently on the characters and frivolities involved. Such was the case of the *Daily Picayune* article "Bal Masque at the St. Louis Hotel," which paid special attention to a *Volumnia* played by a Kentuckian "who looked, every inch, the noble Roman matron, and was the admiration of all," and also described a thieving French duo of "Robert Macaire and his inseparable Satellite, Jacques Strop, who drove a very profitable business throughout the night."⁵ The article "An Evening at the St. Louis Hotel," pertaining to a different party gave a description of the panoply of individuals that would gather for such events:

"the majority of the ladies were from the coast as far away as Natchez and Vicksburg, with a goodly sprinkling of the belles of Kentucky. New Orleans was ably and fully represented both from its Creole and up-town circles. As for the gentlemen,

they were apparently from all parts of the world, Englishmen, Frenchmen, Germans, Italians, Spaniards, Yankees, New Yorkers, Southern men, Western men...⁶

This list verifies not only the global economic reach of antebellum New Orleans, but the status of the St. Louis Hotel as a playground for its elite figures.

While newspapers might have been vivid in describing the glamour of such events, they more frequently announced the business occurring underneath the St. Louis's rotunda. As the site of an exchange the rotunda sat over an auction block whose commerce was advertised daily in New Orleans papers, commerce that included enslaved human lives. Oftentimes the sale of human lives coincided with the sale of material objects. On one news day in January 1847, the *New Orleans Bee* advertised three separate slave sales occurring in the same Saturday, 12 o' clock session, with one sale for "13 slaves, comprising field hands and domestics," another for "Claiborne, aged 30 years, field hand, belonging to the estate of George Asbridge," and one for Simon, "aged 24 years, a first rate cook, house servant, coachman." During the exact same session was a sale for "fifty shares of the stock of the Louisiana State Bank" along with a property auction for "Valuable Real Estate, In the Third Municipality."⁷ Instead of embellishing the glamour of previous nights' events, the papers would often describe the particulars of the humans available for purchase by the highest bidder, or at least the essentials of the sale. Such was the case with a *Daily Picayune* advertisement in 1844 for the auction of a "Desirable Family" composed of the "Negress Mary, 23 good washer, ironer, and cook. Children Julia, 6, Bob, 3." The "Above servants come well-recommended," and were being sold for cash without reserve.⁸ Besides titles and descriptions, there was little to distinguish such advertisements from the other items for sale. In the same auction column as Mary and her children were

advertisements for items as wide ranging as building lots, fruit trees, sweet potatoes, and Christmas and New Year presents.⁹

The difference in narration between the social and economic happenings at the St. Louis Hotel during the antebellum period is palpable. That being said, both glamorous descriptions of balls and commercialized sales of human bondage not only co-existed in the sense that they shared publications, they also shared a story. Socially active, literate antebellum New Orleanians would have easily recognized the dual purposes of the hotel: the close proximity of conspicuous wealth and the unsightly slave trade was perfectly ordinary during this period. According to Campanella, in the decade preceding the Civil War "around 25 slave depots, yards, pens or booths dotted the heart of Faubourg St. Mary (present-day Central Business District)...[while] another dozen functioned in the Old City, on Exchange Place, St. Louis Street, Esplanade at Chartres, and elsewhere."¹⁰ Those passing through the historic and commercial center of the city would have been hard pressed not to recognize the trade's presence. Attempts by citizens to regulate the trade reflected aesthetic concerns rather than goodwill towards those being enslaved, with some of the first petitions against it merely aiming "to prevent exposing negroes for sale on the sidewalks."¹¹

The Site of Remarkable Occurrences

In the aftermath of the Civil War the St. Louis Hotel retained its significance in New Orleans' public life, but not as a centerpiece of commerce and luxury. Rather, its prominence as a structure was transformed into a bastion of civic life as the Louisiana state house. From 1874 to 1882, the St. Louis served as the home of the Louisiana state legislature and the governor's office, and would become a scene of drama during two notorious and violent confrontations: the 1874 Battle of Liberty Place and the victory of Francis T. Nicholls as governor over Stephen B. Packard in 1877. While these events certainly make the hotel a

worthy structure for narrative in their own right, the Reconstruction Era government housed in the St. Louis serves as a stark contrast to the structure's time as the grim site of slave auctions and illustrious gatherings of wealthy, elite whites. While there were former slave-owners that served in the state house, this was also a momentous period when talented and passionate black leadership emerged and sought to cast aside the institutional inequality that marked the antebellum era.

The African-American community of New Orleans won hard-fought victories throughout the Era of Reconstruction. Upon the collapse of the 1864 Confederate-friendly government and constitution, the black community participated earnestly in the 1867-68 constitutional convention, where half of the delegates were black. Here, these delegates and their allies were able to ensure the passage of "universal education, civil rights, a bill of rights, marriage laws, labor laws, and homestead provisions."¹² Regarding education, the law demanded at least one public school per parish. Other items of note in this constitution included the banning of compensation by the states to former slave owners for emancipation and the prohibition of enacting property requirements for attaining public office.¹³ The legislature elected following the enactment of the 1868 Constitution went on to enact five civil rights acts prohibiting segregation in public facilities, including the punishment of business owners via the forfeiture of licenses and fines. The progressive spirit carried over to other issues as well, such as funding institutions of higher-education and for the care of those with mental and physical disabilities. During the governments of the 1868-77 period, African-Americans usually composed approximately one third of legislative offices. They also rose up to the prominence of state wide office, with two delegates, Oscar J. Dunn and Caesar C. Antoine being elected to the post of Lieutenant Governor. P. B. S. Pinchback succeeded to that post, the governorship, and achieved election as a U.S. Senator, although he was never admitted.¹⁴ It is poetic justice that the

forward-thinking initiatives of this generation of leadership were enacted in the building once used to sell those with dark skin and celebrate the products of their labor.

The Actualization of the Marginalized

Gains made by African-Americans in Louisiana were not simply the product of Civil War national sentiments and patterns. These advancements were the political realization of a long empowered, educated, and relatively prosperous population of free people of color, who had seized the moment to re-write government policy and law. As the descendants of white elites or of self-manumitted slaves freed by their own skill and prowess in the marketplace, free people of color had access to education, training, and financial resources unavailable to enslaved Africans and African-Americans. They were the dominant occupants of the skilled trades of New Orleans; many were large-scale property-owners, and some became slave-owners themselves.¹⁵ Despite the significant place free people of color occupied in colonial and later antebellum Louisiana, the majority of white Louisianans never truly considered this group to be worthy of legal or social equality. This sentiment of exclusion is expressed in *DeBow's Review*, where an editorial author wrote: "The idea that the Southern Negro will, at some future day, rise in mass and assert his so-called natural right of freedom, as the political and social equal of his master, is not only absurd, but judging from the natural course of things, it is an utter impossibility."¹⁶ The agitation of the free people of color for full equality was evident long before the Civil War. Upon the incorporation of New Orleans and Louisiana into the United States and the subsequent discussion of political change, the free community called a meeting to "consult together as to their rights" after being excluded from another general assembly, only disbanding upon the request of Governor Claiborne.¹⁷

Immediately after the Union captured New Orleans in 1862, free people of color began agitating for their place within

the new order. To this end, the community successfully demanded their inclusion within the Union's armed forces, thereby creating the Union's first black regiment, and conceived an African-American-based press.¹⁸ Paul Trévigne, the editor of *L'Union*, the first black-run newspaper in New Orleans and the entire South, made the progressive intentions of his constituency known, declaring: "We inaugurate today a new era in the South. We proclaim the Declaration of Independence as the basis of our platform. ... You who aspire to establish true republicanism, democracy without shackles, gather around us."¹⁹ Drawing upon the narrative themes of the United States' founding, the same themes that inspired and adorned the rotunda of the St. Louis Hotel, Trévigne's bold statement establishes a clear and coherent aspiration for radical change. For himself and his free comrades, supporting the Union cause would mean more than simply aiding the re-unification of the American states, it would necessitate toppling the slave-holding socio-economic order and fulfilling the long-denied narrative promise of equality under the law.

The progressive cohort of free people of color in New Orleans worked relentlessly to see their vision materialized. On January 5th, 1864, a year before the passage of the 13th Amendment in 1865 and the nationwide banning of slavery, the free community of New Orleans drafted a petition for the free people of color to have the right to vote.²⁰ To this effect, a delegation was sent to Washington D.C. and Northern cities to advocate the cause to President Lincoln, Congressional Republicans, and Northern abolitionists. One member of this delegation, wine merchant E. Arnold Bertonneau, expressed the community's sentiments to a dinner of prominent abolitionists in Boston, declaring: "the right to vote shall not depend upon the color of the citizen, that the colored citizens shall have and enjoy every civil, political and religious right that white citizens enjoy; in a word, that every man shall stand equal before the law."²¹ At a time when the issue of black voting rights was at least secondary to that of emancipation, the free people of New

Orleans were not just at the forefront of progressive political thought at the local level, but the national level as well.

The Violent Reaction

The victories of African-Americans in Louisiana did not ensure a transcendence of the horrors of the antebellum past. Vitriolic language continued to spew forth from white elites and media concerning the impending ruin of the state. The *Bossier Banner* made the intentions of many white Louisianans clear during the ratification of the 1868 Constitution, articulating: "The issues before the people of the State in the coming election is a single one-Negro equality. Will all men, whigs, democrats, rebels. Americans, and Union men, unite on that one issue and VOTE DOWN THE CONSTITUTION!"²² White New Orleanians took poorly to symbols of Republican and African-American power such as the Metropolitan Police Force, a state police force in Orleans, Jefferson, and St. Bernard parishes, funded by parish taxes and placed under the control of the governor. Its racial composition drew the ire of white supremacists, with three black commissioners out of five, and an overall force where one third of the officers were black.²³ During the breakout of riots within months of the force's creation in 1868, the white press was eager to discredit the Metropolitan Police, with the *Times* writing: "the inefficiency of our negro guardians of the peace was thoroughly proved...they were not only worthless, but taking the place of better men they proved an impediment to the preservation of law and order."²⁴

The stubborn sentiments of white Louisianans were couched in notions of African inferiority that ultimately continued to foment violent disorder, including major events surrounding the St. Louis Hotel. During the Battle of Liberty Place, a group of white citizens attempted to force the Republican administration of Governor Packard out of office, in doing so forced him to vacate the St. Louis for Federal protection in the U.S. Customs House on Canal Street. In the escalation

outside the Reconstruction state house and later the Customs House, a force of 2,400 White League members, with the help of perhaps 8,000 other men battled and defeated the Metropolitan Police Force.²⁵ Local newspapers supported the attempts of the White League, a group that consistently inflicted violent intimidation on its opponents and innocents, with the *Daily Picayune* describing how Kellogg's government "collapsed at one touch of honest indignation and gallant onslaught...its thieving, sneering, unscrupulous chieftains hid like moles, and its mercenaries fled like stampeded cattle."²⁶ Eventually, the administration was saved by the intervention of federal troops, but its authority was marred by one of the largest insurrections against a legal force in American history.

In 1877, violence again broke out around the St. Louis, when both the Democrats and Republicans declared victory in the aftermath of the 1876 election and inaugurated their governors, Francis T. Nicholls and Stephen B. Packard. For two months, forces loyal to Nicholls attacked the Louisiana Supreme Court to force the ascendance of their candidates and surrounded the St. Louis until Packard's government, unable to come to a legislative quorum and lacking federal support, was forced to relent.²⁷ Reconstruction was not only finished in New Orleans but across the South, when the national Republican Party sacrificed Southern governments for the Presidency. The 1868 Constitution was replaced, as were the reforms sought by African-Americans in the state house. The African-American Community in New Orleans faced a gradual slide into the disenfranchisement of the Jim Crow Era, concluding with the 1896 Supreme Court ruling *Plessy v. Ferguson* and the passage of the repressive 1898 Louisiana Constitution.²⁸

The Persistent Dichotomy

In the century-and-a-half period from the conclusion of the Civil War and the abolition of American slavery until the present the narratives surrounding the hotel have become less

binary, and yet true reconciliation of the two dialogues is difficult to find. Modern narratives concerning the hotel have continued to laud its glamorous aspects, but do little to incorporate its importance as a major site of the antebellum slave trade. The trade is usually mentioned alongside other information in minimal form. This tilted pattern can be witnessed in the current online self-description of the St. Louis Hotel's successor the Omni Royal Orleans, which at present contains a quote stating that the old St. Louis was to be a "Creole palace, a place for aristocrats to meet and do business, to eat and drink and make love, to buy slaves and sell plots of land on the banks of the Mississippi."²⁹ In the April 2015 article "The St. Louis and the St. Charles: New Orleans' Legacy of Showcase Exchange Hotels," a piece devoted to the St. Louis and its Uptown counterpart the St. Charles, Campanella makes mention of the trade while summarizing the hotel's commercial function: "Auctions of every conceivable form of property, including enslaved human beings, were conducted beneath the 88-foot-high dome surrounded by towering Tuscan columns, like a scene out of ancient times."³⁰ These are the sole in-text mentions of the St. Louis's place in the antebellum slave trade in these current pages. The trade is recognized within the commercial nature of the establishment, but placed in a general context still infused with place-based romanticism.

These narrations display little effort to recognize the reality that enslaved human beings were sold under the St. Louis rotunda. In fact, some earlier descriptions seem more open about the nature of the exchange. The 1938 WPA *Guide to New Orleans* at least devotes a whole sentence to the trade, stating "to the right of the entrance was a raised dais or platform from which slaves were auctioned."³¹ No other commercial activity was mentioned. The author of the 1915 *Times-Picayune* article announcing the edifice's upcoming demolition is more blatant still: "In the rotunda was located the slave market, where hundreds of slaves were sold on the block, and one of the rooms

was known as the slave prison, though in reality this part of the building was only used as sleeping quarters for the slaves intended to be sold.”³² While it might be difficult to characterize these accounts as enlightened in regards to the slave trade, their willingness to grant a degree more embellishment to the subject during periods of widespread racialized, institutional segregation is no complement towards today’s mainstream authors.

The unimpressive effort to adequately include the slave trade in contemporary narratives of the St. Louis’s history extends to discussion of its status as the Louisiana statehouse. Campanella’s description states: “The Civil War altered the St. Louis’ destiny. The hotel had closed, its rooms having been used by troops, and in 1874 the building came into the hands of the New Orleans National Building Association, which promptly sold it to the State of Louisiana. For the next eight years, the aging edifice became the de facto Louisiana state capitol.”³³ This telling makes no mention of the violence literally surrounding the building during its Reconstruction years, only implying a departure from its antebellum history, previously described as glorious. The history on the Omni Royal Orleans website is even more reactionary: “During Reconstruction following the war, the hotel passed through several hands until it was sold to the state to become the capitol – seat of Louisiana’s “Carpetbagger Legislature” and the endless wrangling that Reconstruction engendered. Once it survived a proposed attack by White League hold-outs by running up the white flag and surrendering. Its defense force quit before the attack began.”³⁴ Not only does this interpretation deny the complexity of Reconstruction politics and the notable successes of the black legislators, it characterizes the government of that period as cowardly. Thus the achievements of the government and the drivers of those achievements, largely African-Americans, are at best left unmentioned. At worst they are sullied by the remainder of the hotel’s description. The October 1915 *Times-Picayune* article devotes the majority of three whole paragraphs to the topic of the St. Louis’s

Reconstruction years, describing it as “the scene of many remarkable occurrences,” including the two violent confrontations in 1874 and 1877 that helped make this period in Louisiana a controversial affair, making no mention of the term “carpetbagger.”³⁵

The Greatest Days

The lack of narrative progress in dealing with the prevalence of the slave trade within the St. Louis Hotel is indicative of how the location is connected with antebellum New Orleans. For New Orleans this period served as its boom years and age of greatest prominence, a prominence largely built off an economy driven by slavery. There is immense difficulty in fully reconciling this image of prosperity and greatness with the harsh reality from which it was conceived. As a result, slavery is merely included as an aspect of this era, not treated as the foundation of it. As a physical pillar of antebellum New Orleans, stories of the St. Louis have befallen the same fate, with most complying to the nostalgic 1915 *Times-Picayune* statement “The greatest days of the St. Louis Hotel were from 1841 to 1862,”³⁶ without giving full account to the origins of this greatness.

This has not stopped current mainstream writers from talking about slavery. In 2013, Richard Campanella wrote *Cityscapes of the New Orleans Slave Trade*, a two part series devoted to recognizing the geographic layout of the New Orleans slave trade. He concluded with the reminder that “lacking a preserved, visible structural framework reminding us of this historical reality, our social memory is prone to falter.”³⁷ In his own writings on the St. Louis though, he gave merely a limited acknowledgement to the importance of the slave trade to this structure. Disappointingly reminiscent of the antebellum dichotomy, he grants the slave trade the attention it is due only in a context separate from and devoid of the nostalgia that dominates the antebellum narrative elsewhere. The basis for this

nostalgia would not exist without the trade in and work of enslaved individuals.

Writers like Campanella also commit a historical disservice by not elaborating on the St. Louis's role as an institutional structure of Reconstruction Louisiana, and miss an opportunity to shed light on a dynamic period of New Orleans history. While much of the progress instituted during this period occurred before the hotel became the state house, the context surrounding the implementation of equal political rights, desegregation, integrated public education, and labor laws is inspiring on its own. Historians and writers would do well to use the St. Louis as a foundation for the struggles and accomplishments of black New Orleanians. As a physical entity, the St. Louis Hotel represents a potential site for a historical reunification the state and city's repressive past with a period of incredible political promise. Just as one cannot responsibly write about the St. Louis's significance in New Orleans' antebellum prosperity without including its importance to the city's slave trade, one cannot write about the advancements of Reconstruction without writing about the racist backlash. Thus the problem of coexisting greatness and shame presents itself in both the antebellum and Reconstruction eras.

Conclusion

If the St. Louis is a bellwether for other locations of antebellum New Orleans' structural memory, then a long-term dichotomy between the attention paid to the city's past status and the critical position of the slave trade is still very much alive and well. Nostalgic narratives of the hotel emphasize the building and its glamour but whittle the crucial sale of human lives down to a curiosity included in the hotel's general commercial prowess. The hotel's role in Reconstruction lies relatively ignored, thus the context of black empowerment and disheartening white backlash are ignored along with it. What is worse is that these chroniclers have made little if any progress

from earlier retrospective characterizations of the establishment. Essentially they have proven themselves unable to discuss the past greatness of the St. Louis and New Orleans with the enslavement that made it possible and the stunted attempts to achieve racial equality afterwards. Greatness and shame are still incompatible in American history. Should the history of the St. Louis Hotel and New Orleans be fully incorporated, their authors must be willing to accurately include and describe all of its fundamental building blocks as interconnected and coexistent, revealing the true and disturbing narrative of American greatness.

¹ Richard Campanella, "On the Structural Basis of Social Memory: Cityscapes of the New Orleans Slave Trade Part II," *Preservation in Print* (March 2013): 16.

² "Famous St. Louis Hotel Slated For Quick Demolition Wrecking Work to Start in Next Two Days," *The Times-Picayune* (New Orleans, Louisiana), Oct. 21, 1915.

³ Richard Campanella, "The St. Louis and the St. Charles: New Orleans' Legacy of Showcase Exchange Hotels," *Preservation in Print* (April 2015): 16.

⁴ Nathaniel Cortlandt Curtis, *New Orleans: Its Old Houses, Shops, and Public Buildings* (Philadelphia: J. B. Lippincott and Company, 1933) pg. 176-181.

⁵ "Bal Masque at the St. Louis Hotel," *The Daily Picayune* (New Orleans, Louisiana) Feb. 26, 1856.

⁶ "An Evening at the St. Louis Hotel," *The Daily Picayune* (New Orleans, Louisiana) Jan. 18, 1853.

⁷ "Auction Sales," *The New-Orleans Bee* (New Orleans, Louisiana) Jan. 5, 1847.

⁸ "Auction Sales," *The Daily Picayune* (New Orleans, Louisiana), Dec. 25, 1844.

⁹ *Ibid.*,

¹⁰ Richard Campanella, "On the Structural Basis of Social Memory: Cityscapes of the New Orleans Slave Trade Part II," *Preservation in Print* (April 2013): 19.

¹¹ *Ibid.*,

¹² Charles Vincent, "Black Louisianans During the Civil War," in *The Louisiana Purchase Bicentennial Series in Louisiana History, Volume X: The African American Experience in Louisiana, Part B, From the Civil War to Jim Crow 1979*, ed. Charles Vincent (Lafayette: University of Louisiana at Lafayette, 2000), pg. 129.

¹³ *Ibid.*, pg. 129-130.

¹⁴ *Ibid.*, pg. 131.

¹⁵ Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies," *Journal of Social History*, Vol. 3, No. 4 (Summer, 1970), 429.

¹⁶ "Our Position," *DeBow's Review*, 31, quoted in Daniel E. Walker, "Imagining the African/Imagining Blackness," in *No More, No More: Slavery and Cultural Resistance in Havana and New Orleans*, (Minneapolis: University of Minnesota Press), pg. 113.

¹⁷ Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies," *Journal of Social History*, Vol. 3, No. 4 (Summer, 1970), 421.

¹⁸ Joseph Logsdon, "Americans and Creoles in New Orleans: The Origins of Black Citizenship in the United States," *Amerikastudien / American Studies*, Vol. 34, No. 2 (1989), 190.

¹⁹ *L'Union*, September 27, 1862, quoted in Joseph Logsdon, "Americans and Creoles in New Orleans: The Origins of Black Citizenship in the United States," *Amerikastudien / American Studies*, Vol. 34, No. 2 (1989), 191.

²⁰ Joseph Logsdon, "Americans and Creoles in New Orleans: The Origins of Black Citizenship in the United States," *Amerikastudien / American Studies*, Vol. 34, No. 2 (1989), 193.

²¹ *Boston Daily Advertiser*, April 13, 1864, quoted in Joseph Logsdon, "Americans and Creoles in New Orleans: The Origins of Black Citizenship in the United States," *Amerikastudien / American Studies*, Vol. 34, No. 2 (1989), 195.

²² *Bossier Banner*, March 21 28 1868, quoted in Charles Vincent, "Black Louisianans During the Civil War," in *The Louisiana Purchase Bicentennial Series in Louisiana History, Volume X: The African American Experience in Louisiana, Part B, From the Civil War to Jim Crow 1979*, ed. Charles Vincent (Lafayette: University of Louisiana at Lafayette, 2000), 130.

²³ Melinda Meek Hennessey, "Race and Violence in Reconstruction New Orleans: The 1868 Riot," in *The Louisiana Purchase Bicentennial Series in Louisiana History, Volume X: The African American Experience in Louisiana, Part B, From the Civil War to Jim Crow 1979*, ed. Charles Vincent (Lafayette: University of Louisiana at Lafayette, 2000), pg. 241.

²⁴ *New Orleans Times*, October 27, 1868, quoted in Melinda Meek Hennessey, "Race and Violence in Reconstruction New Orleans: The 1868 Riot," in *The Louisiana Purchase Bicentennial Series in Louisiana History, Volume X: The African American Experience in Louisiana, Part B, From the Civil War to Jim Crow 1979*, ed. Charles Vincent (Lafayette: University of Louisiana at Lafayette, 2000), pg. 242.

²⁵ Joe Gray Taylor, "New Orleans and Reconstruction," *Louisiana History: The Journal of the Louisiana Historical Association*, Vol. 9, No. 3 (Summer, 1968), 203-204.

²⁶ *Daily Picayune*, September 15, 1874, New Orleans, quoted in Joe Gray Taylor, "New Orleans and Reconstruction," *Louisiana History: The Journal of the Louisiana Historical Association*, Vol. 9, No. 3 (Summer, 1968), 204.

²⁷ Joe Gray Taylor, "New Orleans and Reconstruction," *Louisiana History: The Journal of the Louisiana Historical Association*, Vol. 9, No. 3 (Summer, 1968), 205-206.

²⁸ Dale A. Somers, "Black and White in New Orleans: A Study in Urban Race Relations, 1865-1900," in *The Louisiana Purchase Bicentennial Series in Louisiana History, Volume X: The African American Experience in Louisiana, Part B, From the Civil War to Jim Crow 1974*, ed. Charles Vincent (Lafayette: University of Louisiana at Lafayette, 2000), pg. 523, 529.

²⁹ "Royal Orleans History: Trace the Colorful History of Omni Royal New Orleans," Omni Royal Orleans, accessed September 27, 2015, <http://www.omnihotels.com/hotels/new-orleans-royal-orleans/property-details/history/>.

³⁰ Richard Campanella, "The St. Louis and the St. Charles: New Orleans' Legacy of Showcase Exchange Hotels," *Preservation in Print* (April 2015): 16

³¹ Federal Writers' Project, *The WPA Guide to New Orleans* (Pantheon Books, 1938) 238.

³² "Famous St. Louis Hotel Slated For Quick Demolition Wrecking Work to Start in Next Two Days," *The Times-Picayune* (New Orleans, Louisiana), Oct. 21, 1915.

³³ Richard Campanella, "The St. Louis and the St. Charles: New Orleans' Legacy of Showcase Exchange Hotels," *Preservation in Print* (April 2015): 16

³⁴ "Royal Orleans History: Trace the Colorful History of Omni Royal New Orleans," Omni Royal Orleans, accessed September 27, 2015, <http://www.omnihotels.com/hotels/new-orleans-royal-orleans/property-details/history/>.

³⁵ "Famous St. Louis Hotel Slated For Quick Demolition Wrecking Work to Start in Next Two Days," *The Times-Picayune* (New Orleans, Louisiana), Oct. 21, 1915.

³⁶ *Ibid.*,

³⁷ Richard Campanella, "On the Structural Basis of Social Memory: Cityscapes of the New Orleans Slave Trade Part II," *Preservation in Print* (April 2013): 19.

The Children's Crusade: Medieval Myth or Morality

Cherie Gautier

"A sudden and inexplicable outpouring of crusading enthusiasm inflamed and unsettled troops of male and female youths, along with grown-ups, mothers with babes-in-arms, and the occasional family of peasants ... sending them on a fervent quest to the Holy Land. This was the Children's Crusade."¹

The 19th and 20th centuries are filled with stories, tales and myths of a Middle Ages crusade of children. Fictional history, songs and artwork about this event entertain the imagination and inspire devotion, but it may all be a legend and not a documented historical crusade. Fascination with the crusading era and life in the Middle Ages created a mythical romantic story of children marching to Jerusalem to save the Holy Lands. Although factual documentation and historical certainty remain in question, beginning with their medieval contemporaries, generations have shared this tale to inspire religious sacrifice and explain an era in which people would leave their homes and loved ones to march to unknown lands.

Historians have worked to find records of the 1212 crusade, but very little has been chronicled. This can be attributed to many causes, including the fact that most of the tales of these crusaders involve illiterate people who probably did not have the ability or resources to read, write and document their actions. Another possibility is that the march may have been an exaggerated tale of movements throughout Europe, but may not have materialized into a crusade. "Reports speak of a wave of revivalist fervor sweeping across northern France,"² which may have involved elaborate processions that aroused the religious crowd.

The myth could have been born from a simple misinterpretation of the word "pueri", which means boy in Latin.

The term refers to a boy who could be between the ages of 7 and 16, or it could mean an unmarried male of any age. Marriage was the social construct that endowed adulthood, and the rising number of second and third born sons without the resources to marry may have led to the repeated use of the term pueri. According to Gary Dickson,

“The chroniclers, in fact, endowed the pueri with multiple identities. At different stages of their crusade they were: workmates (fellow shepherds); a liturgical-processional grouping; a socio-economic stratum (poor peasants, male and female servants), urban laborers; and members of an age-group; or more than one of these simultaneously...the pueri were socially marginalized landless peasants or indeterminate years, who worked for meager wages.”³

Indeed, the monks possibly referred to the very poor as pueri, or children, but that described their social and economic class, not their age. The confusion behind the use of the word pueri may have contributed to the many various tales of this crusade, ultimately, it is likely some children participated in the movement.

The atmosphere of religious devotion surrounded the people of the Middle Ages, the public wanted to participate in praising God, dedicating their lives to his glory. Church life and religious service were an integral part of life in medieval towns and villages. Commitment to God was a main focus of community life and embarking on a crusade was the ultimate form of service, yet the crusades had not been successful, nor had the opportunity to crusade included all of society. Examining the story of the children's crusade gives us insight into medieval peasant life.

Life in the Middle Ages was difficult, especially for the poor working class with hard labor for low wages. A desire to escape this life to march for God seems more understandable

when we consider their daily existence. The population was growing, making access to the limited resources even more difficult. The poor were disenfranchised and had no real role in society. They faced disease, filth and dirt, as well as the battles and skirmishes among the nobility; “[the poor] lived in daily dread of pillage. Society was disorganized and law a mockery, for the peasant had from it no protection.”⁴ Skirmishes between leaders and even battles involving the church created a tempestuous daily life.

Chosen to rule at a young age in turbulent times, Pope Innocent struggled against political European leaders. His inability to maintain control of the Holy Land called into question his leadership and the strength of the church. By the year 1212, the people had mounted four crusades to the Holy Lands, but control of Jerusalem was still in the hands of Moslems, “these failed political and economic crusades were not getting Christianity any closer to recapturing the Holy Land, which was a long desired goal of the Christian Kings in Europe.”⁵ It is likely the Pope wanted to begin another crusade, but he also needed to insulate himself from another disaster. A crusade of common people, without an official papal bull may have been his answer.

It is possible the Pope did inspire this crusade, but the 1212 march for God remains shrouded in mystery. Stephenson, says that his own book is ultimately “a work of fiction, based as firmly as possible on documents historic reality”⁶ but nevertheless argues that Pope Innocent needed “a spark, something to rekindle the passions of all Christians to mount yet another gallant Crusade to free the Holy Land from the heathens.”⁷ Arousing the enthusiasm of the poor could serve many purposes for the Church, a Crusade could serve a stabilizing function in a chaotic society, in the year 1212 “Paris was overrun with poor peasants seeking escape from the religious wars and abject serfdom in the south.”⁸ The tradition of first born sons inheriting entire estates created a population

surplus of poor upper and lower class men, sending these individuals on a Crusade could alleviate developing food shortages and decrease violence. By stirring the peasant class into action the Church reaffirmed its position of ultimate power against claims of political European leaders.

The Pope may not have officially instructed the people to engage in a Crusade, and their actions may have simply been a response to the atmosphere of religious devotion. In earlier Crusades, only noblemen, or those paid to represent noblemen, had been allowed on Crusade. The peasants and commoners may have wanted to participate and this new movement was their chance. Their lives were devoted to God and dominated by religious sacrifice, with this Crusade they could prove it.⁹ The Children's Crusade was an opportunity for peasants to become the religious heroes that Church and community had honored for a century in addition to the potential of eternal salvation. It is within this period of religious excitement that the tales of Stephen and Nicholas were first popularized.

In the tale of Stephen of France, Stephen claimed to have been visited by Jesus and instructed to lead a Crusade of children to the Holy Land. Some theorists suggest that the shepherd boy was visited by a priest who pretended to be Jesus, or perhaps Stephen misunderstood the message from the priest. In any case, Stephen responded with intense religious enthusiasm; "Stephen had of course heard of the desperate state to which the combatants of the Cross were reduced, and stray pilgrims and priests had told to the villagers of Cloyes stories of adventure and of glory which not fail to excite his credulous mind."¹⁰ The young shepherd, whose father may have been killed on Crusade, was an eloquent speaker and attracted crowds as he sermonized throughout the countryside, Paris and at the Cathedral of Saint Denis, "Stephen's encounter with the angel from God had transformed him from a lowly and ignored French shepherd into a figure of importance."¹¹ In Pied Piper fashion, the stories tell of thousands of children – or pueri – following Stephen through

the country and to the sea, which they believed would part to allow them to walk to the Holy Land.

In another story, young Nicholas of Germany gathered a following to march to Jerusalem. This tale suggests that both movements planned to join forces to convert the Moslems to Christianity. Historians are still unclear if there were two boys, perhaps influenced by one another, or whether the stories simply had great appeal to those seeking religious reassurance in violent and chaotic world, "[Both stories] declared that the children could do better than grown men, and that the sea would open to give them a path."¹² The Church likely capitalized on the stories, with their similarity to the narrative of a young Jesus leading his flock, to ensure popular devotion and loyalty. Stephenson believes "it was inspired by devious minds within the Catholic Church (but) was nevertheless conducted by thousands of innocent children to whom complete faith in God was the driving factor."¹³ Hundreds of years later, we still cannot explain the Crusade nor be certain whether it was endorsed by the Church or merely a spontaneous popular religious movement, some historians even suggest the Crusade was discouraged by the institutional officials.

Historical research may never find documentation to explain or verify the events of 1212 but "the tale of the children's crusade gives us an opportunity "to explore the medieval conception of childhood."¹⁴ Some argue that medieval parents were not deeply attached to their children and did not mourn their deaths. Historians disagree with this claim, but it is clear that many families willingly allowed children to leave on Crusade. Another theory is that the parents allowed the children to go on Crusade to save their souls or as an act of penance. The death rate for young children was high in the medieval period, and sin was often seen as a major cause, "The claim that children's deaths are a consequence of the parents' sins is a common one in medieval literature [and] the death of children is also explained as the result of other sins committed by parents."¹⁵

Parents who let their children leave may have seen the act as one of personal sacrifice as well, similar to “mothers who left their children in order to enter a convent, or even expressed joy at the death of their children, [they] did not do so out cruelty. Rather, they saw their sacrifice as a way of advancing their spirituality”¹⁶ and expressing their deep devotion. In this period spirituality was a communal experience, personal penance would be seen as benefitting the entire community.

While many children and youths may have participated in the Children’s Crusade, many theorists now suggest the movement probably included adults. Peter Raedts alleged that, “participants were [not] children in the modern sense..but rather poor landless peasants.”¹⁷ Many scholars argue that the atmosphere of religious excitement extended across generational lines, “excitement was not confined to the children. Men and women joined the assembling bands in no small numbers, prompted by a desire to rescue the Holy Land.”¹⁸ The Crusade was perhaps inspired by the image of pious young people, but it is more likely that the entire community was involved. There is some question as to the scope of community involvement, whether peasant families and children were more likely to be touched by the crusading spirit than children of the nobility. However, one theory suggests children of noble families would have been likely candidates to participate in the Crusade, as many nobles have a history of participating in the movement.

This group of Crusaders grew in sufficient numbers that historical records do note the movement of some perhaps 30,000 people. Dickson calls this Crusade “a revivalist mass movement, a community of believers on the march.”¹⁹ They trusted in the divine intervention of God and had faith that they would not only be able to cross Europe and reach the sea, but that the seas would part when they arrived at the shore. The deeply faithful believed “the crusade will be seen by all as the fulfillment of Isaiah’s ancient prophecy of ‘...a little child shall lead them.’”²⁰ Such fantastic prophecies were common among peasants who were

illiterate and lacked textual understanding of the Bible. This trip was difficult and arduous for most, peasants had no idea how far the journey would take them and lacked provisions. Many had to find food, shelter and clothing along the route. Unfortunately, peasants also had to deal with thieves and other criminals who joined the Crusade in order to take advantage of the young people and pueri, “many other men and women joined the armies from motives of a baser nature.”²¹ The journey claimed the lives of thousands and when they reached the port cities, they were devastated to find the waters did not part. Some attempted to return home, while others settled in the towns along the sea. A final group was offered passage on ships to the Holy Land and according to legend; either died in shipwrecks or were sold as slaves.

Historians who argue that the Church was indeed involved with the Crusade suggest that “Innocent III and his biographers took extraordinary pains to remove all references of his personal involvement and sanction of the disastrous Crusade, but his... official manuscripts clearly show he at least knew what was occurring”²² in an effort to avoid public embarrassment. We may never discover if the Church encouraged this Crusade or if the movement was simply “aroused by the measures taken by the Pope to excite the people.”²³ Dickson refers to the Children’s Crusade as an example “extraordinary religious creativity” and “a child of the medieval imagination... mythistory.”²⁴ The Church likely used the example of incredible sacrifice during the Children’s Crusade to inspire religious devotion and attract a new group of Crusaders.

Historians may never know the true story of the Children’s Crusade but it does give us insight into the religiosity of the people during the medieval period, “Children’s Crusade demonstrated perhaps more than any other single incident in the Middle Ages, the extent of the power faith held over people of medieval times.”²⁵ Whether the Crusaders were children or simply common people marching to save the Holy Land, their

actions were a strong statement of their religious devotion and demonstrates the intensity and power of spirituality as a mechanism of popular movements in the Middle Ages.

¹ Dickson, Gary. *The Children's Crusade: Medieval History, Modern Mythistory*. Palgrave Macmillan, 2008. Print. XI.

² Dickson, Gary. *The Children's Crusade: Medieval History, Modern Mythistory*. 55.

³ Ibid. 33-34.

⁴ Gray, George. *The Children's Crusade: A History*. Boston and New York: Houghton, Mifflin and Company and Cambridge: The Riverside Press, 1898. 32.

⁵ Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. Lincoln, NE, Writers Club Press, iUniverse: 2002. Print. 5.

⁶ Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. XV.

⁷ Ibid. 5.

⁸ Ibid. 28.

⁹ "Innocent's crusades generated the popular enthusiasm which energized this extraordinary movement and set it in motion" in Dickson, Gary. *The Children's Crusade: Medieval History, Modern Mythistory*. Palgrave Macmillan, 2008. Print. 17.

¹⁰ Gray, George. *The Children's Crusade: A History*. Boston and New York: Houghton, Mifflin and Company and Cambridge: The Riverside Press, 1898. 41.

¹¹ Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. Lincoln, NE, Writers Club Press, iUniverse: 2002. Print. 17.

¹² Runciman, Steven. *A History of the Crusades, Volume III: The Kingdom of Acre and the Later Crusades*. Cambridge, 1951. Print. 141.

¹³ Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. Lincoln, NE, Writers Club Press, iUniverse: 2002. Print. XVI.

¹⁴ Sheffler, David. "The Making of the Children's Crusade." *Seven Myths of the Crusades*. Ed. Alfred Andrea and Andrew Holt. Indianapolis/Cambridge: Hackett Publishing Company, 2015. 91-105. Print. 102.

¹⁵ Baumgarten, Elisheva. *Mothers and Children: Jewish Family Life in Medieval Europe*. Princeton: Princeton University Press, 2004. Print. 165-166.

¹⁶ Baumgarten, Elisheva. *Mothers and Children: Jewish Family Life in Medieval Europe*. 178.

¹⁷ Sheffler, David. "The Making of the Children's Crusade." *Seven Myths of the Crusades*. Ed. Alfred Andrea and Andrew Holt. Indianapolis/Cambridge: Hackett Publishing Company, 2015. 91-105. Print. 98.

¹⁸ Peter Raebets in Gray, George. *The Children's Crusade: A History*. Boston and New York: Houghton, Mifflin and Company and Cambridge: The Riverside Press, 1898. 53.

¹⁹ Dickson, Gary. *The Children's Crusade: Medieval History, Modern Mythistory*. Palgrave Macmillan, 2008. Print. 27.

²⁰ Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. Lincoln, NE, Writers Club Press, iUniverse: 2002. Print. 7.

²¹ Gray, George. *The Children's Crusade: A History*. Boston and New York: Houghton, Mifflin and Company and Cambridge: The Riverside Press, 1898. 53.

²² Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. Lincoln, NE, Writers Club Press, iUniverse: 2002. Print. XVI.

²³ Gray, George. *The Children's Crusade: A History*. Boston and New York: Houghton, Mifflin and Company and Cambridge: The Riverside Press, 1898. 27.

²⁴ Dickson, Gary. *The Children's Crusade: Medieval History, Modern Mythistory*. Palgrave Macmillan, 2008. Print. XI.

²⁵ Stephenson, Norman. *A Little Child Shall Lead Them: The Children's Crusade 1212-1213 AD*. Lincoln, NE, Writers Club Press, iUniverse: 2002. Print. XVII.

Eunuchs: A Paradoxical Existence in Confucian Pre-Ming China

Monika Wright

Eunuchs, males who have had their genitalia removed and who were usually enslaved, are entrenched in the fabric of our world's history,¹ particularly that of China. For over three thousand years,² eunuchs were a common fixture in the imperial palace. However, throughout the history of imperial China, a shroud of reticence has surrounded this shadowy figure. Eunuchs, a populace composed mostly of criminals and the poor, were considered by the erudite elite (*literati*) to be vile and contemptible, yet indispensable to the imperial regime. Although the belief that eunuchism existed as a necessity was pervasive throughout the dynastic rules, the mutilation of the body and the infertility caused by it was an affront to the consciousness of China, i.e. Confucian filial piety. For most of its history, Chinese society was dictated by strict rules of conduct with Confucian filial piety at its core. Its acutely stratified culture was ordered by male superiority. So, the question arises, "How could eunuchs exist in a Confucian patriarchal society?"³ While the historical landscape provides scant extant writings on this marginalized group of men, I argue that eunuchs existed in Confucian pre-Ming China given that its populace was likely loosely a part of the Confucian patriarchal value system due to China's acutely stratified culture.⁴

Evidence of eunuchs in China has been found as early as in the Shang dynasty (1600-1050 BC), in which oracle bones were found depicting the character for the Qiang barbarians along with the pictographs  and  for penis and knife suggesting the castration of prisoners of war.⁵ Castration was also used as a measure for administering punishment to Chinese subjects as well, and was made an official criminal penalty of the

state during the Zhou dynasty (1050 – 250 BC). Although eunuchs were comprised mostly of criminals and prisoners of war, young males and men soon volunteered⁶ for imperial eunuch service to escape poverty and starvation, as the luxury of imperial life and the size of harems increased.⁷ By the Ming Dynasty (1368 – 1644 AD), castration⁸ was no longer a criminal punishment of the state, but had evolved to become the prerequisite to gain employment as an imperial eunuch, thus rendering the eunuch's population to be almost entirely of impoverished Chinese subjects.

To begin a discussion of this seeming paradox, the reason for eunuchism must be explored. The eunuch system may have been created as a response to Chinese divination beliefs that the celestial star depicting the Son of Heaven (the ruling king) was surrounded by four lesser eunuch stars.⁹ The eunuch system, a corporeal mirroring of this divine arrangement, operated as a veil to insulate the godly king from his non-godly subjects thereby creating or promoting this man-god illusion that the king was heaven's agent and conduit. If not the reason for the eunuch system, this divine element certainly added credence to the need of the eunuch's primary function – guarding the royal consorts and the harem concubines to ensure irrefutable royal paternity, thereby guaranteeing that the emperor's ancestral lineage remained pure. As the Son of Heaven and the embodiment of government, the emperor had to conduct vital ancestral rites necessary to maintain the harmonious balance between Heaven and China or risk losing his mandate (his heavenly right to rule) and bringing chaos to the world.¹⁰ The further back he could trace his ancestry, the larger number of relatives he could claim and the more relatives he could appeal to in times of need.¹¹ Thus, the scheme to protect his ancestral line was very deliberate; outside of the emperor, no other male, including male relatives, resided in the imperial palace and visitors were never allowed near the female residence units, unless a eunuch.

Although eunuchs had existed since the Shang dynasty, Confucianism (with early roots in ideology of the Zhou dynasty) emerged as a collected school of thought during the Warring States period, but did not get a firm foothold in China's social and political structure until the Han dynasty (206 BC – 9 AD; 25 – 220 AD). At the core of the Confucian value system was filial piety. As defined by *The Classic of Filiality*, it was "the principle of heaven, the duty of earth, and the standard conduct of humans."¹² Not only was filial piety the root of all virtue, but performing acts of filial piety was a basis for social advancement and a way to legitimize a family's privileged position.¹³ The literati, for example, even composed biographies of persons solely because of their filiality, and filiality was also used as a recruitment criterion for selection to civil service.¹⁴ The dynastic histories further attest to its significance to China's social structure as the word filial was frequently added posthumously to the names of emperors.

Filial piety was demonstrated through rites (rules of conduct) and began with service to one's parents and flowed to the emperor. The first priority in fulfilling filial duty to one's parents, and then to one's rulers, is not to mutilate one's body. *The Classic of Filiality* says:

"Our body, skin, and hair are all received from our parents; we dare not injure them. This is the first priority in filial duty. To establish oneself in the world and practice the Way, to uphold one's good name for posterity and give glory to one's father and mother – this is the completion of filial duty. Thus filiality begins with service to parents [and] continues in service to the ruler. . . ."¹⁵

And as reflected in the passage below from the *Classic*, the state is a reflection or extension of the family structure with subjects' showing filiality to the state:

As one serves one's father, one serves one's prince drawing on the same reverence. . . . Therefore, if one serves one's prince with the filiality one shows to one's father, it becomes the virtue of fidelity (loyalty). If one serves one's superiors with brotherly submission it becomes the virtue of obedience. Never failing in fidelity and obedience, this is how one serves superiors.¹⁶

Eunuchism then seems to be the very antithesis to Confucianism, both on the familial and state levels. To be a eunuch, one's body has to be mutilated; such mutilation sterilizes the man, ending his posterity. Despite some males becoming eunuchs after having children (voluntarily or not) and many adopting sons, this action does not forgive the first transgression: mutilation. And although not injuring one's body was fundamentally filial, *The Mencius* states that having no posterity was in fact the greatest act of unfiliality.¹⁷ So, if body mutilation and lacking posterity was the greatest act of unfiliality that a man could commit toward his family and the state, why was eunuchism allowed to exist when Confucianism so clearly opposes it? The answer may partly lie in the fact that during these times China had an acutely stratified culture and because of that, the lower stratum of society from which eunuchs were created was probably loosely outside of the Confucian value system.

The imperial family resided in the highest stratum of China's social and political structures. Officials and the aristocracy ranked next and the poor would have occupied the bottom stratum of that of commoners.¹⁸ Because Confucian rites paralleled (and likely strengthened) China's stratified culture, rites were different among the classes to draw distinctions of

social and political rank among the people.¹⁹ The *Records of Rites* states that "the rites do not go down to the commoners," meaning that commoners were not regulated by the same code as that of nobility and officers.²⁰ In a memorial, a Sung dynasty official observed this differentiation when he noted how shameful it was that nobles and officials were performing rites indistinguishable from ordinary people.²¹ The *Classic of Filiality* also clearly draws this distinction. As a basic principle, the *Classic* states that mutilation to the body was unfilial, but then qualifies filial rites for commoners, stating that "in keeping with Heaven's season and Earth's resources, by one's industry and frugality one supports one's father and mother. This is the filiality of the common people."²² The Confucian elite thus had no motivation to become eunuchs. Filial rites prevented it, and strict adherence to the rites provided them the social and political advancement that was denied to the poor. As evidenced by the story of the historian Sima Qian, the Confucian elite when met with the punishment of castration, was expected to commit suicide. Qian, however, chose castration when faced with the death penalty instead of honorably taking his own life. He reflected on the impropriety of his actions in a letter he wrote to a friend explaining his reasons for his choice and apologizing for the "filth" he had become.²³ Since mutilation of the body and failure to ensure one's posterity were explicit Confucian ritual offenses for the elite only, the defining act of becoming a eunuch bore no such offense to a commoner. In fact for the commoner, it was a filial act if made for the purpose of taking care of one's father and mother (which was commonly the reason for impoverished Chinese males). However, there remains the question as to why a male, versus a female, was chosen for such humiliation within a patriarchal society.

Both Eunuchs and women existed at the lowest level of Chinese society, and several social parallels can be drawn between the two. Eunuchs existed outside the normal patriarchal family structure and operated at the boundaries of the emperor's

physical and divine authority.²⁴ Likewise, women were at the periphery of China's society. They were important solely because they were needed to bear sons to maintain the ancestral lines (since lineage was established from father to son) and, for common households, to care for the needs of the family. Outside of this, they were completely subordinate to men and otherwise invisible - so much so that even contact between a father and daughter was limited. However, the parallel that echoes throughout the dynastic histories is that eunuchs and women were considered base and vile bottom feeders in China's Confucian patriarchal society. Their shared moral depravity and machinations of greed and power were expressed best by the famous historian Ouyang Xiu. Of women, Xiu wrote that, "[s]ince antiquity, the calamity of women when severe could ruin the world, when less severe could ruin the family, when still less severe could ruin the individual. And if the individual eludes extinction, his posterity can still be implicated - a matter of time only before calamity extends to everyone."²⁵ Xiu expresses a belief that was common among the literati - the belief that women were at the root of the problems of the world, i.e., the fall of dynasties. Even though the literati believed the influence of women to be dynastically destructive, the influence of the eunuch, while comparatively equal, was graver still. Comparing eunuchs and women, Xiu poetically noted "that since antiquity, when eunuchs wreaked havoc on the empire of men, the roots ran deeper than the calamity of women. Women possess mere physical appeal, but eunuch ravages have no single source."²⁶ Xiu's writings suggest that women, not males converted to eunuchs, would have been a preferable choice and much misfortune avoided.

In addition to the social similarities, eunuchism placed males physiologically in the subservient female role. Although the most important trait of eunuchs were sterilization and possibly the loss of sexual interest,²⁷ emperors and the women at

court preferred males who had been castrated at a younger age. The younger the male, the more likely that castration would suppress male characteristics. Castration when performed before puberty produced certain distinctive female-like traits in boys. Because they missed the developmental changes brought about by the adolescent phase of testosterone production, castrated boys remained beardless with clear complexions, retained their high pitched voices, and had hairless bodies with fat deposits on hips, buttocks, and breasts.²⁸

Despite parallels between eunuchs and women, the imperial rule, while parading the eunuch as a female, seemed to identify eunuchs more as male. Eunuchs were allowed to marry and adopt children²⁹ to maintain their ancestral line. Eunuchs continued to guard the chastity of the emperor's royal consorts and concubines throughout imperial rule, but their customary maidservant role expanded and waned with the emergence of each new dynasty, often times reaching far within state affairs. The *New Records of the Five Dynasties* provide accounts of eunuchs leading armies against unruly governors, conducting inspections and collecting taxes locally, and serving as liaisons between the palace and the periphery.³⁰ Despite eunuchs being considered more base than women and, though, it was desirable for eunuchs to have overwhelming female qualities, it was the very reverence for male superiority that China's patriarchal society demanded the presence of a male in this role. Maintaining a pure ancestral line could only be entrusted to a man. The literati supported the eunuchism institution. They felt the eunuch was manageable, having been left without posterity and made less complete and docile.³¹ The literati believed that history had shown that eunuch's vile nature could be managed if their numbers remained few³² and if they were not allowed to intervene in affairs of the state.³³

In conclusion, the eunuch was a product of imperial rule in an acutely stratified society. Confucianism supported imperial rule and expanded social and political class separations. It

provided separate rites of filiality for the elite than that for the commoners, especially the poor. This structuring allowed the poor to mutilate their bodies and lack posterity if done as a filial act in service to their parents. The elite, thus, deplored the eunuch but Confucianism allowed their creation, and reverence for a male presence required their service for imperial duty. Although the existence of eunuchs in Confucian pre-Ming China seems a paradox, China's stratified society allowed them to exist – if only on the periphery of its consciousness.

¹ Eunuchs appear in such ancient histories as Byzantium, China, Egypt, Persia, and Rome. Kathryn M. Ringrose, "Eunuchs in Historical Perspective," *History Compass* 5, no. 2 (March 2007): 499

² Imperial dynastic rule ended in 1912 with the advent of the republic of China. The last emperor, Qing emperor PuYi, along with his imperial entourage including the eunuchs, was allowed continued residence in the imperial palace until Emperor PuYi was expelled from the Forbidden City in 1924. Yinghua Jia, *The Last Eunuch of China: The Life of Sun Yaoting*, trans. Sun Haichen (Beijing, China: China Intercontinental Press, 2008), 1. Jennifer W. Jay, "Another Side of Chinese Eunuch History: Castration, Marriage, Adoption, and Burial," *Canadian Journal of History* 28, no. 3 (December 1993): 460.

³ "Let a woman modestly yield to others; let her respect others; let her put others first, herself last." "It can be said that the Way of respect and compliance is for women the most important element in ritual decorum." Bao Zhao, "Admonitions for Women," in *Sources of Chinese Tradition*, comps. Wm. Theodore deBary and Irene Bloom 2nd ed. Vol. 1 (New York: Columbia University Press, 1999), 822 and 823.

⁴ A considerable amount of literature exist for the mid/latter Ming and Qing dynasties (due to the extremely large volume of eunuchs employed in imperial service and their prolific presence in politics during that time); however, these time periods are outside the scope of this paper.

⁵ Taisuke Mitamura, *Chinese Eunuchs: The Structure of Intimate Politics*, trans. Charles A. Pomeroy (Rutland, VT: C. E. Tuttle Co., 1970), 28. Jay, "Another Side," 460.

⁶ The word *voluntary* did not always retain its intrinsic meaning when referencing young boys.

⁷ Mary Anderson, *Hidden Power: The Palace Eunuchs of Imperial China* (Buffalo, NY: Prometheus Books, 1990), 29.

⁸ By the Qing dynasty (and likely the Ming dynasty as well), the procedure for removing the male's genitalia had become standardized in which the eunuch's penis and testicles were completely removed. Medically, this method is known as emasculation while castration is the removal of the testicles only. In earlier dynastic rules, there is no certainty of the method; literature suggests that castration and emasculation were both performed. Although most historians have used the terms interchangeably, I will refer to the method as castration because of the uncertainty of the method used during the pre-Ming era.

⁹ Mitamura, *Chinese Eunuch*, 45. Matthew Ernest Fryslie, "The Historian's Castrated Slave: The Textual Eunuch and the Creation of Historical Identity in the "Ming History." (PhD diss., University of Michigan, 2001).

¹⁰ Anderson, *Hidden Power*, 16-17. Mark Edward Lewis, *The Early Chinese Empires: Qin and Han* (Cambridge, MA: Belknap Press of Harvard University Press, 2007), 62.

¹¹ Lewis, *Early Chinese Empires*, 175.

¹² Keith Nathaniel Knapp, *Selfless Offspring: Filial Children and Social Order in Medieval China* (Honolulu, HA: University of Hawai'i Press, 2005), 91.

¹³ *The Classic of Filiality* in deBary and Bloom, *Sources of Chinese Tradition*, 326. Knapp, *Selfless Offspring*, 39.

¹⁴ Knapp, *Selfless Offspring*, 59.

¹⁵ deBary and Bloom, *Sources of Chinese Tradition*, 326.

¹⁶ Wm. Theodore deBary and Irene Bloom, comps., *Sources of Chinese Tradition* 2nd ed. Vol. 1 (New York: Columbia University Press, 1999), 327.

¹⁷ deBary and Bloom, *Sources of Chinese Tradition*, 327.

¹⁸ As noted earlier, eunuchs in pre-Ming China consisted of criminals as well. The discussion, however, is limited to commoners as criminals by their lawlessness were would have been already considered to be outside the fabric of Chinese propriety. Castration seems simply to be the physical manifestation of society's will.

¹⁹ Patricia Buckley Ebrey, *Confucianism and Family Rituals in Imperial China: A Social History Writing about Rites* (Princeton, NJ: Princeton University Press, 1991), 27.

²⁰ Ebrey, *Confucianism and Family Rituals*, 19.

²¹ Ebrey, *Confucianism and Family Rituals*, 55.

²² deBary and Bloom, *Sources of Chinese Tradition*, 327.

²³ Sima Qian, "Letter to Ren," in *Sources of Chinese Tradition*, comps. Wm. Theodore deBary and Irene Bloom 2nd ed. Vol. 1 (New York: Columbia University Press, 1999), 370-72.

²⁴ Ringrose, "Eunuchs in Historical Perspective," 501.

²⁵ Ouyang Xiu, *New Histories of the Five Dynasties*, trans. Richard L. Davis (New York: Columbia University Press, 2004), 117.

²⁶ Xiu, *New Histories of the Five Dynasties*, 320.

²⁷ The known method of removal employed at any given time is important to this discussion. Eunuchism by emasculation seems to suggest that no sexual activity was desired among the emperor's harem or the eunuchs. This desire could be derived from doubt that a eunuch could **sully a royal consort or concubine** if the penis remained intact or simply from an emperor's ego.

²⁸ Ringrose, "Eunuchs in Historical Perspective," 497-98. Jay, "Another Side," 465.

²⁹ Jay, "Another Side," 460. Shih-shan Henry Tsai, "Eunuch Power in Imperial China," in *Eunuchs in Antiquity and Beyond*, ed. by Shaun Tougher (London: Classical Press of Wales and Duckworth, 2002), 223. Xiu notes in the *New Histories of the Five Dynasties* that the practice of the unfornate without sons adopting male heirs from the same line of descent was condoned by Confucius and expanded upon in the classic on *Rites*. Xiu, *New Histories of the Five Dynasties*, 174.

³⁰ Xiu, *New Histories of the Five Dynasties*, lxix. Tsai, "Eunuch Power," 223-229.

³¹ Fryslie, "The Historian's Castrated Slave."

³² Xiu, *New Histories of the Five Dynasties*, 578

The Historiography of Brazil During the Cold War: Regional Hegemony, Geopolitical Ambitions, and Military Rule

Kevin Anthony Fox Jr.

The Cold War is conventionally understood to have taken place between the end of the Second World War in 1945 and the fall of the Berlin Wall in 1991. A military junta governed Brazil for much of the Cold War, seizing power in 1964 and ruling until 1985. While the Brazilian government was more conventionally-representative before this and again attempted to redemocratize afterward, any understanding of Brazil during the Cold War, and thereby the twentieth century, has to take into account the development, rule, and wake of the military junta. Thereby, the majority of history books written in the "West" (Europe and the United States) about Brazilian military and politics focus on this military-political convergence. The military junta was what Alfred Stepan called an "authoritarian-bureaucracy," a limited dictatorship that retained the function of a transitioning executive by way of closed elections.

Despite its narrow focus, the historiography of military-ruled Brazil exhibits variety. In some ways the discipline has evolved from focusing on the political consequences of military rule to a more involved exploration of its social consequences. Over the course of the twentieth – and now twenty-first – century, the books written about Brazil's military first emerged during the era of military rule and focused primarily on Brazil's relationship with the West in the context of the Cold War, where literature written after 1986 concentrates more on the junta's consequence for development within Latin America and less in the context of the Cold War paradigm. While American scholarship had an inherent – though not necessarily overwhelming – tendency to rise, ebb, and flow along the current of Cold War tensions, the evaporation of the specter of far-left regimes and the transition into the modern post-Cold War

climate allowed Western scholarship on Brazil and her politics and socioeconomics during the Cold War to transition from being reflexive, i.e. focusing on Brazil-U.S. relations and what Brazil's place in the world meant to the United States as an ally or potential foe, to being more about what Brazil's place in the world meant to Brazil. The decline of the Cold War removed a pretense for selfish exploration. This is not to say that all – or any – historical scholarship undertaken in North America and Europe today is without biases inherent to the scholars that live in these places; they do not exist in a vacuum. It is just to say that the Cold War was a psychologically possessive period of time wherein thinkers juxtaposed everything against the polar dichotomy that was its incubator.

One of the most important American historians of Brazil is Thomas E. Skidmore, who wrote *Politics in Brazil 1930-1964: An Experiment in Democracy* in 1967, which sought to discover the catalysts for the rise of the military junta in Brazil and *The Politics of Military Rule in Brazil, 1964-85*, which reviewed the political life and times of the military junta in Brazil and actually continued into 1987, attempting to forecast post-authoritarian Brazil. Skidmore has a longstanding academic interest in Brazil that expands beyond the conventional historical understanding that focuses on wars, treaties, and political edicts. He has also written on race relations in the book *Black into White: Race and Nationality in Brazilian Thought* (1993) and wrote the comprehensive and concise *Brazil: Five Centuries of Change* (1999), among numerous other texts and articles on Brazil in particular and Latin America at large including contributing to the Cambridge Encyclopedia of Latin America. He reviews other works in the field as the subject matter is clearly very important to him and he is one of its chief experts.

Politics in Brazil 1930-1964, the formative narrative work in this field, began as a retrospective investigation into what befell the João Goulart administration in Brazil and allowed its replacement by military regime, but Skidmore “found it

impossible”¹ to describe this event without taking the further past into account. Therefore, he set out to give as detailed as possible a research account of the political history of Brazil beginning between the World Wars, highlighting the pivotal factors which set Brazil's course into the middle of the twentieth century. He takes care to note that the country practiced democracy prior to the military coup, a fact sometimes overlooked in later retrospective works, and also that Brazilian struggles with left- and right-wing radicals were neither motivated nor instigated by American interference so much as they developed of their own accord due to nation-state's developmental issues. Skidmore, though more politically-neutral than Fiechter after him, based his main argument analyzing the socioeconomic conditions and their capacity for the ferment of political instability. In *Politics in Brazil*, Skidmore wrote a history of pre-military junta Brazil that highlighted the country's longstanding association with its military as well as the economic instability that informed the lack of staying power Brazil's executive leaders in the court of public opinion. These two factors summarize the environment that allowed the rise of the military junta. It is not until the conclusion, “The United States Role in João Goulart's Fall,”² that Skidmore fully addresses the United States, and it is done in an admirably impartial way – genuinely interrogating American interest and action in a military coup in Brazil. The lack of bias would later show to be uncanny among scholars of the topic, and one could say that Skidmore did not maintain this attitude himself.

Appearing in the July 1969 issue of the *International Journal*, “Brazil among the Nations,” by H. Jon Rosenbaum of Wellesley College, investigates Brazilian foreign policy to that point. The tone seemed initially both critical and dismissive, and has imperialist undertones throughout. Rosenbaum's rhetoric is very dismissive of the legitimacy of Brazil's ambitions, describing them as “characterized by anomie”³ despite at one point reiterating a literal list of objectives published by one

administration,⁴ perhaps because some of the people he came into contact with when researching asked jokingly "What foreign policy?"⁵ in response to his questions thereabout. He also says early on that Brazil's foreign policy goals were always "destined to fail because they were not based on accurate perceptions of Brazil's current capabilities" despite outlining in the introduction their grand size geographically, of arable land, and of population⁶. Clearly influenced by the Cold War politics, Rosenbaum offers something like a total theory of that short period of Brazilian history. While only five years into the junta, his work has the dual value of being an historical artifact of the time *and* trying to encompass a history that was at the time in-flux. Rosenbaum writes sympathetically of President Juscelino Kubitschek, who was criticized by some as "a servile pawn of the United States"⁷ and lays out some of his political merits. His criticisms of subsequent presidents Jânio Quadros, João Goulart, Humberto de Alencar Castelo Branco, and Artur Costa e Silva are also well-considered and he has the wherewithal to regard the depth of their challenges, but he excluded all of their first names and misspelled Castelo as Castello (like Brazilian journalist Carlos Castello Branco). More importantly, he seemed to think little of Brazilian attempts for independence from U.S. decision-making and their attempts to unify Latin America. His argument also maintains two key contradictions: (1) Brazil is presumed not to be a threat to the interests of the United States not just because their ambitions do not oppose the United States but also because it seems unlikely in his mind that **they accomplish their ambitions**, and (2) a "radical political revolution"⁸ is described only as Leftist (i.e. Socialist/Communist); the military-authoritarian regime coming to power is not typified with the same rhetoric.

Rosenbaum's snide attitude toward Latin America seems so paradoxical for the amount of time it had to take to research and write something so thorough. As a retrospective peek back, basically only covering the decade of the 1960s, it could in some

ways be considered a formative work on US-Brazil relations and Brazilian foreign relations generally. But its dismissive tone, whether due to hopefulness that the United States would not have to deal with another rival or due to inherent jingoism within the academic establishment of the time, gave it a conclusive air. Rosenbaum's very last words in the paper are that it was possible that Brazil's political instability precluded "a rational and consistent foreign policy" but this assertion depends on generalizing the whole decade as politically instable and moreover moves the goal posts of conversation from *what* is the foreign policy to an assertion about the policy's stability that is immaterial if used as a conclusion in and of itself rather than as a facet of the overall discussion because such a conclusion is dismissive of the investigation.

The Swiss businessman-scholar George-Andres Fiechter wrote the other seminal tome of Western interpretation of Brazilian military politics, *Brazil Since 1964*. It was published in 1972 in France, translated into English in London in 1975 and published in the U.S. in 1976. His book skewed toward a capitalist-imperialist understanding of Brazilian politics. This is not to say that he looked down on the Brazilian people. On the contrary, he was taken-in by the efforts of the authoritarian regime to balance their need for security with their need for economic development and he married this sympathy with his belief that capitalism was the key to widespread Brazilian prosperity. The biggest flaw with his book was that it was written so close to the beginning of the military junta period. As a result, Fiechter's projections were largely incorrect. To his credit, though, the economic projections tended to be *too low*, which is to say that he tempered his optimism and belief in the Brazilian government's way of doing things such that he was probably happier with how things actually turned out than to how he projected it.

Fiechter also had the benefit of studying *from within Brazil*, not a feat ubiquitously copied by succeeding Western

scholars. Many of the lesser, but still important, Western histories of this period in Brazil have used primarily American documents for research, whereas Fiechter got to actually experience, to some extent, what he was recording. Fiechter took a very clinical and statistical approach, leaning on numbers for analysis and staying away from social history. *Brazil Since 1964* is not completely bereft a narrative touch, though it leans toward quantification. His overall tone had a removed quality, but unlike the overarching political-history air of Skidmore, Fiechter injected a little more bias, and took the rise of Brazil's military-executive as an opportunity to explore economic theory, i.e. his belief in capitalism. He took a positive tone regarding the attempts of Brazil to develop their economy and was dismissive of the human cost of said development, giving the impression that the ends justified the means in the sense that he did not make qualms with the Brazilian way of doing things. Interestingly, his inherit pro-capitalist biases gave him an objective way of observing historical trends, a theme that others have returned to. a broad subject (Brazilian foreign policy) while also prognosticating about its future.

In 1979, Ruth Leacock, a former Associate History Professor of History at Central Connecticut State College, wrote "JFK, Business, and Brazil" about the role American – and, to a lesser extent, Brazilian – economic interests influenced the role and positioning John F. Kennedy's administration took with Brazil. Leacock's analysis was that initially Kennedy wanted to move away from Eisenhower's business-guided foreign policy in attempting to influence Brazil away from Communism, but complications for US corporate subsidiaries in Brazil involving Brazilian national and state moves toward expropriation forced a confrontational approach, especially after allegations that Brazil's government was leftward-leaning. The concluding pages of the article summarize that JFK's thinking on Brazil was centered on winning the Cold War and that forced him into a

borderline-collusive approach with business that was not his stated goal.

Published in *The Journal of American History* in 1981, "The United States, Brazil, and the Cold War, 1945-1960: End of the Special Relationship" is an argument by Stanley E. Hill that U.S. negligence of and apathy toward Brazil forced a wedge in American-Brazilian relations. The article criticizes Harry Truman's presidential administration and especially that of Dwight Eisenhower as alienating and antagonizing the historical ally of the U.S. in Latin America, which was done by asking for their continued support without offering it in return. The United States was able to convince Brazil to ally against the Nazis as the only Latin American nation to send troops to Europe as well as allow the U.S. to use the northeast region of Brazil as a staging base for operations in the South Atlantic, but refused to fully honor implied promises of aid made to the Brazilian government. Thereafter, the Brazilian government carried misgivings when it came to dealing with the U.S. The government in Washington, D.C. was "preoccupied with European recovery and Asian rehabilitation" while implementing a Marshall Plan that gave an economic boost to "French and British possessions in Africa which were Brazil's economic competitors."⁹

Brazil signed the "Mutual Security Act...in March 1952"¹⁰ only after the U.S. government promised to stimulate trade by direct purchase; at the end of the year the State Department promised to get Brazil a \$300 million loan if the Brazilian government "established a free-exchange market to facilitate profit remittances." Brazil came through and Eisenhower reneged because the CIA said it would deprive the U.S. of leverage, while Eisenhower thought he could get the Brazilians to take half. His administration would go on to, by his own mouth and pen, repeatedly tell the Brazilian government that their developmental problems would be solved if they would just make themselves more palatable for foreign private investment,¹¹ while the U.S. government continued to let down

their end of the bargain. As the 1950s progressed, public and political opinion within Brazil turned toward allying with the long-ostracized neighbors of Spanish America. Hilton's essential argument is that the "special relationship" could not be maintained after World War II with American political attitudes existing as they did at the rise of the Cold War. Washington only cared about Brazil during times of international emergency, leading the Brazilians to disillusionment; Brazil's growing solidarity with its Spanish American neighbors in a more united South and Latin America, and its own growing position of superiority, was the price the U.S. paid for its lack of care, redefining the terms of American-Brazilian relations throughout the Cold War.

Published in 1988, Dr. Thomas Skidmore's third major solo work on Brazil, his second focusing specifically on the military junta, *The Politics of Military Rule in Brazil 1964-85* thoroughly reviews the politics of the military period (as the name suggests) as well as previewing now-modern Brazil. Interestingly enough, the opening anecdote about the coup transitions into a consideration of the American response¹², a sign of things to come throughout the book, wherein Skidmore pays greater attention than in *Politics in Brazil 1930-1964* as to American political opinion on Brazil. In fact, in the twenty-one years between the publishing of the first and second books, he had gained knowledge and confidence in the field as well as being subject to two more decades of Americanist propaganda. This is not to say that the book is a puff piece about U.S. diplomacy in the Latin American region, but rather that Skidmore's opinions in 1988 reflected a greater wealth of experience that made him both more knowledgeable and more critical of Brazil's military government. As Skidmore discusses the anxiety with which political transitions were handled during the period of generals-as-presidents in Brazil, the tone here is more pragmatic and hefty than in its predecessor. The weight to the words, as well as the general appraisal of the military rule as

the lesser of two evils¹³, point to Skidmore's own analysis being interpreted through the lens of American Cold War attitudes. Brazil was considered much more important at this point, even reflecting on its past, than it had been in 1964 or 1967, being a large and populous nation surrounded by prospective-Communist neighbor states just a hop, skip, and a jump away from the USA, with whom Brazil willingly allied "as the bastion of anticommunism" whose political favor Brazil attempted to court through the allusions if not firm dedications to democratic process.¹⁴

Most prominently, the book illustrates from chapter to chapter the plurality of political strength in Brazil and the recurring challenge of succession in an authoritarian regime purporting to have representation, even as it was united under seemingly-uniform military rule. Each new president is presented, with factual basis, as having dealt with Brazil's challenges in new ways politically after coming to power with different backgrounds and alliances. More interestingly, they were often considered the face of a compromise between preceding extremes – general-president Emílio Garrastazú Médici was "the only four-star general who could stop the army from tearing itself apart"¹⁵, while Skidmore describes Euclides Figueiredo as the "bridge" between castelistas and the Médici camp¹⁶. The book does the very valuable job of elucidating the roadblocks preventing totalitarianism, presenting that while the Brazilian legislature was emasculated in some ways, such as losing control of the federal budget back in 1965¹⁷, it still possessed the power to effect elections, while the Church and lawyers kept the government honest within a separate subset of the system¹⁸.

Alfred Stepan wrote another of the most important post-Fiechter books, *Rethinking Military Politics*, published in 1988 and often held in comparison with Skidmore's second work on the topic of Brazil's military government; in some journals it was reviewed alongside *The Politics of Military Rule*. Theirs are the

standard-bears of the late-Cold War/post-rule analyses of the Brazilian military junta, but *Rethinking Military Politics* was an investigation into the fracturing of the military along the lines of intelligence community factions. While there was intent of retrospect, the book also focused on previewing now-modern Brazil, though with three years to the fall of the Iron Curtain, people could not know that the Cold War was closing. Stepan's main focus was on the interplay and conflict between the conventional military and the intelligence apparatus that operated as part of its auxiliary, but he used this conflict as an opportunity to explore the further divisions within the military-political complex. This led Stepan to uncover what inner schisms caused glitches that limited Brazil's authoritarianism to its own form of moderation (i.e. it was a far-right regime, but not as far as the relatively-contemporary comparison of Franco's Spain or the Pinochet regime in Chile that they greeted with open arms).

Alfred Stepan set-out considering why the functional philosophies of the military had been neglected in modern scholarship. From the preface and first chapter, his tone is very triumphant in the face of the presumed end of the military junta, as well as writing in a metaphysical tone through which concepts are clarified. Stepan's book is written in a much less narrative and much more surveying form than Skidmore's, and the lack of personal illustration lends an air of removal from conflict and tumult. Stepan's overarching argument is that the Brazilian government's internal conflicts were not just between the executive and the crippled legislative but also ideological issues between the military proper and the pluralistic subset that was its intelligence community. Skidmore also argues that Brazil's experience was not completely unique in this fashion, as Uruguay, Argentina, and Chile faced similar problems with less "professional logic."¹⁹ His further point is that this division – or wayward auxiliary powers – was a key to checking-and-balancing the military in addition to the lay moralist civil disobeyers and the unrest that awoke in the mid-to-late-1970s.²⁰

There was a proliferation of intelligence groups that existed with special privileges and that had diverse and conflicting interests. Stepan's book does suffer from a level of speculation that is not found in Skidmore's because he is attempting to discuss the policies of clandestine organizations within the government rather than the overt political machinations. His treatment of the entire situation also reflects Fiechter's earlier sympathetic regard for the military government, with his isolated attitude serving to diagnose seemingly objective positive results that disregard the human cost of the authoritarian rule. His conclusion that "civil and political society [are required] to empower themselves to increase their own capacity for control"²¹ to effectively manage the military, keep it within reins, and perpetuate democracy seems sort of infertile and tacked-on. However, despite a flaw of insensitivity, Stepan produced unique scholarship in uncovering the power and influence of the intelligence community in Brazilian life.

In 1989, Gerald K. Haines wrote *The Americanization of Brazil: A Study of U.S. Cold War Diplomacy in the Third World 1945-1954*, a book that Brazil historian Joseph Smith called "concise and informative."²² Writing for *The American Historical Review*, Michael Grow mentioned that this book follows-up Frank D. McCann's *Brazilian-American Alliance 1937-1945*²³ (written in 1973, "military history at its best"²⁴). While generally well considered, it is not held in quite that esteem; Haines lacked many Brazilian primary sources, and so skewed the direction of the book somewhat. However, he had the integrity to state that American attitudes toward Brazil were painted by racist-jingoist attitudes early on and this precluded an equal-footing partnership. In the waning pages he concludes that American policy in Brazil succeeded despite basis in "ingrained images, values, stereotypes, and myths that distorted reality" and made the policy "a combination of political calculation, self-interest, benevolent paternalism, and evangelism."²⁵ It seems that his conclusion is based on the fact that the Brazil of 1989 was

closer to an American ideal than the Brazil of 1945, but the book for some reason ends in 1954. Calling 1954 Brazil "Americanized" would seem to be ignoring a lot of history. In any case, he deftly evaluates – without denoting as much – some of the reasons the military junta rose to power, those are that the military was always the guarantor, the final arbiter, in Brazilian politics, and that the fledgling democratic status of Brazil in the post-Vargas world coincided with U.S. anticommunism, the Cold War policy that brought the North Americans to seeking Brazil's help in Latin America to begin with, and eventually to allowing Brazil's president to be deposed. Haines also concludes that because of "the huge disparity of power and influence...the vaunted "special relationship"...could never really exist" and that Brazil was always subordinate to the U.S. in a "granter-grantee relationship" rather than a senior-junior partner relationship.²⁶ This claim is disputed by other works and other historians, and perhaps his focus on this early post-WWII period allowed him to draw this hasty conclusion. In any case, it is noteworthy that a book written in 1989 espoused this sort of American-supremacist rhetoric in the Cold War's winding-down period.

Sonny Davis is another important scholar in the field and, like the other authors, reviewed some of these other works. He wrote *A Brotherhood of Arms: Brazil-United States Military Relations 1945-1977* in 1996, detailing the history of Brazil's military alliance with the United States over those years, following the lead of McCann along the lines of Haines, but takes the story twenty-three years farther. In May 1942, the two nations signed a secret agreement to give the US access to the South Atlantic and the brief trip between Brazil's eastern bulge and Africa's western bulge. The relationship was one of convenience for both parties in the run up to the Second World War as the U.S. was posturing defensively against the massing military might of the Third Reich and her allies in the Axis. Davis writes about how the alliance strengthened and weakened

as the two nations' military and political interests coalesced. While the book attempts a comprehensive look at a large swath of history, it is hampered by a lack of Brazilian primary sources. However unfortunately, this is not an atypical phenomenon. Most remarkable about it, really, is that 1996 was far enough into the future – and after the Cold War – that reviewing scholars commented on it. In any case, the fact that American documents would corroborate such statements as that "to a certain extent,"²⁷ the government in Washington D.C. was responsible for the military coup is a sign of Davis's commitment to earnestness, even linking American involvement with the post-coup government in assisting them with oppression and torture.

In 1999, Thomas E. Skidmore would publish his own single-volume work on Brazil's history, *Brazil: Five Centuries of Change*, where he focused largely on the nineteenth and twentieth centuries and remarked on Brazil's race relations (i.e. well racially-integrated yet extremely hierarchical). Marshall Eakin of Vanderbilt would call it "likely to become the standard text in English on the history of Brazil" in *Ethnohistory*²⁸. Between the publishing of his book and the publishing of that review, Skidmore would remark that "Brazil has been slow to receive its first scholarly single-authored national history" in his review of the English translation of Boris Fausto's *História concisa do Brasil (A Concise History of Brazil)*. The book is, by Fausto's own admission, brief or omitting on some specific cultural topics, like Carnival for instance, because it is an attempted one-volume 500-year history under 300 pages. It is a conventional economic-political history that does not spend a tremendous amount of time on the military junta; when it does it focuses on economics and so the lack of executive influence in economic policy in 1965, and the movement toward developmental policies.

Joseph Smith wrote *Brazil and the United States: Convergence and Divergence* in 2010, wherein he made the sublime argument that the United States and Brazil's alliance

strengthened and weakened as their interests aligned or disagreed. It seems simple enough, but the novelty of the theory comes in disputing the assertion held by some that Brazil's role in the partnership was subordinate, as Haines stated in no uncertain terms. Smith also looks beyond conventional military diplomacy at the outer extensions of the "special relationship" and war accords; those are, the cultural impact of the relationship and the way it affected civilian individuals. In *History*, Bevan Sewell said that more investigation ought to have been made of racial conflict and identity – how it affects the ethnically diverse nation of Brazil within itself *as well as* how it affects the United States' perception of Brazil as well as Brazil's perception of the rest of Latin America, over whom it hopes to hold sway.²⁹ However, he also offered the book high praise as a study of cultural and diplomatic history, saying that it will "undoubtedly become the standard work in the field."

In 2012, Brazilian historian Carlos Gustavo Poggio Teixeira wrote *Brazil, the United States, and the South American Subsystem: Regional Politics and the Absent Empire*, in which he argues that the "United States has been [an] absent empire in South America."³⁰ Teixeira's premises are that the United States does not have a policy for all of "Latin America," that the conventional understanding of a Latin American policy extends U.S. diplomatic treatment toward Central America and the Caribbean (North America) to South America, and that there are actually two genuinely separate policies, where that of Súramerica is based on using Brazil as a lynchpin for the U.S. to support. Robert Pastor of American University disputes this argument on the basis that the overall policy in the Americas was "against re-colonization and communism and for freer trade," but he agreed that the Americas *should* be seen as two distinct entities (rather than just bound by the proliferation of Spanish) and students of inter-American state politics would be well-served to view nations besides the United States as capable of influence and calls Teixeira, seemingly proudly, a member of the

"new generation of historians who seek to balance the U.S. perspective by looking more closely at the policies of Latin American states."³¹ Though the book is based around U.S. foreign policy, it attempts to get people, namely students of American continental affairs, to see that there is more to America than the United States thereof. There would have been no need to be meddlesome during the Cold War if there were no one to meddle with. It could be argued that Pastor's rebuttal of Teixeira's argument mischaracterizes it; one could say that U.S. policy with *everyone* during the Cold War was anticommunist, anti-colonialist (though that's probably more debatable), and pro-free trade. Like Stepan before him, Teixeira's text uses the past to explore concepts that can be applied to the future rather than simply writing down what has already happened for its own sake. He is also, with Fausto, one of only two ethnically-Brazilian scholars to have such important works about their country published in English.

"Brazil as an intermediate state and regional power: action, choice and responsibilities" was written by Maria Regina Soares de Lima and Mônica Hirst for *International Affairs* in 2006. Soares de Lima has a doctorate from Vanderbilt and is currently a professor at the Institute of Social and Political Studies and the coordinator of the South American Politics Observatory at Rio de Janeiro State University; at the time of the writing she was an adjunct professor at the University Institute of Research of Rio de Janeiro³². The article focuses largely on the post-Cold War world, but has a lot of important things to say about Brazil's role and self-perception in geopolitics. Soares de Lima and Hirst wrote that Brazil has worked "since the early twentieth century" to "assume its 'natural' role as a 'big country' in world affairs"³³ and has historically relied on soft power in attempting to preserve its independent voice. They wrote of historical subjection to U.S. regional power "and to high levels of US cultural and economic influence"³⁴ but also that Brazil has been mostly free to carve their own path thanks to lack of

strategic importance to the U.S. since World War II. Brazil was part of the Paris Peace Accords as Latin America's only World War I belligerent and helped determine the multilateral balance of power in the post-World War II world. Brazil was a founding member of the UN, one of the 23 founders of GATT, and one of the 56 nations represented at the International Trade Organization in Havana. They modeled Brazil's role in international Cold War relations as less focused on peace and "security" and more "consistently active" in economics since the postwar era³⁵. In the 1960s, Brazil was an "active participant of the discussions of the Disarmament Committee, but refused to sign the Non-Proliferation Treaty" until 1998, joining the Missile Technology Control Regime in 1994³⁶. Since the late 1970s, the "dominant position [in trade negotiations] has been one of damage limitation" and beginning in that same period relations with the rest of Latin America became "a major foreign policy priority."³⁷ While the focus of the piece is not Brazilian policy in the Cold War specifically, it does encompass the period in discussing Brazil's foreign policy goals and establishing that Brazil has always been a nation with its own ambitions, not simply a puppet in some other nation's show.

The article that first interested me in this topic was written by Tanya Harmer and published in 2012 in *Cold War History*. "Brazil's Cold War in the Southern Cone" uses Brazil's interaction with Chile – and briefly the United States – during and after Chile's own military coup in 1973 to signify Brazil's autonomous Cold War in the nominal Southern Cone, exemplifying Brazil's self-determined interest in fighting communism; Brazil sought the US as a partner, and was not led around by her northwest ally. Brazil was the first nation to recognize the government that deposed leftist duly-elected Chilean president Salvador Allende and in the immediate thereafter offered sugar, became a major trading partner, and gave loans to the military regime they helped install. In the time preceding Allende's election, the Emílio Garrastazú Médici

regime in Brazil had begun attempting closeness with the Nixon administration, which was also monitoring the situation. Both nations were annoyed further when Allende unilaterally opened relations with Cuba in breach of "collective OAS [Organization of American States] sanctions."³⁸ While Brazil and the United States were relying on each other it was a "more fluid [relationship] than the picture of a junior partner being taken advantage of suggest."³⁹ Médici stressed that communism in Latin America could be born without assistance from Beijing or Moscow and had to be treated like a separate individual issue that the United States needed to focus on. Nixon, while initially enthusiastic, was not willing to walk in lock-step, preoccupied with Vietnam and domestic issues.

Early on, Brazil worked closely with Chile, helping them financially in addition to the countries' respective intelligence services working together to track down expatriated political exiles by 1975⁴⁰. However, with the election of Geisel and the implementation of his *abertura* policies came a divide. With Brazil beginning the process of opening "at home and abroad" – relaxing censorship, ending political detentions, restricting the intelligence apparatus, and prospective elections in the domestic sphere; and reestablishment of relations with China, recognition of Angola's independent Marxist government, and improved relations with Western Europe in hopes of gaining financial power and strengthening ties to the U.S. – the fissure grew between them and Chile. Brazilians felt their Cold War was over, passing the baton to their military-authoritarian allies. Chile, meanwhile, was preoccupied with eradicating leftist opposition. With each of their neighbor states saved from communism, they could focus on global foreign power instead of regional foreign power. In conclusion, Harmer argues that while Brazilian's domestic "body count is relatively low when compared to Chile or Argentina," their government intensified the Cold War "through its example, its interference in other countries' domestic politics, and its support for counter-revolutionary

coups.”⁴¹ Brazil was trying to establish itself as an emerging power and was exemplary of the fact that anticommunist opposition was as plural in style as left-wing revolution. Argentina, Bolivia, Chile, and Uruguay joined Brazil and Paraguay as authoritarian regimes between 1971 and 1976 to fight communism rather than following the lead of the United States as representative governments.

That final work is so important because it showcases a complete reimagining of the argument of the Cold War in Latin America, including but also beyond Brazil. The Cold War is almost always thought of as an ideological campaign between the United States and the Soviet Union-Eastern Bloc. It is very seldom that we see the conflicts and regime changes in Africa, Asia, and Central and South America as anything more than proxy warfare, but the fact is that these nations were guided by their own internal cultural and socioeconomic struggles. The U.S. and the U.S.S.R. would not have been able to involve themselves if there were not already leftist and rightist activist and ideologues. There was more than one way to fight against communism, and South American nations were not predisposed to follow North America’s lead.

The history of Brazil in the Cold War was shaped by the military junta and has been typically split into works considering its precession and rise, its rule and fall, or attempting to comprise total histories of both within the context of both the revolutionary and disestablishmentarian movements. Western scholars have primarily focused on the interactions between Brazil and the United States, but have also – within the last twenty-seven years – begun to consider theories of the breakdown of military rule and the checks and balances inadvertently placed as well as Brazil’s autonomy rather than subordination within that relationship. Of late, Brazilians themselves are finally being given more opportunity to tell their own stories about why their country turned toward a military-authoritarian regime in its own fight against communism. As more documents are declassified,

historians will be able to paint fuller pictures of Brazil during the Cold War, and I would not be surprised if they were totally different than those we have seen so far.

¹ Thomas E. Skidmore, *Politics in Brazil 1930-1964* (New York: Oxford, 1967), xv.

² Skidmore, *Politics in Brazil*, 322.

³ H. Jon Rosenbaum, “Brazil among the Nations,” *International Journal* 24, no. 3 (1969) 530

⁴ Rosenbaum, “Brazil among the Nations,” 532-3.

⁵ Rosenbaum, “Brazil among the Nations,” 529.

⁶ See Note 3.

⁷ Rosenbaum, “Brazil among the Nations,” 531.

⁸ Rosenbaum, “Brazil among the Nations,” 542

⁹ Stanley E. Hilton, “The United States, Brazil, and the Cold War, 1945-1960: The End of the Special Relationship,” *The Journal of American History* 68, no. 3 (1981) 604.

¹⁰ Hilton, “The United States, Brazil, and the Cold War,” 612.

¹¹ Hilton, “The United States, Brazil, and the Cold War,” 613-615.

¹² Thomas E. Skidmore, *The Politics of Military Rule in Brazil 1964-85* (New York: Oxford University, 1988), 4.

¹³ Skidmore, *Military Rule*, 159.

¹⁴ Skidmore, *Military Rule*, 158.

¹⁵ Skidmore, *Military Rule*, 105.

¹⁶ Skidmore, *Military Rule*, 210.

¹⁷ Skidmore, *Military Rule*, 209.

¹⁸ Skidmore, *Military Rule*, 176.

¹⁹ Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (New Jersey: Princeton University, 1988), 23.

²⁰ Stepan, *Rethinking Military Politics*, 32.

²¹ Stepan, *Rethinking Military Politics*, 144.

²² Joseph Smith, review of *The Americanization of Brazil: A Study of U.S. Cold War Diplomacy in the Third World 1945-1954*, by Gerald Haines, *The English Historical Review* 108, no. 428 (1993), 772-773.

²³ Michael Grow, review of *The Americanization of Brazil: A Study of U.S. Cold War Diplomacy in the Third World 1945-1954*, by Gerald K. Haines, *The American Historical Review* 96, no. 1 (1991), 289-290.

²⁴ Carlos Bakota, review of *The Brazilian-American Alliance, 1937-1945*, by Frank D. McCann, Jr., *The Hispanic American Historical Review* 55, no. 1 (1975), 131-132.

²⁵ Gerald Haines, *The Americanization of Brazil: A Study of U.S. Cold War Diplomacy in the Third World 1945-1954* (Wilmington: Scholarly Resources, 1989), .

²⁶ Haines, *Americanization*, 191.

²⁷ Sonny Davis, *A Brotherhood of Arms: Brazil-United States Military Relations 1945-1977* (Niwot: University Press of Colorado, 1996), 182.

²⁸ Marshall C. Eakin, review of *Brazil: Five Centuries of Change*, by Thomas E. Skidmore, *Ethnohistory* 48 no. 1 (2001), 377-379.

²⁹ Bevan Sewell, review of *Brazil and the United States: Convergence and Divergence*, by Joseph Smith, *History* 97, no. 327 (2012), 532-533.

³⁰ Carlos Gustavo Poggio Teixeira, *Brazil, the United States, and the South American Subsystem: Regional Politics and the Absent Empire* (Lanham: Lexington Books, 2012), 2.

³¹ Robert A. Pastor, review of *Brazil, the United States, and the South American Subsystem: Regional Politics and the Absent Empire*, by Carlos Gustavo Poggio Teixeira, *Political Science Quarterly* 128, no. 3 (2013), 583-584.

³² "Faculty/Political Science/Maria Regina Soares de Lima," *Instituto de Estudos Sociais e Políticos*, <http://www.iesp.uerj.br/en/faculty/political-science/maria-regina-soares-de-lima/>

³³ Maria Regina Soares de Lima and Mónica Hirst, "Brazil as an intermediate state and regional power: action, choice, and responsibilities," *International Affairs* 82, no. 1 (2006) 21.

³⁴ Soares de Lima and Hirst, "Brazil as an intermediate state," 22.

³⁵ Soares de Lima and Hirst, "Brazil as an intermediate state," 26.

³⁶ See note 35.

³⁷ Soares de Lima and Hirst, "Brazil as an intermediate state," 29.

³⁸ Tanya Harmer, "Brazil's Cold War in the Southern Cone, 1970-1976," *Cold War History* 12, no. 4 (2012) 666.

³⁹ Harmer, "Brazil's Cold War," 667.

⁴⁰ Harmer, "Brazil's Cold War," 675.

⁴¹ Harmer, "Brazil's Cold War," 681.

Invisible Women: The Shah Bano Case, Citizenship, Gender and Multiplicity of Membership

Emily Edwards

The legacy of colonialism is no more evident than in the former British colony of India. British colonialism relied upon a monopoly of violence to initially control the region, but drew most of its power through subtle interventions into the existing Indian legal system. Originally governed by the East India Company, or EIC, incorporated in 1600,¹ India became an official imperial holding in 1858 when authority shifted to British Crown.² Controlling much of the Indian subcontinent for more than two hundred years, the British Raj fundamentally shaped the Indian legal system by creating plural spheres of personal and civic law.³ Through codifying existing native customs, both cultural and religious, the British Raj sought to enhance its own authority and legitimacy as the state to gain economic supremacy in the territory. Codification was a process that involved a collaboration between the British and elite, usually male, members of Indian society to absorb, adapt, reconfigure, and reimagine⁴ custom and law to assert and legitimize their respective claims to identity.

Before the British Raj, these customs were not nationally codified and allowed for a degree of manipulation. It was through direct colonial intervention that custom became law fossilized in patriarchal interpretation. Before colonial intervention, custom law, especially Muslim shari'a law, was "characterized by flexibility and indeterminacy"⁵ giving women opportunities to make marriage contracts⁶ and control their properties.⁷ The malleability of shari'a law, or of any custom law, depends on individual reading and personal interpretation. After colonial codification custom law became less flexible and more determinant of a woman's religious identity and her

dependence on men. In an analysis of Islamic law, scholar Farida Shaheed argues that codifying Islamic custom, through the simplistic reimagining of the British Raj, creates "Muslim jurisprudence [that promotes] the predominance of men."⁸ Interpretations of shari'a that consolidate male power put limitations on women's independence and impede her access to reproductive and financial autonomy. Shaheed notes many of the customs such as bride dowries known as haq-mehr,⁹ or talaq (male right to unilateral divorce)¹⁰ and the practice of seclusion or pudah¹¹ that stand as examples of how custom law prevents women from realizing legal equality and places them in a state of socio-economic disenfranchisement. Custom law that relies upon ancient religious texts promotes "selective implementation...responsible for the entrenchment of an all-pervasive patriarchal system of inequality and subjugation."¹²

In codifying customary practices, the British Raj created dichotomous public/private legal spheres constantly in tension. Scholar D.A. Washbrook notes the contradictory and dualist nature of the colonial legal system where custom law functioned to "limit the sphere of 'free' activity"¹³ while at the same time preserve individual property rights in the burgeoning market economy. This system created a tension between activity that was within the purview of the state and activity that was within the purview of what Lauren Benton terms, "cultural intermediaries"¹⁴ or religious and cultural leaders, historically male members of elite Indian society who used custom law as an opportunity to solidify their own authority.

The implications of this colonial legal intervention are significant; cultural and religious identities have sharpened, custom has been reimagined through a colonial British lens, and within a contemporary postcolonial state-structure these multiple legitimate authorities struggle to reconcile themselves within the jurisdictional supremacy of the modern nation. This British legacy of legal manipulation of Indian law has in many ways perpetuated colonial inequalities in the modern Indian legal

system. Perhaps the grossest inequality is the ipso facto disenfranchisement of Indian women by laying them open to claims of gender and religion, most notable in the absence of the state-enforced Uniform Civil Code, henceforth the UCC.

The persistence of custom law remains one of the largest impediments to Indian women realizing their citizenship. Custom law weakens the already fraught historical nature of citizenship for women according to scholar Rajeswari Sunder Rajan; "citizenship has been for so long exclusively viewed as the domain of men...women's identities and lives have been...excluded from...a purview of state-citizenship relations."¹⁵ While the legal conception of citizenship, especially universal citizenship as noted in the Indian Constitution, holds promise of certain gender equality¹⁶ this is in so far as Indian women are recognized strictly by their civic identity. This promise of equality remains out of reach in the form of the promised UCC.

Patriarchal ideologies enshrined in the colonial relic of custom law serve as a dangerous legal loophole that threatens a woman's independence and her identity as a member of the democratic Indian nation. Indian women, encumbered by gendered, religious and civic 'memberships' are forced to either "support a uniform egalitarian civil code [or] minority communities...in a climate of increasing majoritarian resurgence."¹⁷ Polarization of identity and concern for protecting traditional and minority groups has prevented significant government intervention in the patriarchal practices enshrined in custom law.

Universal citizenship and access to democracy promised in the Indian Constitution is complicated by the authority of custom law, no more evident than in the Shah Bano Case that brought the questions of custom, religious identity and gender to the forefront of national politics. Citizenship in India is conceivably universal¹⁸ and all encompassing,¹⁹ however, if one is to understand citizenship in a democracy as "membership in a community"²⁰ according to the thoughts of theorist T.H. Marshal,

then many Indian women are not fully equitable members of the state or their respective religious communities. In many ways, the Indian state has withheld membership to half its citizenry as women suffer socially, economically and politically.²¹ Indian women such as Shah Bano are citizens in a nominal sense.

This case involved Shah Bano, a Muslim women who sued her husband for spousal support following their divorce. The circumstances surrounding the Shah Bano Case suggests the political inability to pass the UCC have resulted in a legal environment where Indian women are caught between religious and civic identities without the full benefits of each. Framers of the Indian Constitution recognized the importance of creating the UCC, the Constitution states in article 44, "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."²²

In absence of the UCC, Muslims in India are governed under Muslim Personal Law which articulates traditional Islamic custom and codifies those practices relying upon shari'a, or Islamic Law. In postcolonial India, current forms of custom law serve as an impediment between the state's relationship with its citizens. Indian women struggle to claim state legal protection as citizens if they identify as Muslim; Shah Bano encountered this dilemma during her divorce. Shah Bano was an elderly Muslim woman when she was divorced from her husband Mohammad Ahmed Khan after decades of marriage when he used the talaq, or male unilateral right to divorce. Shah Bano then subsequently sued her ex-husband for spousal support. Shah Bano's case was not remarkable, until it reached the Supreme Court of India, whereupon the Supreme Court reversed all subsequent lower court judgments and awarded Shah Bano the right to spousal support under section 5 of Criminal Code 125. This particular clause gave judicial authority the power to compel a person refusing to maintain a wife to make a monthly allowance, and gives a liberal definition of a wife including "a woman who has been divorced by, or has obtained a divorce from, her husband

and has not remarried."²³ To buttress their ruling and allay fears of governmental interference in the Muslim personal domain, the Supreme Court cited the Qur'an stating, "For divorced women maintenance (should be provided) on a reasonable (scale). This is a duty on the righteous."²⁴ The court's decision to side with Shah Bano's plea for spousal support was encouraging.

However, the Supreme Court verdict provoked an intense public reaction from the Muslim community which lead to parliamentary intervention into the ruling. The Supreme Court ruling supported an advancement of universal citizenship, however, the public outcry proved that the questions of plurality, citizenship and gender could not be solved strictly by state legal intervention. Mohammad Ahmed Khan was supported by the All India Muslim Personal Law Board, a group of Muslims who organized to protect the Muslim community's right to be governed by custom law. Arguing that the Supreme Court not only interfered with a custom law issue, that of divorce and spousal support, the AIMPLB criticized the secular Indian court for interpreting the Quran, an act that was the domain of religious scholars.²⁵ In the Shah Bano Case the Supreme Court acted within its bounds of pluralist personal and public law to balance both minority and women's rights. However, because there was no UCC protecting Shah Bano's right to advocate for herself civilly, she was ultimately unable to maintain her legal independence and was instead attacked by the AIMPLB and criticized for rebelling against shari'a and the Muslim community.

The tradition that Mohammad Ahmed Khan and the AIMPLB sought to protect was deeply informed by a movement to control the Muslim community and set the terms of Muslim identity. A necessary component of this was maintaining jurisdiction over Muslim women. Muslim Personal Law ensured that women would be viewed as Muslims first, women second and citizens third. Khan argued in his appeal to the case that under shari'a law he was only bound to support Shah Bano

during "iddat," which was normally a three month period.²⁶ A Muslim man's right to unilateral and arbitrary divorce privileged Muslim husbands. As a Muslim woman and a citizen of India, Shah Bano sought to circumvent this patriarchal interpretation of divorce by applying for support under the civil code. When the Indian Parliament passed the Muslim Women (Protection of Rights on Divorce Act) in 1986 overturning the Supreme Court ruling, it became clear the Indian government had failed to find a solution to its pluralistic legal tensions to the satisfaction of the state or its people.

The passage of this act essentially annulled the Supreme Court's ruling and reinforced the authority of Muslim Personal Law without addressing its patriarchal overtones. The MPRDA limited spousal support to the "iddat" period after which a Muslim husband was released from any obligation to support his former wife. The onus of supporting a former wife was then placed on either the government or a wife's extended family. In offering this conservative reading of the Qu'ran women were viewed as dependents.

The passage of the MPRDA perpetuated an imperfect pluralistic legal system in India by stating that a woman had the option to pursue her divorce under civil code,²⁷ but only if her former husband agreed to the change in legal forum,²⁸ highly unlikely considering Muslim Personal Law offered men more attractive divorce terms. This continual legal pluralism highlights in the Indian state, "religious identity and gender parity [became] antithetical, competing terms."²⁹ The passage of the MPRDA protected religious freedom without addressing gender equality.

Both the public and the scholarly community have taken opposing stances on Muslim Personal Law and the UCC. In the Shah Bano Case, leading Muslims spoke out on both sides.³⁰ The criticism of custom law is not that Muslim Personal Law is governed by shari'a, but that shari'a has traditionally been interpreted in a narrow and patriarchal way leaving no room for feminist and progressive readings. This has made the UCC even

more important. Unlike custom law, the UCC would not draw from religious doctrines interpreted by elite male scholars but from a secular understanding of citizenship. The concern over religious identity in the Indian polity, especially regarding the Muslim community, brings to light fundamental issues of governance and authority in a postcolonial state; how to balance multiplicity of membership within the polity. Scholar Siobahn Mullaly notes "the Shah Bano case illustrates, however, without a commitment to the overriding priority of individual autonomy, women remain vulnerable to the claims of nation, religion or community."³¹ The absence of the UCC reveals the difficulties in reconciling the homogeneous ideal of citizenship to the problematic and contradictory compartmentalization of gender and religious affiliation. The UCC first promulgated in the 1950 Constitution was articulated in a political context dominated by intense nationalist feeling and nationalist violence. The democratic nation building project of "New India" was defined by political beliefs that religion, here Islam, "might endanger the new nation's unity."³² With these constitutional antecedents in mind, the possibility of the UCC as a solution to realize equal citizenship has been bypassed by "new pluralists"³³ who work to incorporate "gender-equal features of group tradition...[shifting from] essentialist to engaged forms of accommodation in minority law."³⁴ These movements towards reformist custom law seek to protect minority identity, realize modern universal citizenship and resolve pluralist tensions by legitimizing certain identities. Despite these positive legal amendments, in an violently polarized socio-political climate, reform of Muslim Personal Law is unlikely to be transformative especially when Indian Muslims, "live in an environment where their individual and collective religious identity is under threat"³⁵ from a hostile and homogenizing Hindu majority.

While such a dilemma exists, women in Indian remain-- "citizens degraded"³⁶--without the protection of the UCC or reformist custom law. The historical antagonism between Hindus

and Muslims³⁷ and the difficulty balancing state supremacy with other authoritarian claims has continued to prevent effective legal action to make religious and civic community membership more equal. In respect to its colonial legal heritage, India continues to struggle with an ongoing democratic process that renders religious, gender and civic identities as conflicting. For Indian women to fully gain membership in their civic and religious communities the tenets of citizenship and identity must be examined and reinterpreted to reflect a multiplicity of membership and champion a person's right to belong at home and in the nation.

¹ Lal, Vinay. "Manas: History and Politics, East India Company." *Indian and Its Neighbors*. University of California, Los Angeles. 1998.

² Lal, Vinay. "Manas: History and Politics, East India Company." *Indian and Its Neighbors*. University of California, Los Angeles. 1998.

³ Jones, M. E. Monckton. *Warren Hastings in Bengal, 1772-1774*. Vol. 9. Oxford: Clarendon Press, 1918. The Warren Hasting Plan stipulated that "The Mahomatan and Gentoo (i.e. Hindu) inhabitants shall be subject only to their own laws...[English law] would conflict at a hundred points with the customs of the ancient Indian society on which it was to be imposed. He [Hastings] was persuaded that...justice must continue to be native in principle and in form."

⁴ Jaffe, James A. *The Ironies of Colonial Governance: Law, Custom, and Justice in Colonial India*. Cambridge: Cambridge University Press, 2015. 11.

⁵ Hasan, Farhat. *State and Locality in Mughal India*. Cambridge: Cambridge University Press, 2004. 73.

⁶ Hasan, Farhat. *State and Locality in Mughal India*. 80.

⁷ *Ibid.* 87.

⁸ Shaheed, Farida. "The Cultural Articulation of Patriarchy: Legal Systems, Islam and Women." *Comparative Studies of South Asia, Africa and the Middle East* 6, no. 1 (1986): 38-44.39.

⁹ *Ibid.* 39.

¹⁰ *Ibid.* 40.

¹¹ *Ibid.* 40.

¹² *Ibid.* 39.

¹³ Washbrook, D. A. "Law, State and Agrarian Society in Colonial India." *Mod. Asian Stud. Modern Asian Studies* 15, no. 3 (1981). 652. "Public law had the intention of enlarging and safeguarding the freedoms of the individual in the marketplace, and was to be made by statute and the courts in the light of equity and policy, the personal law was meant to *limit the sphere of 'free' activity* by prescribing the moral and community obligations to which the individual was subject, and was to be made by the 'discovery' of existing customary and religious norms."

¹⁴ Benton, Lauren A. *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*. Cambridge, UK: Cambridge University Press, 2002. 11.

¹⁵ Rajan, Rajeswari Sunder. *The Scandal of the State: Women, Law, and Citizenship in Postcolonial India*. 2.

¹⁶ *Ibid.* 2.

¹⁷ *Ibid.* XI-1.

¹⁸ Constitution of India. *Fundamental Rights 14*. Republic of India, 1949.

¹⁹ Constitution of India. *Fundamental Rights 15*. Republic of India, 1949.

²⁰ T.H. Marshall in "Women, Citizenship and Difference." Nira Yuval-Davis. *Feminist Review* No. 57, *Citizenship: Pushing the Boundaries* (Autumn, 1997), pp. 4-27. 5.

²¹ Indian women suffer from low literacy rates, low wages and employment, low levels of political representation, high infant

mortality, and commonly experience frequent of domestic violence. Rajan, Rajeswari Sunder. *The Scandal of the State: Women, Law, and Citizenship in Postcolonial India*. Durham, North Carolina: Duke University Press Books, 2003. X.

²² Constitution of India. *Article 44*. Republic of India, 1949.

²³ Indian Criminal Procedure Code. *Section 125, Maintenance*. 1973.

²⁴ Qu'ran, 2: Al-Baqara-241.

²⁵ Narain, Vrinda. *Reclaiming the Nation: Muslim Women and the Law in India*. Toronto, Ontario: University of Toronto Press, 2008. 13. "The Supreme Court tried to maintain a balancing act, attempting to uphold Muslim women's rights without addressing the constitutionality of gender and religious discrimination in personal law." 124.

²⁶ Mohammad Ahmed Khan irrevocably divorced Shah Bano using the Muslim tradition of talaq, which easily allows a Muslim man to divorce his wife merely by stating, "I divorce you. I divorce you. I divorce you." Qur'an.2: Al-Baqara-228.

²⁷ A woman could apply for a civil divorce under "provisions of section 125 to 128 of Act 2 of 1974." Muslim Women (Protection of Rights on Divorce) Act. Central Indian Government Act. 1986.

²⁸ A husband must agree to a civil divorce. "A divorced woman and her former husband declare that they would prefer sections 125 to 128 of the Code of Criminal Procedure, 1973 (2 of 1974)." Muslim Women (Protection of Rights on Divorce) Act. Central Indian Government Act. 1986.

²⁹ "On the Shah Bano Case." In *On Violence: A Reader*, edited by Bruce B. Lawrence and Aisha Karem, by Bruce B. Lawrence. Durham, North Carolina: Duke University Press Books, 2007. 267.

³⁰ "On the Shah Bano Case." In *On Violence: A Reader*. 267.

³¹ Mullally, Siobhan. 2004. "Feminism and Multicultural Dilemmas in India: Revisiting the Shah Bano Case." *Oxford*

Journal Of Legal Studies 24, no. 4: 671-692. *Business Source Complete*, EBSCOhost (accessed October 28, 2015). 687.

³² "On Religion, Personal Law, and Identity in India." In *Religion and Personal Law in Secular India: A Call to Judgment*, edited by Gerald James Larson, by Granville Austin, 15-23. Bloomington, Indiana: Indiana University Press, 2001. 18.

³³ "Myths of the Nation, Cultural Recognition and Personal Law in India." In *National Myths: Constructed Pasts, Contested Presents*, edited by Gerard Bouchard, by Narendra Subramanian, 259-275. Routledge, 2013. 270.

³⁴ "Myths of the Nation, Cultural Recognition and Personal Law in India." In *National Myths: Constructed Pasts, Contested Presents*. 270.

³⁵ "On Religion, Personal Law, and Identity in India." In *Religion and Personal Law in Secular India: A Call to Judgment*, edited by Gerald James Larson, by Granville Austin, 15-23. Bloomington, Indiana: Indiana University Press, 2001. 22.

³⁶ Kanchan Sinha. 2003. "Citizenship Degraded: Indian Women in a Modern State and a Pre-modern Society". *Gender and Development* 11 (3). Taylor & Francis, Ltd.

³⁷ Chowdhry, Geeta. "Communalism, Nationalism, and Gender: Bharatiya Janata Party (BJP) and the Hindu Right in India." In *Women, States, and Nationalism: At Home in the Nation?* London: Routledge, 2000. 99.

Indian in a Glass Case: A Study of Representations of Native American Indians Photography and in Legal Reforms, 1887-1934

History Department's Outstanding Thesis Award, Ayesha Saldhana

A single Navajo woman stands on a rock in the center of a pool of water, enclosed by boulders, shrouded in a shawl, and looking down at her own reflection. The woman seems alone, pondering her reflection in surroundings that do not appear to have an escape. This photograph, "Nature's Mirror"¹ by Edward S. Curtis, published in the first volume of *The North American Indian*, represents the societal image of Native American Indians that was accepted and romanticized by artwork, and indoctrinated into the law. Curtis's photography demonstrates elements of two very different, sometimes contradictory, federal reforms that attempted to change Indian life and place in the United States between 1887 and 1934.

With frontier expansion cutting into Indian land rapidly, Golden Age law prioritizing big industry, and Progressive reformer efforts focused on urban spaces, it was unclear how the American Indians would continue their occupation of the land under the reservation system. In the hopes of solving this unease, Congress passed the Dawes Severalty Act in 1887 to transition Native Americans to white ways of life via property ownership. Without much change to quality of life and damage to cultural preservation, Congress reversed its course and passed the Indian Reorganization Act in 1934, which attempted to rebuild community living. Photographer Edward Curtis's career was shaped by this climate of societal change; his life's work fits within this window of time both chronologically and thematically. The attitudes his images project reveal the deep and

unresolved issues plaguing the relationship between Indians and white Americans. Taking into consideration Curtis's photographic project complicates, reflects, and leads one reform to the next.

Policy towards Native Americans had followed a cycle of removal and resettlement since the establishment of the Union. After a long history of attempting to separate Native Americans from white society, by the 1880s reformers insisted that prolonging this separation would only continue the land conflicts and leave the population behind the progress of the rest of the country. Assimilation was the panacea to the "Indian problem," a well-intentioned answer to the broken treaties, low funds, and subsequent suffering on reservation land.² When the Dawes Act passed in 1887, it aimed to bring Native Americans into white society by ending their separation on reservations. The primary provision of the act was to allot fractional proportions of reservation land "not exceeding one hundred and sixty acres" to individual heads of household on which they could live a **lifestyle consistent** with capitalistic enterprise and private property ownership.³

However, a government report called *The Problem of Indian Administration* exposed the unintended difficulties of adjusting to allotment, indicating its results were "disappointing."⁴ They were found suffering "great poverty."⁵ Compared to the original vision of small farms on allotments, "the number of real farmers [was]...small."⁶ Allotments therefore proved unable to transform the Native Americans into stable, capitalistic entrepreneurs, and furthermore unable to produce even enough for subsistence living.

Reformer John Collier led the charge for new legislation that would reverse the policies of the Dawes Act. As the Commissioner of the Bureau of Indian Affairs from 1933 to

1945, Collier coordinated with FDR's New Deal programs to secure funding to employ Native Americans to work on infrastructural improvements and art and cultural displays for government buildings. Meanwhile, he drafted the Indian Reorganization Act, which sought to end allotment and to create structures with which Native Americans could build their own self-government, reuniting communities broken by parceled land. He wanted to revert the Native American cultures to traditional structures. He then took his proposal around the country to congresses of Indian leaders to ensure that Native American communities found it addressed their needs.

Despite his efforts to extend autonomy, there were crucial flaws in Collier's approach, too. The act took a white male's interpretation of Indian culture and turned it into policy, which comes to light in the minutes of the Indian Congresses. During one of these meetings, Collier insisted that an Indian member of the community stand as the head of the council at the congress. His insistence was incapable of overcoming their unease; when put to a vote, they **elected 101 to 67 for a government member** to head the council **instead.**⁷ What **these congresses saw** was a reluctance to take leadership in a structure that was foreign to the the Indians despite the emphasis on self-government.

Examining these two reforms and the developments between them shows how quickly lawmakers swung from one extreme to the other when deciding the Native Americans' future. Dawes's "convenient" solution was to assume Native Americans would eventually go extinct.⁸ Americans with political, literary, and artistic voice consequently painted a picture of the "vanishing American:" Native Americans, as they had existed before, were guaranteed not to be able to continue their old ways of life in the face of a conquered frontier and a modern, progressive white society. The only space left for

Indians was in history as a distant, romanticized ideal.⁹ The Reorganization Act used that ideal as its template for the future.

Edward S. Curtis developed his photography of Native Americans in this turbulent legal atmosphere. Curtis was born in 1868 near Whitewater, Wisconsin to homesteading parents. His formative exposure to photography was due to a lens his father brought home; he built a camera body to fit the lens using instructions from *Wilson's Photographics* magazine.¹⁰ As a young adult, he moved to Seattle, where he joined a small photo studio as a partner in 1891.¹¹ He quickly acquired a celebrated reputation for his ability to project his subjects' characters through his portraits.¹² Whereas once he had dug clams for a living, he had now established himself as a celebrated local artist.¹³ At only twenty-five, Curtis's career was just beginning.

Curtis's interest in Native American Indians began close to home, in Seattle. Princess Angeline, daughter of the late Chief Seattle, had decided to stay in Seattle when the government moved her tribe about a decade earlier. She became a symbolic figure for the locals, the "aged Indian ward of Seattle."¹⁴ Her image was printed on Seattle souvenir postcards and fine china.¹⁵ Local newspapers reported on her life regularly as if she was a celebrity.¹⁶ Curtis, driven to diversify and sophisticate his work, approached Chief Seattle's daughter with the offer of paying her to take her portrait.¹⁷ In her portrait, Princess Angeline's face takes most of the viewer's attention; her frown is carved into her skin with deep-set wrinkles that weigh her cheeks and forehead down. Her eyes are not even visible beneath low and heavy eyelids.¹⁸

Yet Curtis knew the Princess had more to her than her aging appearance, so he paid her a little more in exchange to photograph her in the midst of sifting through the muddy banks

of the Puget Sound. His shots from this set produced the "Clam Digger,"¹⁹ a portrait of the princess in the midst of her usual activity, not one removed from reality in a studio. Certainly no signs of age are shown in this candid, with Princess Angeline creating movement in the otherwise still landscape. Curtis went out of his way to capture both the princess as a dying member of her race, aging and tired, and as an active person living a subsistence life. The contrast between the two photos of Princess Angeline would typify Curtis's work in the *North American Indian*, which he would begin the next year in 1900.

The first volume of *The North American Indian* was published in 1906, and the following volumes were published sporadically over the next two decades, the last in 1930. The twenty volumes contain over 2,000 photos and researched text studies of the subjects. Photo historians herald it as an extensive catalogue on the caliber of John James Audubon's *Birds of America*.²⁰

For the following analysis, a fifteen per cent sample of the 2,000 published photos was coded for various thematic similarities to the laws. Some photos were relevant to multiple categories, and were thus tagged as such. The statistics produced from that sample are to support the strength of the patterns, though photos analyzed individually may come from outside the sample.

Throughout the volumes, Curtis uses composition and photographic techniques, as well as carefully chosen content, to emphasize the fading away of the Native American race, which complements the Dawes Act. The front piece of Curtis's first published volume of *The North American Indian* is a photo titled "The Vanishing Race."²¹ It shows several figures taken from the back, riding mules and wrapped in blankets. The subjects' faces are unseen, and the front of the caravan fades into the distance of

a dark, blurred rock silhouette. While visually stunning, Curtis chose this photo as the titular image to his volumes because it depicts the vanishing American.

Many of his photos share this blurred effect; to depict the relationship of the Indians to their land he manipulated the focus and framing to create a blurred effect in which the onlooker does not see the land in a straightforward way. "Into the desert,"²² a photo from Curtis's time with the Navajo tribe likewise exemplifies this technique. The photo's two figures and a donkey face away from the camera and toward a landscape so blurred that it is beyond recognition. Neither faces, nor even details of the figures are clear; the figures are silhouettes. The depth of field is limited to these silhouettes, and thus the rest of the background is quite lost. As a result of this composition, "Into the desert" depicts a broken, surreal relationship with land. From this photo the onlookers not only sense that the Navajos are disappearing, but that their conception of land is no longer relevant.

Curtis used this composition style and effect in a large number of the photos of the sample used, which suggests that the image was not simply an artistic choice of the moment, but rather his repetitive interpretation of the Native American situation. Thirteen per cent of the sample taken for this study was dedicated to showing the relationship between Native Americans and their land in these ways. Landscapes in this category were mystified by focus, while others showed this relationship by vastness of the land in relation to the subject, making the land turn into dead space. The image produced conveys the Native American peoples in a state of flux with their land by leaving the land to fade into obscurity or to overwhelm as a stark background.

Another strong pattern in Curtis's photographs of Indians with their land is the use of singular figures and apparently close

horizons. The photographer places his subjects against a landscape alone, as if they are the only human occupying that landscape, evoking the idea that the person pictured is the last of their kind. The horizon is frequently made to look close to the subject, taken using a low angle such that the photo's composition consists of that person and a shallow area of land that drops into the sky. Nineteen photos from the sample used this technique combined with using a singular figure, almost half of the photos which depicted some kind of relationship to land. "Sunset in Navaho-land" has its subjects backlit, the top of a hill forming a horizon over an apparent ending day. The title ensures that the message is about the end of the day for Navajo land.²³

In addition to the fading of the rugged American landscape, Curtis depicted daily life and activities that had his subjects engaging with their natural surroundings, which likewise contributed to the appearance of Native American ways of life to be outdated. The expressed purpose of depicting these activities was to show Indian daily life, but in the context of the Dawes Act, these photos contain much more meaning. By showing a girl "Getting water,"²⁴ or a Apsaroke gathering firewood,²⁵ Curtis glimpses into the relationship between Native Americans and their land, specifically the resources that land has to offer. The contrast between images like these and the ideal future for the Native American Indian under the Dawes Act highlights the societal image that such a dependence on nature for resources is obsolete. The need to depict such a dependence distances it from white society, indicating that Indians follow a primitive lifestyle while the rest of the nation has moved forward. Curtis's photos thus display an antiquated relationship to land very much contrary to the white man's conception of land use.

A significant portion of the photos depict aging; Curtis often showed aged subjects to be typical phenotypes of tribe

members, rendering one of his more blatant appeals to white conceptions of Native Americans. Of the 162 portraits taken in the sample, 111 of the subjects had an aged appearance, almost 69%. The portraits of these aging subjects share similar characteristics and compositions. Curtis seems to have used light coming from an acute side angle in order to highlight the shadows of facial wrinkles and tired eyes. From these images and many of their captions, it seems that Curtis was invested in depicting the Native Americans as an "aged" race.²⁶ Curtis would consistently neglect age as a factor in displaying what the "typical" Indian looked like. In "Cheyenne female type,"²⁷ a female sits against a photo backdrop, the light hitting her greyed hair and rumped forehead. She is an older member of the community, but Curtis chose her to represent the appearance all females of her Cheyenne heritage. "Chinook female type"²⁸ also makes this assertion by photographing an aging woman as the face of Chinook females, and furthers it by using the same subject to exemplify the typical Chinook profile.²⁹ Of the twelve per cent of Curtis's portraits taken for the express purpose of displaying physical traits, over half used older subjects. In this manner, Curtis used portraiture to display aging as the primary physical trait of the Native Americans. This surely played on the assumptions that the Native Americans would eventually no longer exist. Curtis thus shares the motivations of the Dawes Act, showing Native American history at its horizon through composition and content.

Despite these similarities in outlook and that extensive reflection in his depictions of Native Americans, Curtis's photographic discourse offers something more complex than simply existing as a monument before the conclusion of assimilation. His goal of preservation of culture, while at its core accepting that the cultures were disappearing, was still going against the grain of assimilation as a day-to-day practice. This

paradox is most clear through an examination of the contrasts between local laws about Indian practices and Curtis's own requests on site. As part of Curtis's intention to sample every tribe's culture and document it, he was especially determined to observe, photograph, and sometimes film, ceremonial dances.

Religious dances had been severely limited or outlawed to accelerate acceptance of white, mainstream ways of living and worship. A memo advising laws for the Court of Indian Affairs warns that "old heathenish dances, such as the sun-dance...are not social gatherings...but...are intended and calculated to stimulate the warlike passions of the young warriors of the tribe."³⁰ The "result is the demoralization of the young," who would otherwise be well on their way to being part of an assimilated generation.³¹ In the same spirit, Section 5 of the Dawes Act offered an allotment to "any religious society or other organization" previously located within reservations, ensuring that Indians assimilating by allotment ownership were still subject to whites' "religious [and] educational work among the Indians." Despite these restrictions, Curtis was determined to document Indian traditions. Many of the photos in *The North American Indian* claim to represent some religious artifact, figure, or ceremony; twelve per cent of the photos taken for the sample displayed one or more of these. Curtis seemed to be attempting to document as much as he could of ceremonies and dances, even if he had to pay dancers and craftspeople to make the artifacts from scratch.

Curtis thus managed to provide for his readers photos of a "Cheyenne sun-dance lodge"³² and an "Arikara medicine ceremony."³³ This duality shows that Curtis was willing to go against the law and dominant policies to document what he

wanted. While most white men in Indian communities were working to discourage these dances and to make it illegal for medicine-men to "prevent the attendance of children at the agency schools,"³⁴ Curtis made concerted efforts to build relationships and to compensate Native Americans to encourage them to perform old rituals. Through these actions, Curtis makes a protest, albeit a mild one, against the illegality of Native American spirituality.

Curtis's divergences from the Dawes Act bring up some interesting similarities with the Indian Reorganization Act. Like Curtis, John Collier had his own notion of Indian communities. He thus created a plan that represented his interpretation of Indian culture and social organization, much like Curtis took photographs of what he conceived to be "Indian."

One photograph is known to have been altered to better represent Indian life by Curtis's definition. "In a Piegan Lodge"³⁵ shows two men sitting side by side, a "pipe and its accessories" between them. Curtis's caption describes the various items that hang around them inside the lodge: "the buffalo-skin shield, the long medicine-bundle, [the] eagle-wing fan, "among other items."³⁶ The original image includes an item missing from the published print: a small clock. Curtis, wanting the photo to be "full of suggestion of the various Indian activities,"³⁷ removed the clock, which would have provided evidence of white influence on the Indians. A second angle of the same set was published with the clock removed as well, a consistent effort to erase the reality of white presence.³⁸ Curtis's effort thus projected his own definition of "Indian activities" into the photo and altered it to better represent his definition. In this respect,

Curtis's technique represents the attitudes of the Reorganization Act.

Curtis's work in its legal context makes it especially communicative of the turmoil and indecision American law dealt with in shaping how Indian society was to fit into the modern age. *The North American Indian* thus acts as a visual representation of the midpoint between the Dawes Act and the Indian Reorganization Act. His work is transitional, contradictory in attitude, unable to resolve the past image with the present need. Like both attempts at reform, he provokes questions about who the American Indians are, how white society affects them, and how that society will shape their future. This study thus calls for historians to search deeper for Indian agency during this period, and to become more in touch with the struggles that were pushed aside in the name of imagery.

APPENDIX A—"NATURE'S MIRROR"

Edward S. Curtis, "Nature's Mirror," *The North American Indian Volume I* (Cambridge: Cambridge University Press, 1907), 66 in *Northwestern University Digital Library Collections*, accessed 20 November 2015.



APPENDIX B—"PRINCESS ANGELINE"

Edward S. Curtis, "Princess Angeline," *The North American Indian Volume IX* (Cambridge: Cambridge University Press, 1913), 314 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX C—"CLAM DIGGER"

Edward S. Curtis, "Clam Digger," *The North American Indian Volume IX* (Cambridge: Cambridge University Press, 1913), Plate no. 317 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX D—"THE VANISHING RACE"

Edward S. Curtis, "The vanishing race - Navaho," *The North American Indian Volume I* (Cambridge: Cambridge University Press, 1907), Plate no. 1 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX E—"INTO THE DESERT"

Edward S. Curtis, "Into the desert," *The North American Indian Volume I* (Cambridge: Cambridge University Press, 1907), 64 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX F—"SUNSET IN NAVAHO-LAND"

Edward S. Curtis, "Sunset in Navaho-land," *The North American Indian Volume I* (Cambridge: Cambridge University Press, 1907), Plate no. 38 in *Northwestern University Digital Library Collections*, accessed 13 October



2015.

APPENDIX G—"GETTING WATER - HAVASUPAI"

Edward S. Curtis, "Getting water - Havasupai," *The North American Indian Volume II* (Cambridge: Cambridge University Press, 1908), plate no. 75 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX H—"WINTER - APSAROKE"

Edward S. Curtis, "Winter - Apsaroke," *The North American Indian Volume IV* (Cambridge: Cambridge University Press, 1909), plate no. 127 in *Northwestern University Digital Library Collections*, accessed 13 October



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APPENDIX I—"AGED POMO WOMAN"

Edward S. Curtis, "Aged Pomo woman," *The North American Indian Volume XIV* (Cambridge: Cambridge University Press, 1924), plate no. 488 in *Northwestern University Digital Library Collections*, accessed 13 October 2015



APPENDIX J—"CHEYENNE FEMALE TYPE"

Edward S. Curtis, "Cheyenne female type," *The North American Indian Volume VI* (Cambridge: Cambridge University Press, 1911), 86 in *Northwestern University Digital Library Collections*, accessed 13 October 2015



APPENDIX K—"CHINOOK FEMALE TYPE"

Edward S. Curtis, "Chinook female type," *The North American Indian Volume VIII* (Cambridge: Cambridge University Press, 1911), 84 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX L—"CHINOOK FEMALE PROFILE"

Edward S. Curtis, "Chinook female profile," *The North American Indian Volume VIII* (Cambridge: Cambridge University Press, 1911), 86 in *Northwestern University Digital Library Collections*, accessed 13 October 201



APPENDIX M—"CHEYENNE SUN-DANCE LODGE"

Edward S. Curtis, "Cheyenne sun-dance lodge," *The North American Indian Volume XIX* (Cambridge: Cambridge University Press, 1930), plate no. 660 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



APPENDIX N—"ARIKARA MEDICINE CEREMONY - THE BEARS"

Edward S. Curtis, "Arikara medicine ceremony - The Bears," *The North American Indian Volume V* (Cambridge: Cambridge University Press, 1909), Plate no. 161 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



Appendix O—"In a Piegan Lodge"

Edward S. Curtis, "In a Piegan Lodge," *The North American Indian Volume VI* (Cambridge: Cambridge University Press, 1911), Plate no. 188 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



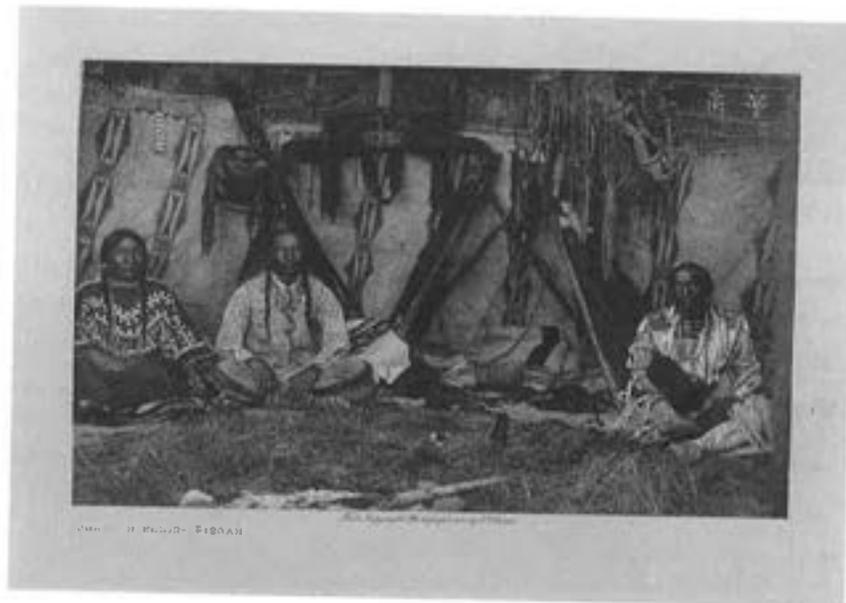
APPENDIX O(1)—ORIGINAL OF "IN A PIEGAN LODGE"

Gilbert King, "Edward Curtis's Epic Project to Photograph Native Americans," *Smithsonian.com*, 21 March 2012, Accessed 17 November 2014.



APPENDIX P—"LODGE INTERIOR"

Edward S. Curtis, "Lodge interior," *The North American Indian Volume VI* (Cambridge: Cambridge University Press, 1911), 18 in *Northwestern University Digital Library Collections*, accessed 13 October 2015.



¹ "Nature's Mirror." See Appendix A.

² Carl Schurz, "Present Aspects of the Indian Problem," *The North American Review* 458, No. 4 (Winter 1873): 45-54.

³ An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations (General Allotment Act or Dawes Act), Statutes at Large 24, 388-91, NADP Document A1887.

⁴ Lewis Meriam, and Others, *The Problem of Indian Administration: Report of a Survey made at the Request of Honorable Hubert Work, Secretary of the Interior, and Submitted to him, February 21, 1928* (Washington, D.C.: Brookings Institution, 1928), 460. *Eric*.

⁵ Meriam, *The Problem of Indian Administration*, 460.

⁶ Meriam, *The Problem of Indian Administration*, 5.

⁷ "Minutes of the Plains Congress, Rapid City, South Dakota, March 2-5, 1934" in *The Indian Reorganization Act: Congresses and Bills*, ed. Deloria (Norman: University of Oklahoma Press, 2002), 26.

⁸ Brian Dippie, *The Vanishing American: White Attitudes and US Indian Policy* (Middleton: Wesleyan University Press, 1982), 122.

⁹ Dippie, *The Vanishing American*, 209.

¹⁰ Timothy Egan, *Short Nights of the Shadow Catcher: The Epic Life and Immortal Photographs of Edward S. Curtis* (New York: Harcourt Mifflin, 2012), 9.

¹¹ Egan, *Short Nights of the Shadow Catcher*, 9-12.

¹² Egan, *Short Nights of the Shadow Catcher*, 7-8.

¹³ *Ibid.*, 13.

¹⁴ "Olympia, Washington: Friday Evening, April 26, 1895," *The Washington Standard* (Olympia, Washington Territory), April 26, 1895. Accessed 4 February 2016, *Library of Congress*.

¹⁵ "Princess Angeline with walking stick in studio setting, 1906," Portraits Collection, *Digital Collections University of Washington*. Accessed 4 February 2016. See also advertisement for "Fredrick, Nelson & Munro" in *The Seattle Post-Intelligencer* (Seattle, Washington Territory) 11 May 1895. Accessed 4 February 2016, *Library of Congress*.

¹⁶ "Olympia, Washington: Friday Evening, April 26, 1895," *The Washington Standard*.

¹⁷ Equal to a week's worth of her usual work, clam digging. See Egan, *Short Nights of the Shadow Catcher*, 16.

¹⁸ "Princess Angeline." See Appendix B.

¹⁹ "The Clam Digger." See Appendix C.

²⁰ Alan Trachtenberg, *Shades of Hiawatha: Staging Indians, Making Americans, 1880-1930* (New York: Hill and Wang, 2004), 174.

²¹ "The Vanishing Race." See Appendix D.

²² "Into the desert." See Appendix E.

²³ "Sunset in Navajo-land." See Appendix F.

²⁴ "Getting water - Havasupai." See Appendix G.

²⁵ "Winter - Apsaroke." See Appendix H.

²⁶ "Aged Pomo woman." See Appendix I.

²⁷ "Cheyenne female type." See Appendix J.

²⁸ "Chinook female type." See Appendix K.

²⁹ "Chinook female profile." See Appendix L.

³⁰ "Rules for Governing the Court of Indian Offenses 30 March 1883" *Robert N. Clinton*, Accessed 10 December 2014.

³¹ "Rules for Governing the Court of Indian Offenses 30 March 1883."

³² "Cheyenne sun-dance lodge." See Appendix M.

³³ "Arikara medicine ceremony - The Bears." See Appendix N.

³⁴ "Rules for Governing the Court of Indian Offenses 30 March 1883."

³⁵ "In a Piegan Lodge." See Appendix O.

³⁶ "In a Piegan Lodge."

³⁷ "In a Piegan Lodge."

³⁸ "Lodge Interior." See Appendix P.

The Criminalization of Homosexuality in India: The Deep Roots of a Colonial Legacy

History Department's Outstanding Research Essay Award,
Sage Espindola

In 2013, the Supreme Court of India, presiding over the *Suresh Kumar Koushal v. Naz Foundation* case, overturned a lower court decision and in turn, upheld and reaffirmed the legitimacy of Section 377 of the Indian Penal Code, on the basis that it reflected "Indian tradition."¹ Section 377, codified in 1860, is the colonial-era provision that prohibits "carnal intercourse against the order of nature," which among other things, has been used to criminalize, degrade, and systematically marginalize homosexuality within Indian society.² This case was extremely controversial, both within and outside India. Many scholars question the judicial legitimacy of the case, and the problematic 2013 Supreme Court claim of upholding Indian tradition.

The original draft of Section 377, codified by Thomas Babington Macaulay, was saturated with Victorian rhetoric on acceptable morality and sexuality and criminalized homosexual acts on the basis that these "unnatural" practices were a "disgrace to human nature" as well as a display of "gross indecency."³ These colonial legal interventions and codifications aimed to rigidify social categories and aspects of Indian sexuality that were previously much more fluid.⁴ Recent scholarship on pre-colonial India provide a wealth of archival material that challenge the colonial understandings of Indian gender and sexual practices. Sanskrit texts, including Vatsyayana's *Kama-Sutra*, as well as Mughal texts, frequently mention homosexuality and speak of these same-sex relations with an overall attitude of tolerance and acceptance.⁵ Concepts of sexuality and gender identities in pre-colonial India were much more flexible and did not align with the 18th century European concept. If these

practices were not alien to pre-colonial Indian culture, the point of contention lies in how Indian attitudes towards homosexuality transformed so drastically during the colonial period? How and why did those ideas continue to inform Indian legal system after Independence from British rule?

Through the forced implementation of Victorian values, legal codification, and the systematic suppression of India's homoerotic past, British colonialism not only criminalized homosexuality, but reconstructed Indian attitudes and cultural practices towards homosexuality. Colonial legal and moral intervention, in relation to sexuality, permeated Indian society so deeply that post-colonial Indian nationalists have adopted these homophobic attitudes and legal codes as "Indian tradition."⁶

Pre-colonial Eroticism in India

Sanskrit and Mughal texts provide a wealth of material and evidence which suggest that same-sex love and eroticism, "was a familiar feature of the social landscape" in pre-colonial India.⁷ Urdu and Rekhti erotic poetry, Sanskrit literature, mainly the Kamasutra, and Sufi erotic poetry, include numerous explicit depictions of same-sex love, desire, and activity.⁸ While it is unclear whether these artistic and literary works directly reflect accepted social practice, they certainly, "reflect and shape social attitudes" of pre-colonial India.⁹

Same-sex eroticism, desire and activity can be seen most frequently and explicitly in the, first Persian, and later Urdu, pre-colonial erotic poetry of India. This large body of mystical erotic poetry, written by men, focused on human beauty and described the, "love of the male poet for a male beloved."¹⁰ The most famous homoerotic epics and lyrical poems depict the love affair of Sultan Mahmud and his cupbearer, servant, and lover, Ayaz. The epic poem begins with Mahmud dreaming of a beautiful young slave boy at a banquet, who is pouring him wine and smiling kindly at him:

"Crying and moaning, Mahmud danced from longing for his love

As if his skin were being shed from his body
Serving handsome companions dressed in sheer muslin
with gold cups
Droplets of sweat from the cupbearer's brow rolled along
his ear
The wine jug circled around, bringing the two into
intimacy
Mahmud's ecstasy boiled over in his delicious dream
vision"¹¹

When Mahmud wakes, he longs for the beautiful boy in his dream and soon learns that he is a slave for sale at the market. He finds Ayaz, purchases him, and troubled by the separation between them, as master and slave, Mahmud asks Ayaz to be his cupbearer out of love instead of duty. The poem then depicts a scene of intimacy through the pouring of wine as "a metaphor both for kissing and love's intoxication."¹²

"He filled the cup with wine like his love's ruby lips
Entangled in the curls of Ayaz, Mahmud began to lose
control...
Tonight, I'm in the mood to finally reach you
How long has my only wish from God been delayed
Your lips have become ruby red, as intense as the wine
Such a ruby spells the death of better discretion"¹³

At the end of the poem true love, with an emphasis on universal love, is the final message and take away. This homoerotic romance has been rewritten and reinterpreted numerous times to invoke different messages and emotions. Some ghazal¹⁴ poets even leave the gender of the beloved ambiguous; again highlighting the unique fluidity of pre-colonial Indian sexuality.

While Persian and Urdu erotic poetry provides a commentary on pre-colonial attitudes on homoerotic love and activity, they also reveal the problematic relationship between

same-sex love and pre-colonial slavery.¹⁵ In most erotic poems or epics, the speaker positions himself as a “slave” to the beloved boy’s beauty and intimacy, when in reality, the speaker is “always a free adult male while the beautiful boy is usually the idealized slave.”¹⁶ Close analysis of pre-colonial Indian sexuality and sexual practices reveals that, while Indian sexuality and gender identity appear to be fluid and flexible, particular kinds of **sexual activity** appear to be the “enactment of social and political hierarchies.”¹⁷ Sanskrit erotic manuals designate specific sexual acts to certain people in the society, based on gender, class, and status. Oral sex, for example, in Sanskrit erotic manuals, can not be performed by a “respectable woman” who is married, but instead only by “female attendants and serving maids... and male servants of some men.”¹⁸ It is important to examine same-sex eroticism in this institutionalized context in order not to romanticize pre-colonial homosexuality, or deem it more egalitarian than their heterosexual counterparts.¹⁹

Same-sex erotic poetry and literature was not confined to just male homo-eroticism in pre-colonial India. Rekhti poetry, a genre that emerged alongside Persian and Urdu male homoerotic literature, was written by men but **in the female voice**, describing **specifically female same-sex activities**.²⁰ Rekhti poetry was so remarkable and memorable because of the terms used to describe sexual activity between women. The imagery was very sensual, explicit and the language was unreserved and intense:

“This play, my love, is better than all other in the universe,

It’s worth staking your life on, in thoughts of it yourself immerse...

...When you join your lips to my lips,

It feels as if new life pours into my being,

When breast meets breast, the pleasure is such

That from sheer joy the words rise to my lips:

The way you rub me, ah!...

me ... How can I be happy with a man - as soon as he sits by

He starts showing me a small thing like a mongoose -

I’d much rather have a big dildo

And I know you know all that I know

The way you rub me, ah!...”²¹

Ruth Vanita argues that despite the male authorship of the Rekhti poetry, it was not written just for the “titillation of other men.” Instead, this literature served a diverse audience of highly educated women during the eighteenth and early nineteenth century. Rekhti poetry, at the same time, embodied a genre that was highly gendered. While women poets, to be taken seriously, **had to adhere to convention** and write like men, “men had the **freedom to write as a women**.”²²

This evidence suggests that same-sex love and eroticism was indeed “a familiar feature of the social landscape” of pre-colonial India and one that, at least in literature and poetry, was celebrated. Ruth Vanita, a leading scholar on sexuality and eroticism in India, argues that pre-colonial attitudes toward same-sex activity can be characterized by, “an overall tolerance **and relatively non judgmental attitude**, and an absence of violent **persecution**”.²³

Colonial Transitions

With the advent of British rule in India, many of these traditions and attitudes towards homosexual love and eroticism were systematically suppressed or legally forbidden. In order to contextualize the ruling of the Koushal vs. Naz Foundation and understand why Indian attitudes towards homosexuality were so drastically transformed, it is imperative to explore India’s entanglement with British colonialism. Legal and cultural restrictions against homosexuality in India, implemented by the British, largely reflect the values of the British Victorian Christian rulers, their concepts of morality, and homophobic culture. British colonialism used Victorian morality to degrade

pre-colonial Indian sexuality and traditions in order to assert and legitimize their sovereignty over Indian society. The colonial state framed India's homoerotic past as an example of "Asian despotism" and uncivilized culture while simultaneously epitomizing British cultural as, "rational, enlightened," and superior.²⁴ In an attempt to reclaim power and legitimize their own ability to rule, Indian nationalists and elites internalized and adhered to these Victorian ideals. Nationalist poet, philosopher, and lawyer, Muhammad Iqbal, along with many other nationalist Urdu poets, reinterpreted the pre-colonial epic Mahmud and Ayaz to reflect heteronormative values and disengage from pre-colonial, homo-erotic sentiments.²⁵ This suppression and denial of their own homoerotic past, further allowed homophobia to permeate through Indian society.

Scholars have argued that homophobia and harsh legal repercussions for homosexual acts appears to have been, "virulent in, and perhaps even unique to, Western cultures."²⁶ Homosexuality, in the Western context, was considered primitive and was condemned as an act committed against divine order, and therefore a crime against national sovereignty.²⁷ This Western model of homophobia was employed by the British and was influenced by the religious ideology and the culture of sensibility that was prevalent in eighteenth-century Britain. Christian theology and ideology, has been characterized by deep homophobic roots and the medieval Christian church expressed staunch intolerance towards homosexuality and other 'deviant' sexual acts.²⁸ These beliefs, stemming from the doctrines of late antiquity, were formed in response to profound social change and were used as a tool of social control to reorganize and solidify a specific social hierarchy. These religious ideologies played an important role in the construction of a culture of sensibility and concepts of Victorian morality, which Britain would use to institutionalize homophobia in India.²⁹

Victorian ideals, which were defined during Britain's age of sensibility, were characterized by a specific set a manners,

"customs, behaviors, and fashions," which echoed "refinement," heterosexuality, strict patriarchal social structure, chastity and sterilized concepts of sexuality.³⁰ These manners and behaviors, which were upheld by the upper class and ruling elites and imitated by the lower class, were used as a way to maintain a distinction within the social hierarchy. Britain's adherence to these manners and values were seen, by them, as their "conscious efforts to initiate the civilizing process" within their own country as well as in other countries. This was the imperialist mindset of the British colonizers within India. They effectively used this 'civilizing' rhetoric to justify their colonizing efforts in India, their moral and legal superiority, and the inability of Indians to govern themselves.³¹

In "efforts to initiate the civilizing process" and further strengthen their sovereignty and control within India, in 1837 the British government enacted the Indian Penal Code. This piece of legislation, spearheaded by British politician Thomas Babington Macaulay, was a comprehensive series of legal codes, which sought to codify native behaviors, customs, and traditions in order to consolidate British rule. Britain saw these legal codes as a way to, not just cleanse and control India, but to protect British citizens in India from "special Oriental vices" such as prostitution and the "unnatural crimes of homosexual activity."³² The Indian Penal Code became a powerful legal tool that helped consolidate British power. The criminalization of homosexuality, establishment of homophobic beliefs, and the introduction of the colonial antisodomy act, Section 377, into the Indian Penal Code in 1860, must be understood within this larger imperial project in India.

British colonial powers first introduced antisodomy legislation in Indian in 1828, stating that homosexual acts and 'buggery' were gross indecencies and unnatural to human nature.³³ This initial legislation was the beginning of an evolution of ideas and attitudes towards homosexual and homoerotic acts, legal provisions towards them, and their

respective punishments. Pre-colonial Indian legal doctrines, such as the Artha-sastra and the Vatsyayana, acknowledge both male and female homosexuality and also prescribe "penalties or atonements for homosexual conduct."³⁴ Rather than describe homoerotic and homosexual activities as a vice or a criminal offense, these doctrines articulate how these acts should be performed and between whom. These texts advise men participating in these sexual relations to "act according to the custom of the region and one's own disposition and confidence," implying that, not only were these homosexual acts allowed, but they were left up to an individual's own discretion.³⁵ Besides for homosexuality being fairly accepted and tolerated, if legal action was to be taken against a homosexual act, they were often negotiated and resolved by mild sanctions, such as the payment of small fine or by "bathing with his clothes on."³⁶

The British colonial antisodomy legislation and texts define homosexual activity as a deplorable evil and a criminal offense. These British legislations characterize sodomy as a severe perversion and deviation from acceptable sexual practices and a crime, not just against the state but also against God, which was punishable by the death penalty.³⁷ This drastic contrast in punishment clearly reflects the evolution of attitudes and legal provisions towards homosexual activities during colonial rule. More importantly, these legal codes further articulated the Western belief that in a civilized, modern state, it is "imperative that the rulers maintain their sexual, social, and racial purity."³⁸ Due to their homoerotic past, the British questioned Indian natives morality and their capability as rulers, while simultaneously justifying British sovereignty. Indian nationalists were very sensitive to the manner in which other nations perceived India and therefore they found the association of Indian past and culture with homoerotic vice an ill of their society and a hindrance to their legitimacy.³⁹ In an attempt to justify native rule, Indian nationalists began to adopt Victorian values, suppress their homoerotic past, and purge their culture of

all homosexual tendencies.⁴⁰ Colonial codification, along with Indian internalization, radically transformed the Indian legal landscape, and societal attitudes, towards homosexuality "in a fashion that outlasted the end of the empire" and persisted into post-colonial India.⁴¹

Koushal vs. Naz Foundation (2013)

The post-colonial, nationalist project of "remaking India" involved a careful process of "unmaking," through the selective appropriation and rejection of certain aspects of India's past; specifically homosexuality.⁴² With the emergence of the HIV and AIDS pandemic in India, issues of sexuality have become intrinsically linked to issues of both health and human rights.⁴³ Starting in the early 2000s, queer activists and human rights groups began to question the legitimacy and existence of unjust laws, specifically Section 377 of the Indian Penal Code. These groups claimed that, not only did Section 377 criminalize same-sex acts, but it also "created and legitimized the culture of violence and intolerance towards the queer."⁴⁴

In 2009, the Naz Foundation, a New Delhi NGO that works on the prevention and treatment of HIV and AIDS, filed a petition to the Delhi High Court stating that, "Section 377 could not constitutionally be applied to criminalize private sexual acts between consenting adults."⁴⁵ The petition also argued that Section 377 "hampered AIDS prevention efforts," as well as violated constitutional rights of privacy, equality, and freedom of expression.⁴⁶ During the case, a coalition of human rights groups, called the 'Voices Against 377,' provided extensive documentation, which outlined the various ways that Section 377 promoted harassment, violence, and injustice toward the queer community. After a lengthy case, the presiding Chief Justice, Ajit Prakash Shah, ruled in favor of the Naz Foundation's petition on July 2, 2009. Within the decision, the Court held that, "the criminalization of private sexual acts between consenting adults violates the rights... implicit in the constitutional guarantees of life and liberty."⁴⁷ The ruling also stated that,

legislatively, Section 377 was, “arbitrary and unreasonable, and unfairly targets homosexuals,” which directly violates the constitutional ban on sex discrimination.⁴⁸

The 2009 ruling was widely celebrated amongst the queer community and the High Court’s decision was revered for its thorough legal analysis. The High Court’s decision was particularly notable for its careful application of constitutional doctrines, its adherence to constitutional morality over popular morality, and its willingness to engage with international law.⁴⁹ Especially groundbreaking was the High Court’s analogical analysis of international comparisons of Article 15 and their consideration of the U.N. Human Rights Committee’s decision, regarding sex discrimination. After consulting these documents, the High Court held that Article 15 of the Indian Constitution, “forbids the state to discriminate on the basis of sexual orientation,” as well as, “forbids even discrimination by private citizens.”⁵⁰ By negotiating a wide variety of international and domestic constitutional law, the High Court provided a nondiscrimination verdict that was both, “informed by international and comparative sources” and “consistent with India’s own cultural and constitutional heritage.”⁵¹

Despite the overwhelming praise the 2009 ruling received from domestic and international queer and human rights groups, certain religious organizations and individuals fervently opposed the Delhi High Court’s judgment. The first man to file an appeal against the 2009 ruling was an astrologer named Suresh Kumar Koushal. Koushal filed this appeal to the Supreme Court of India in 2013, on the basis that the High Court ruling “promotes the social evil of homosexuality” and fails to protect the cultural values of Indian society.⁵² Shortly after the appeal was filed, the two-judge panel of the Supreme Court overturned the 2009 ruling and upheld the colonial-era provision, Section 377, as constitutional and an expression of Indian tradition. The proceedings of the 2013 case, led by Justice Singhvi, reflected thin legal analysis, incomplete judgments and judicial

inconsistencies, that have frustrated many legal scholars. One scholar argued that the 2013 Supreme Court judgment provided “an incoherent ruling amounting to several pages of judicial nothingness.”⁵³ Some of the most significant problems of the 2013 case, and the judicial logic applied, was the lack of attention and merit given to constitutional rights, constitutional morality, and international precedent.

Instead of deciding whether or not Section 377 violates the constitutional rights of homosexuals and the queer community, the Supreme Court justices obsessed over determining exactly which acts constituted ‘carnal intercourse against the order of nature’ and if Section 377 outlined these acts properly. The Supreme Court declared that if Section 377 was able to “identify certain acts which if committed would constitute an offense,” which they believed it had, then the law was constitutional and legitimate.⁵⁴ When petitioners argued that the Courts had failed to address the ways in which Section 377 promoted discrimination and violence, and provided evidence of specific instances, the Supreme Court ignored this and stated that, “there was no support for a finding that homosexuals, gays, etc...are being subjected to discriminatory treatment...by the State.”⁵⁵ By neglecting these grievances and the discriminatory implications of Section 377, the Supreme Court ruling denied general constitutional guarantees of equality and protection to the entire queer community.

Another shortcoming of the case was the Supreme Court’s adherence to popular morality over constitutional morality. The Court, and groups that defended Section 377, relied too heavily on arguments, which asserted that “Indian society by and large disapproved of homosexuality,” and therefore homosexuality must be immoral and criminalized.⁵⁶ While the Delhi High Court concluded that enforcement of public morality did not equate to state interest or the protection of constitutional rights, the Supreme Court did not abide by this logic. Instead, they upheld Section 377 on the basis that it

reflected the "will of the people" and "Indian tradition," ignoring the merit of constitutional morality.⁵⁷ One of the more troubling aspects of the case was the Supreme Court's adamant refusal to consider international law in their decision. The Supreme Court panel openly attacked the High Court's willingness to use international and comparative law and condemned them for relying too heavily upon foreign judgments in a domestic issue.⁵⁸ When questioned about their reasoning, the Supreme Court expressed their "grave doubts about the expediency of transplanting Western experience in our country," especially when it concerned matters of 'Indian cultural traditions'.⁵⁹

Conclusions

The judicial logic and public opinion surrounding the 2013 Supreme Court decision to endorse the constitutionality of the colonial provision, Section 377, was saturated in contradiction and exemplified the lasting legacy of colonialism in India. While the Supreme Court was condemning the idea of transplanting any Western experience or thought into their country, they were simultaneously upholding colonial legal codifications and social attitudes, which were directly implemented by the British to reflect Western ideals. During colonialism, the British used law as a powerful apparatus to codify and embed Victorian values so deep that Indian elites and Indian society began to internalize and adopt these beliefs. What is more concerning, is that the 2013 *Koushal v. Naz Foundation* case revealed that the Indian public and polity consider these legal and social colonial transplants to be "Indian tradition" and reflective of Indian cultural mores. In order to eradicate homophobia in India and the detrimental effects of this colonial legacy, the Indian people must take a deeper and more honest look into their past and trace the Western roots of Section 377.

¹ Ruth Vanita, *Queering India: Same-sex Love and Eroticism in Indian Culture and Society*. New York, NY: Routledge, 2002, 16.

² Bret Boyce, "Sexuality and Gender Identity Under the Constitution of India." *Journal of Gender, Race & Justice*, 1-62, 2.

³ Bret Boyce, *Sexuality and Gender Identity*, 15-16.

⁴ *Ibid*, 19.

⁵ Ruth Vanita, *Queering India*, 30-110.

⁶ Ruth Vanita, *Queering India*, 16.

⁷ Rosalind O'Hanlon, "Kingdom, Household And Body History, Gender And Imperial Service Under Akbar." *Modern Asian Studies*, 2007, 921.

⁸ Bret Boyce, *Sexuality and Gender Identity*, 11.

⁹ *Ibid*, 11.

¹⁰ *Ibid*, 12.

¹¹ Ruth Vanita, *Queering India*, 31-32.

¹² *Ibid*, 33.

¹³ *Ibid*, 33.

¹⁴ A ghazal is a lyrical poem, specific to Persian and Indian literature and music, with a fixed number of verses and a repeated rhyme. It is typically a lyrical poem concerning themes of love.

¹⁵ Bret Boyce, *Sexuality and Gender Identity*, 13.

¹⁶ Ruth Vanita, *Queering India*, 61.

¹⁷ *Ibid*, 66.

¹⁸ *Ibid*, 67.

¹⁹ Bret Boyce, *Sexuality and Gender Identity*, 13.

²⁰ *Ibid*, 13.

²¹ Ruth Vanita, "Rekhti Poetry: Love between Women (Urdu)." *Same-sex Love in India: Readings from Literature and History*. New York: St. Martin's, 2000, 222-225.

²² Bret Boyce, *Sexuality and Gender Identity*, 14.

²³ *Ibid*, 8.

²⁴ Asad Ali Ahmed, "Specters of Macaulay: Blasphemy, the Indian Penal Code, and Pakistan's Postcolonial Predicament." *Censorship in South Asia*, 175

²⁵ Ruth Vanita, *Queering India*, 41-42.

²⁶ Sujitha Subramanian, "The Indian Supreme Court Ruling in *Koushal V. Naz*: Judicial Deference or Judicial Abdication." *The George Washington International Law Review* 47:711-62, 724.

²⁷ George L. Mosse, *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe*. New York: H. Fertig, 1985, 25.

²⁸ David F. Greenberg and Marcia H. Bystryn, "Christian Intolerance Of Homosexuality." *American Journal of Sociology*: 515. 542-543.

²⁹ Sujitha Subramanian, *Judicial Deference or Judicial Abdication*, 724.

- ³⁰G. J. Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-century Britain*. Chicago: University of Chicago Press, 1992, 78-79.
- ³¹ Asad Ali Ahmed, *Specters of Macaulay*, 177-182.
- ³² *Ibid*, 17
- ³³ Bret Boyce, *Sexuality and Gender Identity*, 15.
- ³⁴ *Ibid*, 5.
- ³⁵ *Ibid*, 6
- ³⁶ *Ibid*, 5.
- ³⁷ Ruth Vanita, *Queering India*, 21.
- ³⁸ *Ibid*, 16.
- ³⁹ *Ibid*, 31-44, Ruth Vanita, "The Kamasutra in the Twentieth Century." *Same-sex Love in India: Readings from Literature and History*. New York: St. Martin's, 2000, 236 - 238.
- ⁴⁰ Ruth Vanita, *Queering India*, 38.
- ⁴¹ Sujitha Subramanian, *Judicial Deference or Judicial Abdication*, 725.
- ⁴² Arvind Narrain, "The Articulation of Rights around Sexuality and Health: Subaltern Queer Cultures in India in the Era of Hindutva." *Health and Human Rights* (2004), 144.
- ⁴³ *Ibid*, 143.
- ⁴⁴ *Ibid*, 151.
- ⁴⁵ Bret Boyce, *Sexuality and Gender Identity*, 29.
- ⁴⁶ *Ibid*, 30.
- ⁴⁷ *Ibid*.
- ⁴⁸ *Ibid*.
- ⁴⁹ *Ibid*, 29.
- ⁵⁰ *Ibid*, 40.
- ⁵¹ *Ibid*.
- ⁵² Sujitha Subramanian, *Judicial Deference or Judicial Abdication*, 713.
- ⁵³ *Ibid*, 716.
- ⁵⁴ Bret Boyce, *Sexuality and Gender Identity*, 43.
- ⁵⁵ *Ibid*.
- ⁵⁶ *Ibid*, 30.
- ⁵⁷ Sujitha Subramanian, *Judicial Deference or Judicial Abdication*, 713, Ruth Vanita, *Queering India*, 16.
- ⁵⁸ Bret Boyce, *Sexuality and Gender Identity*, 44.
- ⁵⁹ *Ibid*, 45.

Review of *Manhood on the Line Working Class Masculinities in the American Heartland*

Emily Edwards

In this new release from University of Illinois Press, *Manhood on the Line Working-Class Masculinities in the American Heartland*, historian Stephen Meyer delves into the nuances of the male-dominated auto-industry, tracing the close connections between gender performance and labor activism. In his work, Meyer seeks to contextualize the phases of unionization in Midwestern auto-plants while at the same time provide a parallel narrative that explores how masculine identity and maleness evolved in its performance to becoming inherently tied to work. In his work, Meyer successfully complicates the prevailing homogenous narrative of unionization as consumed with questions of class through his deconstruction of maleness as a key facet of one's labor identity as a 'working man.' This focus on the evolution of the performance of masculinity illuminates a new facet of labor history in America.

In *Manhood on the Line*, Meyer contextualizes the split in labor between highly specialized, skilled workers and those performing gene

ral tasks before rampant industrialization in America shifted all manual labor to a repetitive and unskilled performance. With this foundation, Meyer's argues that gender performance shifted in regards to the types of labor performed. As such, as manufacturing became less individualized and tradesmanship became obsolete in an auto-industry built on speed, efficiency, and consistency, the way men related to their work and viewed themselves as workers changed. This transition to a workspace

dominated by mechanized manufacturing where machines controlled the pace of the work and required laborers to perform menial repeated tasks 'destroyed' historical conceptions of maleness as defined by craftsman ideals of autonomy, independence and control (19-20). Meyers suggest that this new modernized shop-floor lead to new performances of maleness that were defined by hyper-masculine expressions and behaviors that newly disenfranchised workers could still control; their physical and sexual prowess.

Meyer's chronicles the evolution of this hyper-masculine male identity that was defined by a violent physicality and raw sexuality. While such a description of a working class male is in and of itself not revolutionary, Meyers complicates our image of the 'working-class brute' through introducing more nuanced facets of male performance; discussing the boyish 'hi-jinks' and 'pranks' played by employees on the shop-floor to break the monotony of manufacturing, even discussing the fashion of laborers, showing how dress became a battle-ground of class warfare on the shop floor with managers differentiating themselves from employees through neckties. From here, Meyer weaves in a discussion of the fight to unionization in the various auto plants, touching upon some of the most violent and well documented confrontations at Ford plants making gender a focus of his analysis.

Labor's fight to unite auto workers occurred within a context of masculine pride. Meyer chronicles the paranoid and oppressive shop atmosphere that is traditionally described as a violent conflict between the workers and the management, but here is also a fight of men against men, each fighting for their own male dignity. Meyer frames the unionization drive as in a lense of realizing masculine identity; providing for one's family with decent wages, gaining dignified and safe working conditions, and wrestling back control from mechanized production standards. This alternative view of American unionization as a uniquely gendered project complicates such a

homogenous portrait of labor history as a class-driven movement relating workers across all boundaries. In fact, Meyer does an excellent job of highlighting the racial and ethnic divisions among male auto workers in Detroit during the Ford River Rouge strike. Despite a gendered unity consolidated through shared work experiences in the Ford plants, ethnic and racial identities were a clear fault line in the labor movement and were used as pressure points by Ford management (101). It is clear that the image of the "working man" was defined not simply by physicality, but by whiteness.

Such divisions in the auto industry would remain after the period of unionization. Meyer rounds out his narrative of men and maleness in the Midwestern auto industry by introducing the contemporary changes that labor has faced--the integration of black men on the shop floor and the rising number of female employees. Meyers presents this workplace integration as a challenge to the racially white and physically and sexually aggressive identity men had fashioned through their experiences unionizing and fighting to make the shop floor their own, such a diversification of labor threatened the narrow space white male laborers had carved out for themselves. The changes to male gender performance through industrialization to the age of unionization Meyer chronicles become increasingly fossilized in the contemporary world of manual labor.

Manhood on the Line, Working-Class Masculinities in the American Heartland does the important work of contextualizing why and how men became men in American society. Meyer brings to light how gender and class identities convalesced to form a picture of manhood that continues to dictate today's "authentic" male representation as physical, violent, and brazenly sexual, but also as the dedicated and strong "provider." In this narrative of labor history, Meyer does the important work of tracing the development of this familiar image of the "working man" as an evolving identity, contingent on specific historical socio-economic conditions. In interrogating the construction of

masculinity on the shop floor, Meyer reveals the complex interplay of class and gender on self-representation and identity-formation. As such, Meyer offers us an thorough and thoughtful deconstruction how and why maleness became synonymous with violence and hyper-sexuality, this story begins in the auto-plants in the Midwest.

While Meyer provides a developed and nuanced contextualization the development of white masculinity on the shop-floors, he seems to omit a discussion of alternative or non-normative masculinity. While he mentions the feminization tactic used by unionizer to degrade 'scabs' as less than true men (62), there is absent a discussion of homosexual masculinity or of the working-men who were not 'rough and randy.' In *Manhood on the Line* one is given the impression that while working-class masculinity was complex and nuanced, it was the homogenous gender presentation for men working in auto plants. Considering the complexity of gender performance, *Manhood on the Line* would have been strengthened by a more developed and central discussion of non-normative masculinity, even if only to use such a description as a counterpoint to the manly 'working man.'

Ultimately, *Manhood on the Line, Working Class Masculinities in the American Heartland* proves to be a formative text for both labor and gender history. Meyer's book reinforces the close relationship between class and gender in identity formation and through his work effectively traces the evolution of American working-class manhood in a way that urges us to examine how our definitions of manhood have evolved as the modern labor economy moves away from mechanized manufacturing towards virtual, robotic and computerized producti

Review of From Virile Woman to WomanChrist: Studies in Medieval Religion and Literature

Kevin Anthony Fox Jr.

Barbara Newman's 1995 study *From Virile Woman to WomanChrist: Studies in Medieval Religion and Literature* details the evolution of the spiritual place of women in medieval Catholicism as expressed through the words and actions of lay and religious women and the clergymen and monks who sought to control them. In the course of the 248 dense-but-not-dry pages split into six essays arranged roughly chronologically in addressing different subtopics, Dr. Newman thoroughly investigates the place of misogyny in church direction, the roles women were given by the patriarchy – and those they invented in purposeful or incidental defiance – and the ways in which social norms and religious traditions impacted gendered interactions. Like all things contemporary, twenty-first century spirituality is informed and inspired by its predecessors. As such, a book which seeks to comprehend the many expressions of femininity in the Middle Ages helps the contemporary reader understand the current religious and socio-sexual landscape, particularly in the United States, where sexism is institutional if not codified, and religion strongly informs politics. Newman's opening operational assumption is that the Church has always been misogynistic but women have always been involved in the Church, so gender has always been a Church issue (1). Her research in the book goes on to display the variety of spiritual roles women had in the medieval Church, exemplifying the contradictorily exalted and repressed positions different women held in society, as well as offering different examples of proto-feminist literature written by men and women.

In medieval Europe as in modern America, some individuals within oppressed groups are presented by oppressor

groups as models to be emulated by the subordinate class. In the introduction to her book, Dr. Newman explains two polemics which define the poles of medieval Christian understanding of women; those are the "Goddess ideal" of woman's inherent virtuosity and moral superiority to men and "womanChrist," where women are seen as inherently inferior to men but have the potential to ascend by making themselves one with Christ (3). The book mostly revolves around sexism, as we live in a patriarchal world and it was even more misogynistic a millennia ago in Europe than it is in America today; thereby, the focus is more on the womanChrist concept with its placement within a dialogue of necessary redemption for an inherently-faulted sex. That is to say that the most outstanding of pious women were shining examples of potential greatness afforded unique social standing through perfectly executing what the male religious purported to be the female religious' lot in life. The devotion to God, to Mary, and to the Church was wholly unrelenting.

Newman also said here that while the Goddess and womanChrist are theoretically opposed, the concepts often worked in concert in practice. Therefore, over the course of the text we are introduced to women whose lives were focused on becoming one with Christ, and in so doing some of the women religious of the early-mid fourteenth century, like Guglielma (185-190) and Na Prous (195-198) inspired cult followings which saw them as divine. Shortly thereafter, as the fourteenth century began to wind down, the Church saw the development of iconography of The Holy Trinity depicting a female Holy Spirit (Wisdom/Sophia), whose role alternated in each example between being Jesus's mother and sister (198-205). The mother is of course the hypothetical superior position, from rhetoric of biology and also the theological allegory with Mary; however, the middle chapters of the book (3, "Cruel Corage" and 4, On the Threshold of the Dead) deal primarily with the effacement women had to undertake in their roles as wives and mothers to aspire to godliness. The third chapter deals extensively in its

conclusion with the medieval media campaign to exalt the practice of child sacrifice (96-107), while the section prior posits that women could gain considerable social status within religious circles by neglecting their children for the convent (84-96). This branching tree of horrific concepts was known as “maternal martyrdom,” and would ideally bring one closer to God by reclaiming their virginity and renouncing their temporal family to be closer to their spiritual one. It was regarded as safer to display maternal character “in compassion for the infant Christ, loving service to the poor, and zealous care for her spiritual sons and daughters” a woman had the opportunity to reflect the character of Mary and the values of motherhood without getting attached to a familial concept of which the Church could be jealous; unknowingly, Heloise was setting a precedent for Mechtild of Magdeburg and Margery Kempe to draw from (93). Meanwhile, the reinforcement of these ideals through plays and stories like *Clerk’s Tale* and *Amis and Amiloun* (97) served to fortify the patriarchal ideal that a woman’s loyalty was to her husband before her children and that a wife and child were but property in the eyes of a man, the singular valid human being; plays like *Le Seigneur du Chastel* and *Sir Amadas* invoke more concepts of child sacrifice but focus on how the man is affected, rather than writing with respect to the mother losing her child (101).

Lots of women were seen as arbiters and interpreters for the souls in Purgatory; “Intercession for souls in purgatory” was a vocation that devout women could feel secure in, and it was often highlighted by hagiographers (111). Between marriage and Purgatory, there was a longstanding connection, a “complex relationship” informed in part by Augustine and his fellows and spiritual descendants that took it upon themselves to be suspicious of marriage because of the potential of inordinate amounts of sex (115). But as happy marriages might deserve punishment, a woman enduring a harsh marriage in life might get to skip some of their Purgatorial process after death, among them

Dorothea of Montau. Well enough, the abusive husband is not mentioned to make an appearance in Heaven, while the *abused* husband is, even as a “figure of misogynist satire.” A wife had the responsibility to get her husband to Heaven; a bad wife did it as contributing to Purgatory-on-earth tests while a good wife did it through prayer devotion as a widow (116).

While in our society the pressing social issues include racism and homophobia (the latter of which Newman does in fact address briefly in the first chapter) (39-41), sexism was without a doubt the greatest issue of institutional injustice in medieval Europe, and the lack of democratic ideals and institutions meant that there was not a ton could be done in the way of making change. Despite the many steps we have taken away from monarchy and theocracy, the church still has excise influence in the modern West, specifically the United States, and modern institutional misogyny – while not as steadfastly brutal in rhetoric as that of Medieval Europe – draws a lot of its influence from our ancestors across the pond. Take, for instance, rape culture and the concept of victim blaming – Bernard of Clairvaux himself blamed the “curious idleness or idle curiosity” of Jacob’s daughter Dinah in the Bible for her tragic rape (25). The overall viewpoint of the men, in the Church, who were necessarily the moral decision makers for the entire society, was unsympathetic to women; condescending at best and much more often callous and cruel.

Of all of the many things I found disturbing within the book, the most captivating was probably the application of religiosity to sex and marriage. There were countless interpretations of the Bible as well as the development of theology as tradition among the various monasteries and parishes across the numerous communities of pre-modern Christian Europe. Of course, in a book titled *From Virile Woman to WomanChrist* with cover art depicting a woman hooking up with Christ on the cross, the audience is probably meant to presume that sex – as carnal relations – will be a topic just as sex and

gender will. The book delivers on this promise with sufficient aplomb. From introduction to epilogue, we deal with the concept of women's pious duty, and in the hierarchy of souls of the middle ages, the best women were virgins saving themselves for Christ. While the concept makes some sense in the context of longstanding traditions of chastity among religious orders, the expression of love bordering lust is retrospectively disconcerting, though as Newman mentions in quoting Mechtild's Minnesang poem *sponsa Christi* (149), it is reminiscent of the Bible's Song of Solomon. The consternation here is caused by the fact that God had to be used as an object of sexual fantasy to channel that energy which had no other outlet. The positive, of course, is that anyone had an outlet at all. The negative is that many women religious erected an erotic obsession with God because it was their purest expression of piety, while meanwhile having sex with an actual living person got one branded at least in name if not literally, shunned, and scandalized; of course, this was much more a problem with women – held then as now to a higher standard of sexual purity – than men.

The book's very first chapter imbued me with male guilt like I had never felt before. The grotesque beliefs of alleged holy men was disheartening, even centuries old. The second chapter was not much more inspiring, especially considering that a good chunk of it is Dr. Newman arguing – apparently annoyed – that the letters of Heloise to Abelard were authentic and not fabricated (46-64). Peter Abelard was a eunuch monk who, before entering the monastery and gaining a falsetto, carried on an affair with Heloise, a learned woman interested in scholarship rather than marriage who eventually comes to be abbess of the Paraclete (58). Heloise wrote a tremendous collection of vivid love letters to Abelard, saying such things as that she would rather be his whore than someone else's bride. Meanwhile, neutered Abelard beseeches her on three occasions to translate her love for him into love for God, to let go of her desire for him and to pour all that energy into her relationship with Christ (72).

This coincided with the cultivation of the "Song of Songs tradition" and the aspiration to be like Mary, a Mary who had a "totally fulfilled relation to the allness of God" (71). Granted, in today's Church rhetoric it is perhaps unlikely that the same sort of erotic connotations would crop up, but that they ever occurred is remarkable to me. The third time ended up being the charm for severing Abelard and Heloise's romantic connection, and in rejoice of Heloise's recommitment of focus to her ecclesiastic duties, Abelard wrote a treatise reviving and rejuvenating Christian feminism "after a silence of centuries" (74).

Men are certainly the main antagonists of this text, as even those reportedly attempting to depict women in a positive light – like Agrippa – fail to fully adequately grasp the female experience. Obviously, no man has ever been or will ever be able to truly understand it in an all-encompassing manner, but the limitations placed on Medieval religious scholars through the social cues of the Medieval world only complicate things; similarly, the fact that twentieth-century scholars could presume that Heloise was not responsible for her own writings is an example of the longstanding cultural misogyny in practice. Unfortunately, Geoffrey Chaucer's satire *The Wife of Bath* has actually stood as an introduction to Heloise for some minds, written as a "male poet impersonating an angry feminist impersonating a jealous husband" (65).¹ While it may have made for entertaining fair, it contributed to a simplified, disingenuous exploration of who these individuals were at a time when the reality of these pioneering female church scholars was actually much more culturally relevant to the lives of everyday consumers. It could be said that the drive for expansion of an artistic claim or market superseded accurate storytelling.

All in all, the women of medieval Europe had her hands full with responsibilities and expectations as to how she was to act to ensure both her salvation and that of her husband. For the most pious of women, the women religious that entered the convent and truly dedicated their lives to God, it was uncovered

through experimental experience that there were nearly no limits to acceptable expression of womanhood for Christ so long as one was sold it by the doctrine or was willing to die a heretic. The path to Heaven and sainthood was littered with the bodies of fallen comrades that paved the way for multiple interpretations and executions of female spirituality among the tortured social environment. The rampant misogyny that defined the patriarchy through the Church is still important because it is foundational to many of the problems we have today. In the end, hundreds of women were able to separate themselves from the standard reality of what made a good woman, but one might wonder how society was stifled by the perpetuation of this strangulating form of social regulation.

Review of *Trying to Get Over: African American Directors after Blaxploitation, 1977-1986*

Kevin Anthony Fox Jr.

Released this year by the University of Texas Press, *Trying to Get Over: African American Directors after Blaxploitation, 1977-1986* is of immeasurable value, a thorough introduction to an under-discussed topic. Dr. Keith Corson analyzes the structure of the American film industry, speaking to the cultural environment that created blaxploitation before relaying to readers the consequences to Blacks in film. *Trying to Get Over* is broken into seven chapters and also includes an Acknowledgements section and an Introduction which both contextualize the study, as well as an insightful conclusion. The book's robust endnotes section informs each chapter thoroughly. It comes complete with a filmography of black cinema spanning 1968 to 1994, and a Bibliography which details secondary texts and interviews. It reads as well-researched.

The first chapter asks the audience to reconsider what "blaxploitation" means, explaining that the term was coined in *Variety* for the targeting of black audiences. That the films were typically low-budget and often focused on crass themes was incidental, if not altogether contrary to conception. Corson compares the term to "film noir" in that over time colloquialization conflated the word's original use to incorrectly describe it as a genre despite lacking thematic constraint. The early chapter expresses the book's style: each chapter is divided into sections, often named with a pop culture reference. The book takes its name from a line in "Super Fly," the title track from Curtis Mayfield's soundtrack to the iconic blaxploitation film. Two early charts specifically (pgs. 13 and 14) illustrate the main premises. For one, that the Black audience began to be seen

as an exploitable asset, especially by independent studios and producers; and soon after that the major studios failed to capitalize, the rug was pulled from beneath the movement's feet.

The next six chapters are divided between directors, outlining their backgrounds briefly, detailing their work from the mid-70s on. The first, "Our Man in Hollywood," deals primarily with Michael Schultz, a maestro-mercenary, who gave the world *Car Wash* and works in television today. His role during blaxploitation and in the *ipso facto* post-blaxploitation movement of Black directors included turns at the meaningful and authentic (*Cooley High*, *Krush Groove*, *The Last Dragon*) and the poorly-executed and -received (*Sgt. Pepper's Lonely Heart's Club Band*). He also presided over the silver screen debuts of Samuel L. Jackson (*Together for Days*, 1971) and Denzel Washington (*Carbon Copy*, 1981). Corson calls the four films he did with Richard Pryor "the most compelling and nuanced performances of the comedian's career" (25).

"Writing His Second Act" deals with Sidney Poitier's uneven work as a director and its motivation for his growth as an actor. The Poitier chapter is especially notable for conveying the pressure of social and political expression on the shoulders of the longstanding singular major Black representative in Hollywood, navigating the experience of trying to promote Blackness. It details the conflict then ongoing between generations of African Americans, as social motivation was split between the Civil Rights movement of the 50s and 60s and the Black Power movement of the 60s and 70s. He piloted the successful Gene Wilder-Richard Pryor collaboration *Stir Crazy* (1980), but was also responsible for *Fast Forward* (1985), an attempt to capitalize on growing hip-hop culture that failed because of artistic inauthenticity and the loss of Michael Jackson as the lead.

"Think Locally, Act Globally" details Fred "The Hammer" Williamson's transformation from outspoken football

player to international moviemaker. He walked-on to the studio at Twentieth Century Fox and talked producer Hal Kanter into a role on NBC's *Julia* in 1968 and began transitioning into film in 1970. Williamson directed five movies in 1976, shopping them at Cannes and developing a skill for rush projects under his company Po Boy Productions, which he described to Roger Ebert in 1982 as "a telephone, a calculator, a typewriter and a dog named Hammer" (101). His fast-paced production style usually did not lend to deep art, but *Mean Johnny Barrows* (1976) used the story of a Vietnam veteran becoming a mob hitman to address the war in a direct way unprecedented in film at the time. His major triumph was developing channels of independent financing in Europe to continue his work as a self-directed star once the well dried-up in the U.S. The Hammer was the silver screen hero of the Blaxploitation era, but as the movement fell apart in the aftermath of the 1976 federal Tax Reform Act (92), he went outside of the established channels to keep himself creating.

"Outside of Society" is about Jamaa Fanaka and his relationship to the LA Rebellion, a group of African American film students at UCLA in the 1970s that made movies neglecting the hegemonic rhetoric of conventional Hollywood style. They are Haile Gerima, Charles Burnett, Larry Clark, and Billy Woodberry. Corson describes the L.A. Rebellion as "a revolutionary cinema that failed to find an audience outside of academics and cinephiles"⁴ but admires "the conviction and sincerity of the L.A. Rebellion" (113) while noting the financial infeasibility of their artistic vision. Fanaka embraced Hollywood's stylings unbridled, going from a Los Angeles jailhouse after his service in the Air Force to a GI-bill financed education at UCLA and eventually creating the cult classic *Penitentiary* films.

"Dreams Deferred" slightly paraphrases the title of Langston Hughes' poem to express the roadblocks Gilbert Moses

and Stan Lathan, father of actress Sanaa Lathan, faced in film. They both spent the larger part of their careers in theater and television after making feature films for major studios "at the height of the blaxploitation cycle" (115). Moses went from *Willie Dynamite* during blaxploitation to the Julius "Dr. J" Erving vehicle *The Fish That Saved Pittsburgh* in 1979, his last theatrical production before working exclusively in the playhouse and on the television set. Lathan's most notable works are *Amazing Grace* (1974), a send-up of old black stars starring Jackie "Moms" Mabley and *Beat Street* (1984), a conflicted narrative documenting early hip hop evolution, a piece of art which imagined the future of a cultural revolution. Lathan would go on to form Russell Simmons Visual Productions with the eponymous music executive, and become a television power breaker. Moses and Lathan's careers were throttled and transformed by the conclusion of the Blaxploitation era.

"Dirty Minds Reformed" takes its name from Prince's album *Dirty Minds* as allegory for the controversies that engulfed Richard Pryor's and Prince's film careers. Richard Pryor was ushered-in because of his unprecedented broad appeal, but drugs and tragedy neutered his drive to build a space for Black talent at his company Indigo Pictures. Prince was an outsider, the strange gender-bending musician stirring the pot in Hollywood with odd projects after the successful *Purple Rain*. In the 1970s, Pryor rode an unforeseen wave of comedic success into film, cultivating friendships with Michael Schultz and Bill Cosby. This led to repeated collaborations with Gene Wilder, and the risen star was able to turn acting into directing. *Richard Pryor: Live in Concert* pioneered the comedy concert film in 1979 with Jeff Margolis's direction. *Jo Jo Dancer, Your Life is Calling* (1986) was a quasi-biographical movie that uniquely captured Pryor the performer. Prince was forced to replace Mary Anderson directing *Under the Cherry Moon* (1986), finishing with single-takes under budget and ahead of schedule. It was his

first venture in film after the stellar critical and commercial success of *Purple Rain* (1984). *Under the Cherry Moon* was perceived poorly, according to Orson, because of public backlash to Prince's fluid gender identities.

While the book deals with directors whose work overlapped in time, it maintains chronology through sequencing. Schultz was one of the first Black directors to work on mainstream Hollywood movies, and *Car Wash* and *Cooley High* are classics. Poitier was a star established at an earlier time who used his celebrity and influence to serve Black artists and Black audiences but whose aged politics showed in the 1970s and whose age showed by 1985. Fred Williamson was a star of the blaxploitation era who got into directing right as it ended, lengthening his and his peers' careers. Jamaa Fanaka represents the revolution, the new attitude of the back half of the 1970s. Gilbert Moses and Stan Lathan went from the large to small screens after the studios cut off the blaxploitation faucet. Moses's post-blaxploitation work included *Roots*; Lathan is the would-be Delfonic who became a TV power broker. This juxtaposition is followed by that of Richard Pryor and Prince. The former the artist raised up by Hollywood whose personal flaws simultaneously increased his appeal and helped preclude fulfillment of his potential and ambition; the latter the artist that film circles wanted to keep out despite his success and appeal. The image transitions from the enigmatic director, to Hollywood's 50s-60s ideal of Black Masculinity, to its 70s ideal, to a director representative of the spirit of revolution, to a director who worked on *Roots* and the director who worked on *Beat Street*, to a comedian that redefined celebrity and a Black male artist who used art to stretch people's understandings of what color and gender meant.

The conclusion is poignant, reiterating themes while addressing why the book proper ends in 1986. Spike Lee directed *Do the Right Thing* that year, ushering-in a new era of Black

cinema that helped define American popular culture in the 1990s. Corson stresses in his conclusion that this work is not intended to be the last word on blaxploitation or black directors between 1977 and 1986. That said, it lays a strong groundwork. *Trying to Get Over* carefully handles the creative legacies of these artists and pieces of art with objectivity. It is honest and it is fair, seeking to display consensus rather than personal opinion in orchestrating Corson's discoveries. He keeps speculation to a minimum, always being clear about what information he lacks. When discussing unsuccessful films, he investigates what caused them to fail rather than snobbishly discarding them. The book reads well and relatively easy, but is not unsophisticated. The chapters have a standard consistent approach but Corson conveys an understanding of the individuals that makes you feel you know them – not on a personal level, but neither as isolated historical artifacts.

You see them as artists, and his examination of the film industry sheds light on the social and technical development of the experience of creating this art. This occurs both as Corson interrogates the sociopolitical climate that informs the films, and when he tells of the life trajectories that include directors' chairs. The book is forward but not offensive, considerate but not soft. It is thorough, inclusive, and informative. Corson approaches a multifaceted subject, shedding light on a movement of Black art in conjunction with several periods of American political, cinema, and popular culture history. It is fun without ever being crass or tacky. *Trying to Get Over: African American Directors after Blaxploitation, 1977-1986* should be considered the seminal work on the subject of Black directors in film between blaxploitation and the Spike Lee/New Jack.

Not Free, Not For All; Public Libraries in the Age of Jim Crow
Review

Kevin Anthony Fox Jr.

Cheryl Knott's 2016 work on the sociopolitical meaning of the library is a well-developed exploration of a hitherto under-examined facet of the Civil Rights Movement and the desegregation and integration movement. *Not Free, Not for All; Public Libraries in the Age of Jim Crow* contextualizes the cultural meaning of the library within the society of the South of the United States in the late nineteenth and, more principally, early twentieth centuries. The creation, maintenance, segregation, and desegregation of the public library system of the southern United States was largely performed through a prism of race. That is to say, the status quo ruling class of white, European-descendant Americans bent the a mission of racial exclusion in all public spheres of life, including the 'public' library. The book is a story of oppression and resistance, of progress and conservation, and inspires a greater discourse of the segregation, both figurative and literal, of knowledge and space during the age of Jim Crow.

Knott's work is rich with detail. However, this becomes almost a distraction as the prose is often interrupted with details that might appear difficult to interpret or even insignificant to the larger themes. That is to say that the numbers and individuals discussed are not always translated with an air of relevance. Despite this, these facts make the story Knott is telling concrete and tangible. There are names you will not know or remember, and there may be descriptions you forget. However, all of the situations mentioned paint a very clear picture of a cognitively dissonant society that was simultaneously pushing for progress and oppression. The public library was physical representation of

the American promise of equal opportunity to succeed, but it was eventually used as a tool of exclusion against the underclass in a post-slavery society.

The preface begins with the author asking the audience to imagine a life "without libraries" under the social pressure of poverty at a time when social mores dictated formally and legally that there was a socio-racial hierarchy (VII). In this way, the book is setting hypothetical scenes whose stark intensity will provide a context for the grim reality of the post-Reconstruction South. This is a book about oppression and resistance, as shaped around an institution of edification. This book captures cognitive dissonance required for a society to strive for democracy and equality on one hand and to rely on perpetuating an apartheid system on the other. *Not Free, Not For All* is named for what the segregated public library system represented rather than a society of equal liberty for all, as our nation portends. It is a society where African Americans were restricted in how they could access public knowledge despite the claim that public libraries were said to be "free to all" (VII).

The book is separated into nine chapters with a prologue and an epilogue. The introduction, "Questions of Access," asks the reader to consider the difference that access to information has in the ability of individuals to participate in a democracy, a recurring theme. This rolls into the first chapter, "The Culture of Print in a Context of Racism," wherein Knott develops the historical setting for the book's study. The second and third chapters, "Carnegie Public Libraries for African Americans" and "Solidifying Segregation" build on this through giving a direct historical recollection of the movement for public libraries, especially as it came to the South. The former focuses on the financial contributions of Andrew Carnegie's fortune to the construction of libraries, especially Black libraries as they came to exist as perfunctory adjuncts in public library systems. The latter follows a similar topic of discussion, focusing on how

Sears, Roebuck president Julius Rosenwald's Rosenwald Foundation stepped-in to fill the void left by the cessation of Carnegie Corporation library building grants after World War I.

These early chapters are very invested in enlightening the audience as to the contradictions and controversies that defined this period. Booker T. Washington is a historical figure of special note here as the African American leader was given occasional acceptance by the Southern ruling class because of his conciliatory stance on segregation. His vision was one of gradual equality, wherein the African American population raised itself up incrementally by starting in acceptable arenas before agitating for the better. The contrasting vision was that of W.E.B. DuBois, who sought equality without the qualifier of gradualism. In this early period we see that society was far more blatant about its socio-racial hierarchy in the first half of the twentieth century than it is now, and moreover that it was more committed to perpetuating that hierarchy. One of the major themes over the course of the book is the relentlessness with which Southern decision makers and power brokers were committed to segregation. Even as prevailing attitudes towards segregation changed, the priority was always on masking inequality rather than resolving it.

These two chapters have similar structure because of the shared technical aspect of their subject matter, but the book does not stagnate. The Rosenwald chapter concludes by discussing the poorly representative collections at Black libraries (primarily children's books, and mostly fiction regardless of target audience). The next chapter, "Faltering Systems" discusses the contradiction between Southern counties boasting of enabling equal access to libraries with New Deal dollars while limiting the usefulness of the libraries that Blacks had access to. The poor condition of these separate libraries and reading rooms, with their limited catalogues, secondhand nature, and utility as a tool of exclusion, were representative of the African American

experience. The experience of material and social insolvency was new to many Americans during the Great Depression, but the new problems of many whites were the old problems of many Blacks. Meanwhile, in 1941, two million Blacks still lacked library access; they lived in a world with limited upward mobility because of a specified place in society, and were without the tools to easily circumvent these limitations through the power of knowledge. The goal for the leadership of the South was always to keep Blacks powerless, a stance Edwin Embree found shortsighted, he believed that as the chain is only as strong as its weakest link, it does not make sense to try to keep your neighbors down (134).

Chapter 5, "Change and Continuity" contextualizes this era as previewing the Civil Rights Movement. Knott uses Eliza Atkins Gleason's 1941 path finding book about systemic racism as a tool of exclusion from public service, *The Southern Negro and the Public Library*, as a jumping-off point (137). The establishment of the Black-serving branch of the Tyler Library District, for instance, was riddled with inadequacies and seen in the eyes of its perpetrators as charity rather than as a public duty to tax-paying citizens (149). In 1946 and 1947, the Southeastern Library Association published a survey done of Alabama, Florida, Georgia, Kentucky, Mississippi, the Carolinas, Tennessee, and Virginia called "Library Service for Negroes" (151). Roughly one-third (188 of 597) surveyed of public library systems in the south served African Americans. According to Knott, very few looked to desegregation as the tool to rectify this "far from adequate" but "rapidly improving" situation (151).

Chapter 6, "Erecting Libraries, Constructing Race" uses constructions of French sociologist Henri Lefebvre's *The Production of Space* to articulate the interplay between physical, practical space with its social context. Knott refers to Lefebvre's work as producing "three useful concepts" - *perceived spatial practice*, the idea that each society has distinct space; *conceived*

space, the design as seen by architects; and *space as it is lived*, the social performance that defines the distinct space. She discusses the general dearth of Black architects, and moreover their exclusion from opportunities to design the Black libraries, as well as differences African Americans experienced in the space of the libraries. One architect that is mentioned is William Sydney Pittman, who would go on to become Booker T. Washington's son-in-law (159) and design the Huston Negro library (158).

Chapter 7, "Books for Black Readers" discusses the way that the Black literary experience was defined by access to books at these libraries. It focuses on the limitations in how the library catalogs were cultivated – budgetary constraints limiting the quantity, for example. The question of how to cultivate the catalogs came down to clarifying an objective; were the libraries to "fulfill the public's felt needs" or "cultivate their tastes?" (175). Beyond the question of what librarians were offering is the question of what Black library patrons were interested in. She uses the creation of Tyler, Texas's Negro Public Library as exemplary of a common problem, concluding that the quality of titles was good according to interest to readers, but that the small budget kept library collections from growing, or replacing what time eroded.

Chapter 8, "Reading the Race-Based Library" lends to the research journal feel of part of this chapter – the numbers can be overwhelming and there are points when the ongoing statistically-assembled anecdotes of names without stories can seem of tenuous merit. However, with the evidence the restriction of being a Black patron at a second-rate library become stark and clear. There are tables that take up multiple pages (Table 13, pg. 210-211; Table 14, pg. 212-213) but their merit is in essentially transcribing an artifact to the audience so that the feeling of the facts comes through. The reader is only a few turns removed from this list being recorded at a library by a

white library worker at a library intended to serve Black patrons through limited access.

Chapter 9, "Opening Access" speaks to the first inroads toward desegregation, and the paths it took in different places. It also discusses the movement to open libraries to Black children. There was a phenomenon of allowing white adults and children and Black adults, but excluding the Black youth (247). This is where we see the resistance of southern African Americans to the denigrating segregated public library system. The chapter also records the counter resistance movement of conservative segregationists that contributed to so the slow pace of progress. By ending the narrative at this point, the chronology of the book comes through very strongly. The book begins briefly in the late-nineteenth century and ends in the early-mid 1960s.

The Epilogue closes-out the book by expressing the importance of this story to our own time – limiting access to information is dangerous and pervasive (265). Considering the length of the other chapters, it is odd to me that the epilogue is just four pages. I take it that Knott felt like over the course of the 250+ pages prior, her points had been sufficiently made. She would not be wrong. The book has impacted me in a profound way just because it so-deeply considers library segregation, something I *never* think about, that is so obviously important. My personal exposure to so much literature – comic books, novels, academic texts – has been because of libraries, at schools or elsewhere. These separate, unequal systems that created a throttled access to information – one that was not free, not for all – need to be remembered.