Vanderbilt Historical Review

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FEATURES:

Reshaping National Narratives of Civil War Memory, by Caroline Fleischhauer

The Medici Family as Magi in the Fifteenth Century, by Janna Adelstein

The Library of Congress as a Cultural Product, by Ellen Dement

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Cover Photo: Photographer Carol M. Highsmith, "Main Reading Room of the Library of Congress in the Thomas Jefferson Building" (2009), *Library of Congress: Prints and Photographs Division*

Letter from the Editor

Dear Readers,

Since its founding, the *Vanderbilt Historical Review* has strived to promote the study of history, to encourage critical readings of the past, and to highlight the lessons for the future. The great challenge with publishing is balancing the role of history both as a formal academic discipline and as an interesting narrative of past people and events. Merging these responsibilities has been one of the goals of the *Review*, which compiles research that is both original in argument and interesting in scope. I hope you enjoy the engaging and thought-provoking pieces presented in this issue.

This publication could not have been done without an amazing group of editors, as well as a number of supportive faculty members. I would like to thank each member of the *Review*'s staff, the Vanderbilt Department of History, Phi Alpha Theta, and Vanderbilt Student Media.

Over the past couple years, I have had the opportunity to serve as the first Editor-in-Chief of the *Review*. My time working on this journal has been a deeply enriching experience, rife with obstacles both large and small. From the editorial review process to the journal's actual construction, the task of building a publication from a blank screen has been a challenge, but a worthwhile one nonetheless.

Assembling a collection of articles from aspects of history, thematic or temporal, perhaps becomes representative of the greater issues we face in society today. The complexity associated with conflicts of the present-day is indeed a product of our collective past. But through serious historical inquiry, we can strive to confront these challenges and even, one day, solve them. When dealing with history, I have learned that the past is not a single stream of events or a mono-faceted narrative, but rather a collection of stories, opinions, and events from various agents. It is the compilation and interpretation of these perspectives that makes the past so difficult to describe, yet also thrilling to tell. And, by these measures, history should be written lest we forget who we are.

Best,

Robert Yee
Editor-in-Chief

Vanderbilt Historical Review

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Contents

"THE GOOD WAR" FOREVER

Allied Area Bombardment and the Japanese-American Internment in US History Textbooks and Memory

Among the American people, the perception of the Second World War as the "good war" has persisted virtually un-shaken for more than seven decades despite a plethora of scholarly literature criticizing and challenging this myth. While this continuity can be examined as a function of factors such as cultural depictions of the war and political pressure exerted by veterans' interest groups, this piece argues, through an examination of pedagogical practices and a textbook survey contrasting treatments of area bombardment and the Japanese-American internment, that high school history curricula for decades have lacked a critical perspective on our conduct abroad during the war. This sanitized depiction of our wartime experience signifies a missed opportunity for students to develop critical thinking skills on an international scale through the lens of history; it represents a missed opportunity to prepare the leaders of tomorrow to thoughtfully consider our nation's role today in a world transformed by the forces of globalization.

By J. Davis Winkie
Vanderbilt University
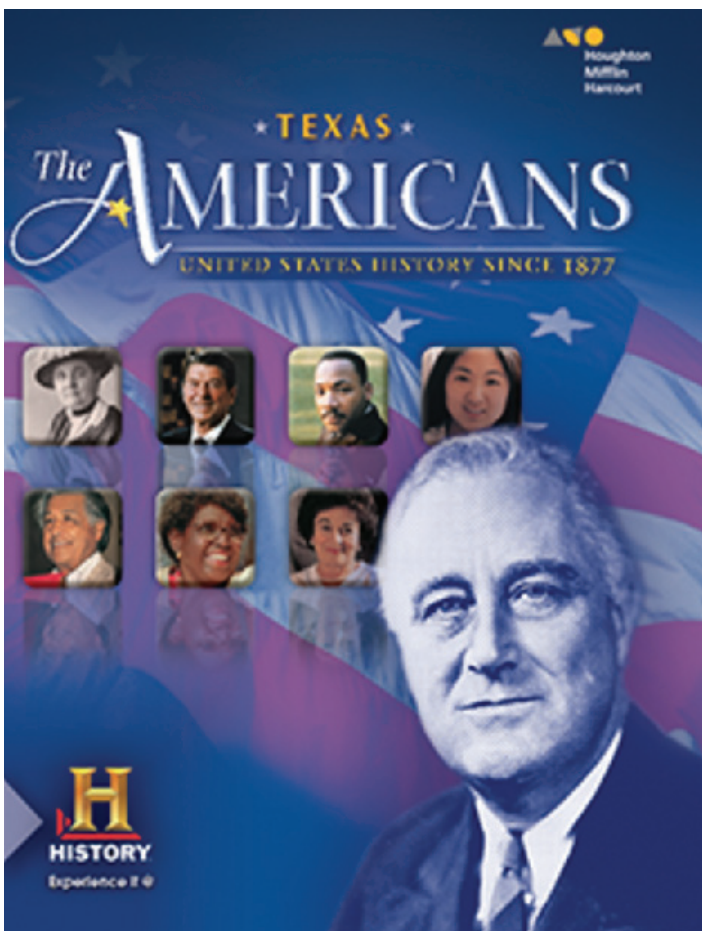
The Americans: Reconstruction to 21st Century (2010)
Source: Amazon

EPIGRAPH
What did you learn in school today, little boy of mine?
What did you learn in school today, little boy of mine?
I learned that war is not so bad
I learned about the great ones that we have had
We fought in Germany and in France
And I am someday to get my chance
That's what I learned in school today
That's what I learned in school.
Excerpt from Tom Paxton's song, "What Did You Learn in School Today?",

- Studs Terkel's oral history of the war, The Good War

Since World War II, the American public has displayed a proclivity for looking back upon the cataclysmic conflict through rose-tinted glasses. The war has been and continues to be celebrated as a golden age of American morality - in this narrative, once aroused from her isolationist slumber by the "treacherous" events of 7 December 1941, America rose as one, regardless of race, ethnicity, gender or creed. She assumed her mantle of responsibility as protector of the free peoples of the world, and ultimately dispatched the hordes of evil incarnate on the field of battle in an efficient, effective, yet somehow equitable manner. This perspective has the potential to inhibit the American people from extrapolating lessons from their moral transgressions on the field of battle; even a democratic people fighting for a just cause can succumb to the brutality and hatred fostered within the context of a conflict, where mores typically implemented in the spirit of the Hobbesian social contract are no longer observed with such diligence as in peacetime.

MYTH VS. REALITY

Critical examinations of American conduct in the war and even works examining the myth of the "good war" at the scholarly level have long questioned this national schema.[1] Two of the scrutinized events which most disrupt this dominant moral narrative are the Allied practices of area and incendiary bombing and the forced removal of Americans of Japanese descent (in addition to "enemy aliens") to relocation centers which have been deemed "concentration camps" by many scholars.

These practices of the war were not unique to the Americans, nor are they unique even to the Second World War. This text does not focus on making moral judgements, be they about the war as a whole or these specific areas of focus; there are a plethora of others which principally discuss the morality of the war.[10] Instead, this project will discuss the continuity of the myth of American moral infallibility during the war; it will discuss the role of secondary school textbooks in the endurance of the "good war" myth at the popular level despite the vigorous scholarly criticism it has received.

"[R]ecent events have demonstrated that the people wield just as much, if not more influence over the message of these history texts than the scholars who author them."

Although Allied airpower indeed played a major hand in winning the war, the Army Air Forces were not without acts of moral turpitude; in fact, Vanderbilt University Chancellor's Professor of History, Michael Bess, characterizes Allied practice of indiscriminate area bombing (particularly incendiary bombing) as "the single greatest moral failure of the Anglo-American war effort."[2] In raids with debated tactical benefits, American bombers smashed Berlin (25,000 estimated civilian deaths), burned Dresden alongside bombers of the RAF Bomber Command (>60,000 noncombatant deaths), and rendered much of Tokyo an inferno in March of 1945 (contemporary accounts assert that the death toll may have been over 100,000).[3] As the act of area bombardment itself was not specifically outlawed until 1971,[4] it is likely that the Allies intentionally omitted it from the Nuremberg Charter, ostensibly to preempt a tu quoque line of defense.

The internment of more than 110,000 individuals of Japanese heritage, insofar as it represents the failure of Americans (including the Supreme Court itself) to abide by the Constitution on American soil has been characterized as the "nadir of Japanese-American history."[5] In the words of Tom Clark, an associate justice who served 18 years on the Supreme Court,[6] the internment of both *Nisei*[7] and *Issei*[8] persons of Japanese ancestry represented "a sad day in our constitutional history." He continued, unambiguously declaring,

> Despite the unequivocal language of the Constitution of the United States that the writ of habeas corpus shall not be suspended, and despite the Fifth Amendment's command that no person shall be deprived of life, liberty, or property without due process of law, both of these constitutional safeguards were denied by military action under Executive Order 9066.[9]

The Supreme Court did not subscribe to this logic, and instead found the internment to be constitutional in a series of rulings, including *Korematsu v. United States*.

THE HIGH SCHOOL TEXTBOOK: AMERICA'S ARBITER OF HISTORY?

Many have questioned the extent to which secondary textbooks define history and who in particular decides these definitions. Selden asserts that national history textbooks "provide authoritative narratives of the nation, delimit proper behavior of citizens, and outline the parameters of the national imagination."[11] Romanowski argues that these authoritative narratives, "in making judgements about what should be included and what should be excluded, and how particular episodes in history should be summarized [implicitly assert] a set of values [through their power to] assign positive or negative interpretations to particular events."[12] While he asserts that the textbook authors are the initiators of these interpretations, incidents such as the deriding and derailing of the Smithsonian's initial plans for its Enola Gay exhibit in 1995 as "revisionist history,"[13] and the more recent disparaging and abrogation of the College Board's revisions to the AP US History framework as "indoctrinat[ing] kids[with] a negative view of American history"[14] have demonstrated that the forces influencing and defining each textbook's set of values are not the scholars who initially pen the works; they are instead the groups which oversee and influence textbook adoption, many of which are politically beholden, either directly or indirectly, to the people. In essence, recent events have demonstrated that the people wield just as much, if not more influence over the message of these history texts than the scholars who author them.

Furthermore, scholars have affirmed how high school history textbooks dominate classroom instruction—and as will be demonstrated here, beyond. Although teachers are indeed the gatekeepers to knowledge in the classroom setting, they are not only traditionally dependent on the textbook to set bounds on what information is relevant, but are also reliant on the text as their chief source of information,[15] thus virtually constraining the breadth of information conveyed to

students to the scope of the textbook. Wade quantified this limitation, discovering that 70 to 90 percent of instructional time in social studies and history classes is devoted either to the textbook itself or material directly derived from the text.[16]

Considering the preeminent position of textbooks in high school history education, it is critical to note the finality of their educational impression. A 2015 report from the Bureau of Labor Statistics found that nearly 32% of high school graduates do not attend college following graduation, thus ending their history education.[17] However, the remaining 68% are not necessarily guaranteed to continue their formal study of U.S. history. The 2015-16 iteration of the American Council of Trustees and Alumni's annual report on the state of core curriculums in universities across the nation, *What Will They Learn?*, disclosed that only 18.1% of "four-year public universities with a stated liberal arts mission as well as hundreds of private colleges and universities" require their students to complete a U.S. government or history course.[18] When combined, these statistics form an imposing impression of the inherent finality of a high school textbook's influence; more than seven out of every eight students who graduated from American high schools in the spring of 2014 will never again be required to formally study U.S. history.

It is important to remain conscious of this "final say" textbooks have in the average American's historical education as this work progresses. In preparing this text, I have consulted more than fifteen high school history texts, ranging in date of publication from 1947 to 2015. In the course of examining their depiction of the war, I will focus on their discussion of the two previously highlighted areas of weakness in the myth of the "good war": the Allied practice of area bombardment and the internment of individuals of Japanese descent. This content analysis will shed considerable light on the continued authority of the "good war" narrative in American society.

TEXTBOOK TREATMENTS OF INCENDIARY BOMBARDMENT AND AREA BOMBARDMENT OF CITIES

Although Allied strategic bombing practices played an important role in destroying both German and Japanese industry and infrastructure, the effectiveness and morality of tactics such as the incendiary bombing of civilian populations and "morale bombing" of civilian have been hotly contested at the scholarly level of history. However, U.S. history textbooks have presented a significantly more sanitized narrative of the Army Air Forces' bombing offensives over Europe and Japan.

In *The Development of America* (1947), the earliest text examined in the production of this document, the Allied bombing campaign of Germany merits a small subsection;[19] Wirth characterizes the air attacks as "making preparations for opening a second front in western Europe…[as] part of the 'softening up' process which prepared the way for the in-
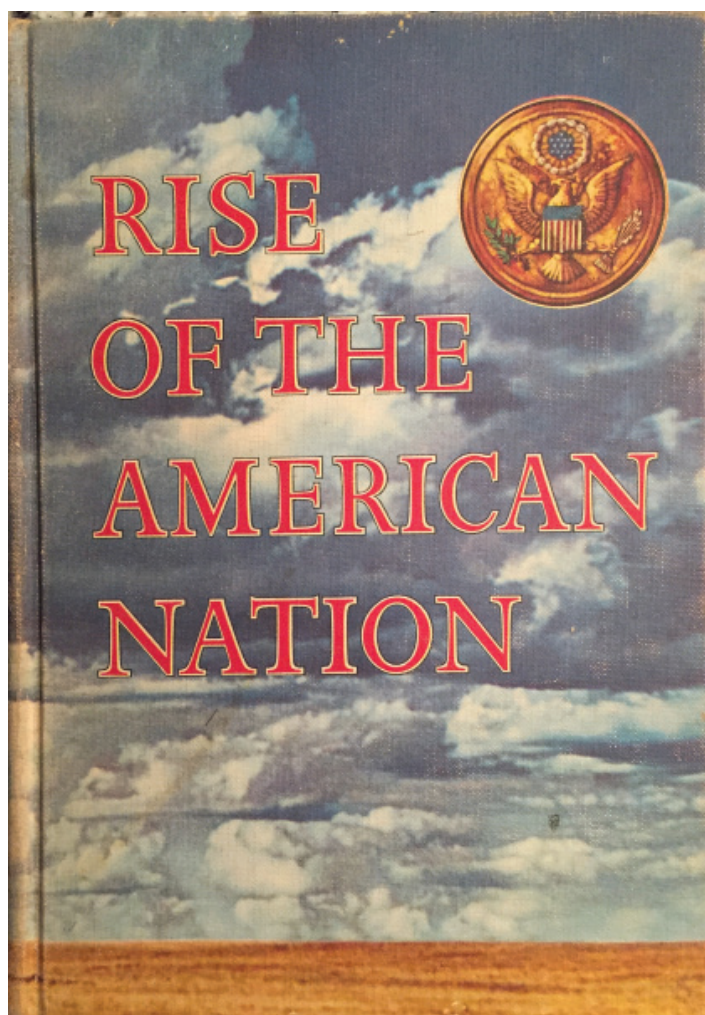
Rise of the American Nation (1961)
Source: J. Davis Winkie

vasion." The text omits any mention of either civilian targets or the practice of firebombing, and instead opts to list Essen, Bremen, Hamburg, and Hanover as some of "many important industrial centers" which "were severely damaged." No estimate of civilian casualties is provided, excising their suffering from the text's narrative of Allied bombers streaking across hostile skies to neutralize dots on a map. The campaigns against Tokyo and the other targeted Japanese cities are condensed into a small paragraph that represented the totality of the campaign as no more than "severe bombing of Japan." Once again, no estimate of civilian casualties is forthcoming. In a continuation of this theme, Wirth also snuffed out discussion of damage caused by atomic bombing of Nagasaki by merely stating that "more than a third of the city's industrial area was destroyed," without any recognition of the city's civilian victims.

Lewis Todd and Merle Curti's 1950 book, *America's History*, also avoids discussion of the civilian repercussions of strategic bombing, and altogether shirks discussion of intentionally targeting civilian populations.[20] While the authors con-
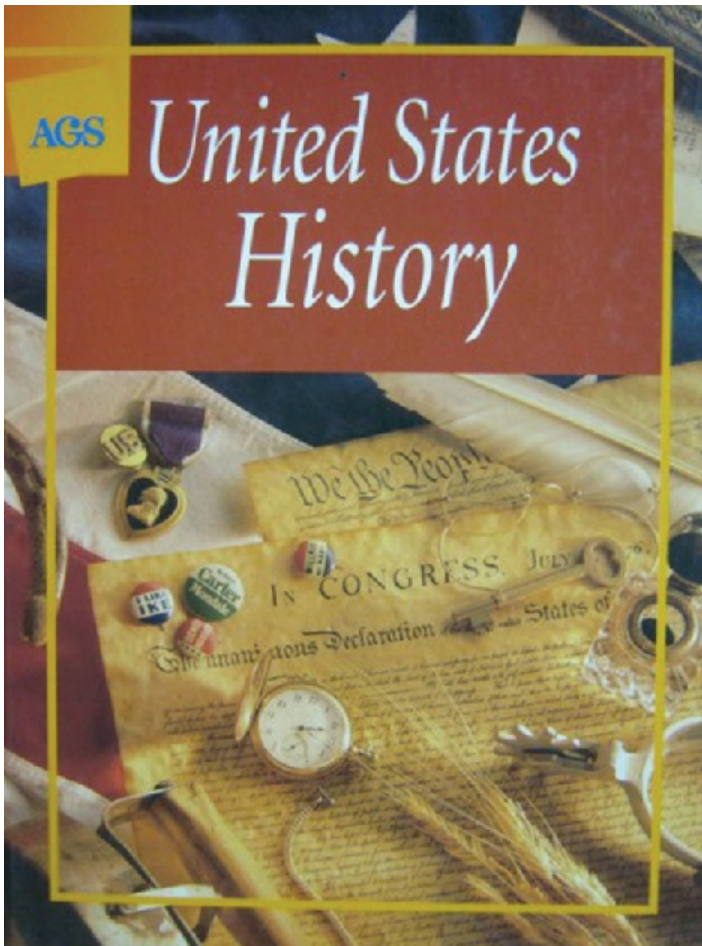
King and Napp's *United States History* (2005)
Source: Amazon

cede that the RAF would sometimes "blanket attacks upon an entire industrial city," they implicitly absolve the Americans of targeting civilians by asserting that "in general…[the Americans] undertook the job of pinpoint bombing, concentrating on a single factory or group of factories." While this may not be wholly inaccurate as a generalization, it fails to discuss American raids—both incendiary and high explosive—on civilian populations. *America's History* does offer discourse on the bombing of Japan, but it merely states, "Day by day the rapidly growing fleets of bombers dropped torrents of fire bombs and high explosives in devastating raids upon transportation, industrial, and military centers of the home islands." Although Todd and Curti make a token mention of incendiary bombs, they carefully avoid all discussion of civilian casualties apart from those caused by the atomic bombs, which read in that case as more a demonstration of the bomb's power (and America's technological superiority) than as a consideration of the bomb's target.

The first edition of *The American Pageant: A History of the Republic* (1956) was the first of a widely successful series of textbooks—the sixteenth edition of which was released in 2015.[21] Despite Bailey's inclusion of what would today

be regarded as a racially discriminative tone ("The aggressive little men of Nippon, making hay while the Rising Sun shone, pushed relentlessly southward"), he offers little in terms of discussion of Allied bombing campaigns on either front. While the lone sentence about the bombing of Germany does acknowledge attacks "on cities, factories, and transportation arteries", the sentence's blustering diction ("Allied 'blockbusters', on an around-the-clock schedule, were falling like giant hailstones..") shifts the reader's reaction from a critical consideration of the targets to an admiration of the bombing itself. Similarly, the bombing of Japan is mentioned only as a benefit of island hopping; Guam and the Marianas are referred to as "unsinkable aircraft carriers…[from which] the first sustained air attacks were launched by giant bombers in November, 1944." By reducing the massive Allied air campaign to a technological marvel in the case of "Allied blockbusters" in Europe, or a strategic marvel in the case of "unsinkable aircraft carriers," the text displaces the narrative of bombardment from the suffering it caused, instead rendering thousands of deaths to yet another miracle of Allied strategic and productive superiority, likely shifting any classroom discussion away from the problem of targeting. An examination of both the 5th (1975) and 8th editions (1987) revealed that no significant changes had been made to this depiction of the Allied air campaigns.[22]

The revised edition of *United States History* (1958), penned by Wirth, asserts that the "continuous day and night attacks by American and British aircraft…served many purposes," such as "destroy[ing] everything of value to the Germans in making war" and "furnish[ing] direct help to the Russians who were steadily driving the Germans from Russian soil."[23] Wirth also echoes his earlier appraisal of the attacks' great value in "'softening up' western Europe."[24] This lack of a critical perspective—or even civilian casualty figures—continues in his treatment of the conventional bombing of Japan, to which he devoted one sentence, "The Japanese homeland was being methodically destroyed by repeated air attacks."

The 1961 textbook *Rise of the American Nation* also echoes the earlier sentiments of its authors, Todd and Curti—as well as those of every text examined to this point—by shying away from the topic of civilian casualties.[25] *Rise of the American Nation* emulates their earlier effort, *America's History,* in both its assertion that the Americans "in general…undertook the job of pinpoint bombing," and its omission of incendiary bombing. German targets are selectively identified as "industrial areas, military bases, and transportation lines." The sentence regarding the conventional bombing of Japan is identical to that of *America's History,* down to its exclusion of casualty figures and its token mention of "fire bombs."

Graff and Krout's 1968 effort, the second edition of *The Adventure of the American People,* offers no deviation from what to that point had been an extremely sanitized narrative of area bombing in high school textbooks.[26] Indeed,

The Adventure of the American People offers even less than its predecessors; the only sentence mentioning the Allied air campaign against the Germans declares, "The United States Air Force[27] soon after Pearl Harbor was flying with Britain's Royal Air Force in massive strikes on 'Fortress Europe'—as Hitler called the part of the continent under his control." Although the discussion of the bombing of Japan does mention "industrial regions…in ruins…[and] cities…gutted by fire," it is employed primarily to set up a comment on the Japanese race "doggedly hanging on," refusing to surrender. Such a short, simplified narrative would likely fail to stimulate thoughtful discussion of area bombing beyond a facile circular discussion. Why was it necessary to bomb Japanese cities? To try to break their "dogged" resistance. What did America do to try to break the Japanese's "dogged" resistance? They bombed Japanese cities.

The second edition of *Freedom and Crisis: An American History* (1978) fails to offer any significant discussion of either the Allied air campaign against Germany and the American bombings of Japan;[28] only two sentences broach the topic, "Germany, as helpless now as Japan, was the target of massive air attacks. (Over 1,000 Allied planes participated in a single raid on Berlin)," scarcely acknowledging the massive strategic bombing campaign unleashed on Germany, and leaves the reader to simply infer that similar attacks took place against the Japanese homeland. The only other mention of the air campaign against Japan is visual — three dotted lines on a map of the Pacific denote "Allied air operations" against the Home Islands. For unknown reasons, such dotted lines marking "Allied air operations" are not present on the European campaign map in what can be interpreted as a circular justification of the decision to devote a mere two sentences to the topic of bombardment. If there were indeed no "Allied air operations" against Germany, it would in turn be unnecessary to consider area bombardment at length. In contrast to the near-complete omission of Allied air attacks, the Japanese assault on Pearl Harbor is entreated in a 16 page vignette.

The Challenge of Freedom (second edition, 1984) represents no change in the established pattern of glossing over the Allied air campaigns against Europe and Japan.[29] The text primarily considers the bombing of Europe in relation to the Normandy invasion, saying, "In preparation of D day [sic], Allied bombers dropped tons of bombs on Germany and on German-occupied lands. In these raids, as in others throughout the war the American air force played an important part in weakening the Axis." This represents no acknowledgement of civilian targets or casualties, thus stifling classroom discussion of the matter. However, even such a generalized, nonspecific take is superior to the one which Sobel et al. take on the bombing of Japan insofar as there is no mention of the air campaign against the Japanese islands. The third edition of the text (1990) changed no more than the typeface.[30]

Another 1984 text, *Life and Liberty: An American History,* takes a critical perspective on area bombing, but not that of the Allies.[31] A photograph of forlorn refugees with a burning city in the background bears the caption, "Chinese in the city of Chungking, after a Japanese bombing attack, 1939." Rosen et al. also indict the Germans for the Blitz, criticizing the German raids for "leav[ing] thousands of civilians dead and large portions of cities in ruins." Supplementing this accusatory stance is a photograph of a British civilian sitting amidst rubble, which is described as "an Englishman, returning home, finds his house bombed and his wife dead during the London blitz." Such an empathetic discussion stands as a foil to the terse acknowledgment that "All the while, British and American bombers continued to pound German cities into rubble." The lone sentence detailing the bombing raids against Japan concedes, "B-29 bombers now began raids raids on Tokyo and other Japanese cities, spreading death and destruction," although the phrase "death and destruction" is likely deployed more for alliterative effect than with the intention of fostering discussion of the tactics employed by the Allied brass.

United States History: In the Course of Human Events (1997) delivers the first critical take on the Allied bombing campaign in Europe;[32] it does so by outlining the Allied goals "to reduce German industrial capacity and weaken Germany's will to fight," and then recounts the difficulty with which the Allies tried to achieve these goals, elaborating, "The Allies eventually discovered that bombing specific targets, or pinpoint bombing, was difficult in daylight and impossible at night. So they began saturation bombing, or dropping bombs over a wide area." Downey, Giese, and Metcalfe then inform the reader of the mixed results of the bombing campaign, penning, "The main effect was to kill German civilians (over a million perished), and may have increased the Germans' will to continue the war." This text also addresses the bombing of Japan from a remarkably critical perspective, remarking upon General Curtis LeMay's orders to conduct "low-altitude night raids and the use of incendiary bombs (made of flammable jellied gas, or napalm)." The discussion continues, noting, "With virtually no navy and a limited number of planes and trained pilots left, the Japanese were nearly defenseless against these assaults." These depictions of the Allied bombing campaigns offer no moral judgements; they only offer the complete factual picture, properly equipping students to critically examine the role of area bombardment in the war.

King and Napp's *United States History* (2005) prefaces the United States' entry to the war with criticism of Axis area bombardment practices, including a sentence mentioning "German planes bomb[ing] Spanish cities" and a photograph of the devastated London cityscape taken at the height of the Blitz.[33] However, the remainder of the text carries no mention of Allied strategic bombing on either front during the course of the conflict.

Both the 2009 edition and the virtually identical 2015 edition of *Tennessee United States History: Post Reconstruction to Present* (2009, 2015) consider the civilian toll of the area bombardment perpetrated by all combatants in both theaters of the war.[34] However, the book's discussion of the Allied bombing campaign of Europe is reminiscent of Todd and Curti's absolution of American forces,[35] asserting that the British were the ones "dropp[ing] massive amounts of bombs on German cities" in "saturation bombing" raids and subsequently stating, "By day, American bombers targeted Germany's key political and industrial centers. The goal of this campaign of strategic bombing was to destroy Germany's capacity to make war." On the bombing of Japan, though, the authors take a more evaluative perspective, commenting on how Japan's men and materiel shortages left the country "virtually defenseless" against the raids which "hit factories, military bases, and cities." The text continues, informing the readers of the March 1945 Tokyo raids, noting the destruction of "16 square miles of Tokyo" and the deaths of "over 83,000 Japanese—more than either of the later atomic bombs—and injured 100,000 more." Although incendiary devices are omitted from the account of the Tokyo raids, the information extant in the text could provide an adequate platform from which to engage in a critical discussion of the air raids.

Standing in stark contrast to its contemporaries, The Americans: Reconstruction to the 21st Century (2010), which, as of 2016, is approved for use in the state of Tennessee and carries the logo of the History Channel,[36] vividly depicts the Battle of Britain through photographs of sheltering children, sentences such as, "Still, German bombers continues to pounds Britain's cities trying to disrupt production and break civilian morale," and a vignette which describes the experience of an 18-year-old from the East End of London, recollecting, "After an explosion of a nearby bomb, you could actually feel your eyeballs being sucked out. I was holding my eyes to try and stop them going." However, this indictment of the Germans for the practice of area bombardment against civilians did not translate into a critical discussion of the Allied bombing campaigns — only one sentence, "British pilots also bombed German cities," mentions the Allies' air assaults in either theater of war. The text somehow manages to entreat the Tuskegee Airmen without explaining them in the context of the air war against Germany.

With the exception of U*nited States History: In the Course of Human Events* (1997) and both editions of *Tennessee United States History: Post Reconstruction to Present* (2009, 2015), high school United States history textbooks by and large neither present the information necessary to sustain classroom consideration of Allied area bombardment tactics, nor do they make any attempts to incite such discussion.[37] What Bess characterizes as "the single greatest moral failure of the Anglo-American war effort" warrants two or fewer dedicated sentences in ten of the seventeen texts examined in this work;

it warrants no mention at all in two of these ten.[38] Four of the texts acknowledge the practice of incendiary bombing; three provide some form of civilian casualty figures. This means that many students may never have neither the opportunity nor the knowledge necessary to explore the morality of area bombardment in a formal setting, setting the stage for the "good war" to remain forever at power in the American imagination.

FROM A "DUMPING GROUND"[39] TO "CIVIL RIGHTS DENIED"[40]: THE GRADUAL EVOLUTION OF A CRITICAL PERSPECTIVE ON THE JAPANESE-AMERICAN INTERNMENT IN HIGH SCHOOL TEXTS

In converse to their respective treatments of Allied area bombardment practices, U.S. high school history textbooks have evolved in their depiction of the Japanese-American internment, developing from total omission of the event from the earliest texts to balanced takes with supplemental questions and activities which explicitly prompt students to critically examine the effectiveness, constitutionality, and morality of the policy.

Out of the five earliest published textbooks examined in the production of this text, four either do not carry any mention of the internment or neglect to dedicate even an entire sentence to the wholesale use of concentration camps: T*he Development of America* (1947), *America's History* (1950), *United States History* (1958), and *Rise of the American Nation* (1961).[41] Shockingly, Wirth's *United States History* contains an entire paragraph considering the situation of "foreigners" and "enemy aliens" that asserts in its concluding sentence, "Americans may be proud of the fact that they fought the greatest war in history and preserved the spirit of liberty upon which their democracy had been founded." All the section offers concerning the internment is that "those of questionable loyalty were questioned, and some were interned," which is a gross understatement—Japanese-Americans were interned regardless of their loyalty; the 442nd Regimental Combat Team, a segregated until comprised of *Nisei* volunteers from Hawaii and the internment camps, earned 21 Medals of Honor and 8 Presidential Unit Citations on its way to becoming the most decorated unit of its size and period of service in American military history.[42]

The outlier of the five earliest texts, Bailey's *The American Pageant: A History of the Republic* (1956), presents a harsh indictment of the internment policy.[43] Bailey details the motive behind the internment, proffering, "The Washington authorities…fear[ed] that these people might act as saboteurs for the Mikado[44] in case of invasion." The text then characterizes the camps as "concentration camps" and as a "brutal precaution [which] turn out to be unnecessary, for the loyalty and combat record of the Japanese-Americans, especially those from Hawaii, proved to be admirable." Despite his notably critical—for the time period—perspective, Bailey implies

that the government properly made amends, saying, "Partial financial adjustment after the war did something to recompense these uprooted citizens for their sufferings and losses."[45] While *The American Pageant* commendably presents a critical take on the internment, its implicit assertion that the government made amends with the victims hamstrings the overall message of the text.

The Adventure of the American People (1968) slightly modifies *Pageant*'s precedent of critical consideration of the internment by disregarding the government's case for exclusion, attributing it to "a wave of fear immediately after the attack on Pearl Harbor," and by asserting that the internment "violated their civil liberties—their enjoyment of freedom of movement and their use of their property."[46] Graf and Krout note that "no Japanese-American was convicted of espionage during the war" and also acknowledge that "many naturalized citizens as well as *nisei*…served with distinction in the armed forces." While this text does not represent the balanced, fully informed discussion necessary to foster true critical consideration from the student (it does not convey the logic behind the internment), it paves the way for later texts that do so.

In a continuation of the critical theme, *Freedom and Crisis* (1978, second edition) prefaces its discussion of the internment by stating, "The country paid not only a high cost in human life but also a certain moral cost for its victory."[47] Weinstein and Wilson too attribute the driving force behind the internment to fear, but they also refer to the racism lurking just beneath the surface of the fear, emphasizing that it was "white residents of west coast states [that] feared an internal threat from the Japanese-Americans. They appealed to President Roosevelt to remove the entire community from the west coast." The text then notably absolves Roosevelt of his role in the tragedy, saying he "bow[ed] to the pressures." The authors employ Bailey's term "concentration camp" to describe the relocation centers, and recount how "loyal Japanese Americans needlessly suffered loss of their freedom, homes, land, and dignity."

Both the second and third editions of *The Challenge of Freedom* (1984, 1990) present pointed criticism of the internment;[48] the role of civilian hysteria about "enemy agents" and government concern that it was a "military necessity to move these people inland" are both highlighted as conditions leading to the executive action excluding and interning the Japanese-Americans. However, what most notably sets *The Challenge of Freedom* apart from its predecessors is its discussion of the poor condition which the camps were in—according to the text, the camps were "overcrowded…[and offered] little privacy or recreation." Also included is a vignette of nearly an entire page providing a first person perspective from an internee on the deplorable conditions in the camp. The authors also note the victims lost "their jobs and their property," and that the government's attempt to recompense
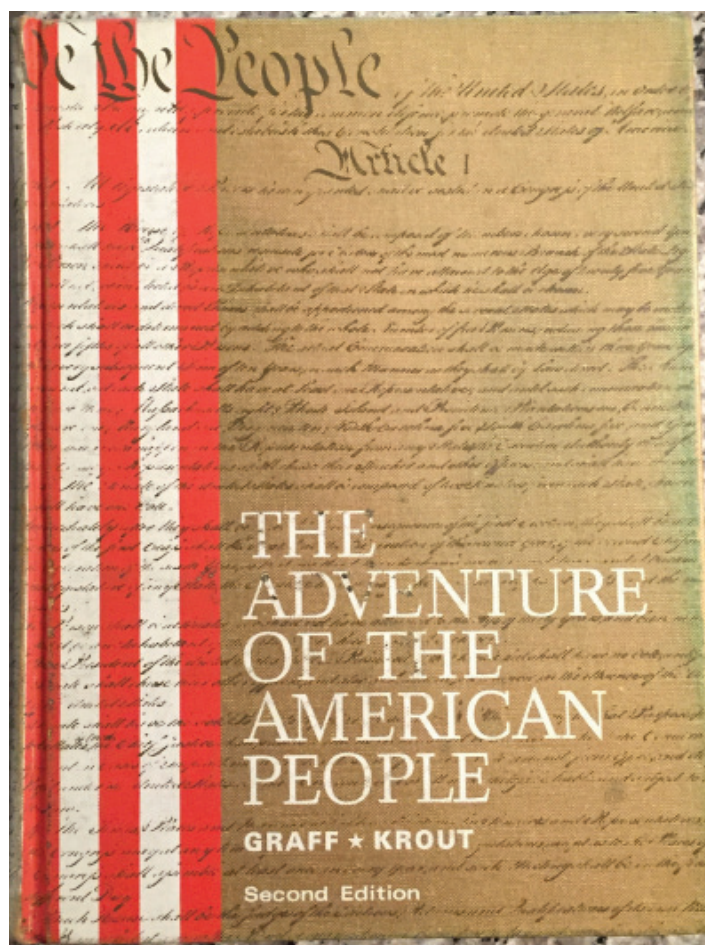
The Adventure of the American People (1968)
Source: J. Davis Winkie

in 1948 was underfunded, making it "very small in comparison to the actual losses." Also notable is the inclusion of a discussion question which encourages students to consider, "Why did the federal government force over 100,000 persons to relocate?"

Life and Liberty: An American History (1984) also entreats the internment in a critical manner, recognizing that "early in the war, the government acted out of fear," and that, despite their ultimate loyalty, Japanese-Americans were forced "to leave almost everything they owned behind."[49] *Life and Liberty* also remarks on how the government's reparation payments "did not make up for the losses of their businesses, homes, and land they had to leave." The authors also attempt to foster critical consideration of the situation, asking students, "Why were Japanese Americans put in internment camps during World War II? Were German Americans or Italian Americans treated this way?"

Downey, Giese, and Metcalf's 1997 work, *United States History: In the Course of Human Events* is the first textbook examined in this work which provides a full critical analysis of the internment, which begins by touching on the prewar
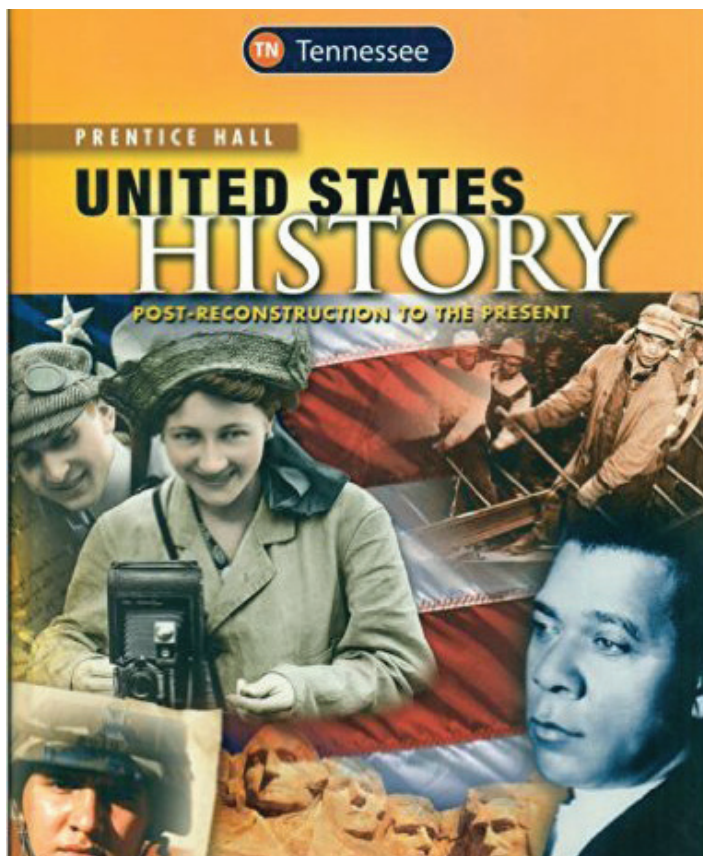
Tennessee United States History: Post-Reconstruction to Present (2015)
Source: Amazon

prejudice and discrimination against Japanese-Americans which only further fueled the hysteria against them after Pearl Harbor.[50] The authors even include provocative newspaper headlines from the period such as "Jap Boat Flashes Message Ashore." The text then mentions the overcrowded conditions in the camps before launching into an examination of the internment's legality and its contemporary legal challenges, *Korematsu v. U.S.* and *Hirabayashi v. U.S.*, even noting the immortal phrase from Justice Frank Murphy's vehement dissent in the *Korematsu* decision, in which he states that the evacuation order "fell into the ugly abyss of racism." After having students consider the 43-year delay in the 1988 repayments, the text challenges them to critically consider a broader issue through the lens of history: "Do you agree that wartime conditions justify curtailing civil rights?" This question embodies the educational potential of history—it provides an unrivaled platform for students to exercise critical thinking skills on a societal level.

The 2005 text *United States History* delivers little detail concerning the forced relocation and internment of Japanese-Americans—only one paragraph is presented, which pales in comparison to the several page in-depth examination of the policy, its roots, and its legality offered by the previous text.[51] However, what is extant covers the fear behind the de-

cision, the losses of Japanese-Americans, and the loyalty and military service of Japanese-Americans despite their status as second-class citizens. One provided discussion question, "Did detaining Japanese Americans hurt the nation?" carries the potential for critical discussion, but is unlikely to foster it given the thin amount of information provided in the text.

A shining example of a balanced, critical perspective is provided by *Tennessee United States History: Post Reconstruction to Present* (2009, 2015).[52] The text explicitly identifies "racism, the smaller numbers of Japanese Americans, their lack of political clout, and their relative isolation from other Americans" as reasons for the specific exclusion of Americans of Japanese descent as opposed to those of German or Italian descent. Conditions in the camp are vividly portrayed in a short primary source account—"The resettlement center is actually a jail—armed guards in towers with spotlights and deafly tommy guns, fifteen feet of barbed-wire fences, everyone confined to quarters at nine…What really hurts [is being called] 'Japs.' 'Japs' are the guys we are fighting." The authors also consider the exploits of the 442nd Regimental Combat Team before embarking on an in-depth exploration of the *Korematsu* case. The treatment of the *Korematsu* case is well executed: the book lays out the facts, highlights Korematsu's claim, and explains the Court's decision. However, it is the "Why It Matters" section which brings the text to the next level; the text asserts that "in recent years, the war on terrorism has revived talk of *Korematsu* in discussions of 'racial profiling'…Defenders of profiling argue that because… attacks were carried out by radical Muslims, it is…logical… to pay special attention to Muslims. Critics insist that racial profiling is a form of prejudice that violates the civil rights of individuals." Following this, the authors insert a 2004 statement from *Korematsu* condemning racial profiling, given the precedent of the Japanese internment, and they instruct students to "write an editorial agreeing or disagreeing with Fred Korematsu's position."

Such an assignment represents the pinnacle of a history education's potential to hone a student's critical thinking skills on a societal level: given a historical precedent and its similarities to a situation in our nation today, what is the right course of action to take and why? Textbook treatments of the internment took 70 years—though U*nited States History: In the Course of Human Events* (1997) very nearly achieved this summit—to reach this point, but they evolved to the point where they can help our students critically examine domestic events today.[53]

WHAT AMERICA STANDS TO GAIN
The development of a critical perspective on the Japanese-American internment in our history textbooks, which resultantly have come to foster crucially broad critical thinking skills in relation to race and the American state, towers over their relative silence on area bombardment. It is inexplicable that these bombing campaigns, "the single greatest moral

failure of the Anglo-American war effort", lack a critical perspective; moreover, it is inexcusable that only seven out of seventeen textbooks surveyed devote more than two sentences to the topic.

Conversely, what is to be gained by developing a critical take on the practice of area bombardment? Speaking in the current moment, an understanding of the horrors of aerial bombardment would likely increase public opposition to indiscriminate, illegal airstrikes in civilian areas such as those committed today by the Assad regime and Russian forces in Syria, and those desired against the Islamic State by some American politicians.[54] However, the true potential of a balanced, critical perspective lies in its global implications: if we are able to induce our students to critically consider our na-

tion's conduct abroad in what is considered to have been one of the greatest chapters in its history, they will develop the ability to critically consider our current conduct abroad in an unprecedentedly interconnected world which is as multipolar as it has been in postwar history. Long gone are the days of anti-Soviet zero-sum foreign policy. Critical examination of our international image and conduct abroad are more vital than ever now that they are no longer only compared to those of the "Evil Empire." Overcoming the scourge of politically beholden "patriotically correct" history and developing our children into worldly-minded critical thinkers capable of *objectively* considering America's conduct and perception abroad will be key to the nation's future; thus, these students and the content of their textbooks should become and long remain a top priority in our educational institutions. 🏛

Endnotes

[1] See Grimsrud's *The Good War That Wasn't — And Why it Matters*, Bodner's *The "Good War" In American Memory*, and Adams' *The Best War Ever* for samples of scholarship critiquing the "good war" myth.

[2] Bess 2006.

[3] Bess 2006; Frank 1999.

[4] *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts* (Protocol I), 8 June 1977.

[5] Hamilton and Shopes 2008.

[6] While Clark was not on the bench at the time of the Korematsu decision, he did play a role in the relocation as Civilian Coordinator for General John DeWitt, then the ranking general of the Western Defense Command.

[7] American nationals of Japanese descent.

[8] Japanese citizens living in America.

[9] Conrat, Conrat, and Lange 1972.

[10] See Bess (2006) for an example of such a text

[11] Selden 2005.

[12] Romanowski 1995.

[13] Hogan 1996.

[14] Levy 2014.

[15] Romanowski 1993.

[16] Wade 1993; I am indebted to Pearcy (2011) for the sources cited in this paragraph.

[17] *Bureau of Labor Statistics*, 2015. "College Enrollment And Work Activity Of 2014 High School Graduates"; This percentage has declined significantly over time, meaning that a higher proportion of previous graduating classes did not continue their education after graduation.

[18] At Vanderbilt University, students in the College of Arts and Science must complete one course with a thematic focus on the "History and Culture of the United States." However, many (if not most) students avoid critical study of history itself and instead enroll in courses such as "Country Music" and "Feminism and Film" to satisfy this degree requirement. Students in the School of Engineering have no history requirement.

[19] Wirth 1947.

[20] Todd and Curti 1950.

[21] Bailey 1956; on a personal note, my AP U.S. History textbook was the twelfth edition of this text.

[22] Bailey 1975; Bailey and Kennedy 1987.

[23] Wirth 1958.

[24] *The Development of America*, 1947

[25] Todd and Curti 1961.

[26] Graff and Krout 1968.

[27] The term is anachronistic; it was then known as the U.S. Army Air Forces

[28] Weinstein and Wilson 1978.

[29] Sobel et al. 1984.

[30] Sobel, LaRaus, and Morris 1990.

[31] Roden et al. 1984.

[32] Downey, Giese, and Metcalf 1997.

[33] King and Napp 2005.

[34] Lapansky-Werner et al. 2009; Lapansky-Werner et al. 2015.

[35] "in general…[the Americans] undertook the job of pinpoint bombing, concentrating on a single factory or group of factories." Todd & Curti, 1950; Todd & Curti, 1961

[36] Danzer et al. 2010; the History Channel logo represents a potential *argumentum* ad *verecundiam*—most high school students likely view the Channel as an authority on historical matters.

[37] Downey, Giese, and Metcalf 1997; Lapansky-Werner et al. 2009; Lapansky-Werner et al. 2015.

[38] Bailey provides a serviceable example of what I consider to be a "non-dedicated" mention — "They [the Marianas] were spacious enough to provide abundant airfields for American super-bombers, and they were close enough to Japan to permit round-trip bombing (Bailey, 1956)." Although the sentence does mention the bombing of Japan, the focus of the sentence is on the value of the islands, and the portion discussion the bombing does little more than acknowledge its existence.

[39] This phrase, dating back to 1942, was thrice deployed in protest of the eastward relocation of Japanese-Americans from the exclusion zone on the West Coast — once by the governor of Nevada, once by the governor of Arizona, and once by the governor of Wyoming. The governor of Wyoming, Nels Smith, additionally warned,"There would be Japs hanging from every pine tree." Their vitriolic reaction to the idea of peaceful resettlement contributed to the decision to host the "enemy aliens" in concentration camps.

[40] The phrase is used to title a section pertaining to the internment in *The Challenge of Freedom* (Sobel, LaRaus, De Leon & Morris, 1984; Sobel, LaRaus, Morris, 1990).

[41] Wirth 1947; Todd and Curti 1950; Wirth 1958; Todd and Curti 1961.

[42] Asahina 2007.

[43] Bailey 1956.

[44] A term for the Emperor of Japan which had long been considered obsolete by Japanese at the time of publication.

[45] Selden (2005) also surveyed textbook treatments of the Japanese-American internment, and found that four out of five from a similar time period (1958-1968) omitted the internment entirely. This includes the second edition of *Rise of the American Nation* (Todd & Curti, 1966) and the second edition of *The American Pageant* (Bailey, 1961). However, I am skeptical of the report that the second edition of Pageant omits the internment, considering that the first edition, which was surveyed for this text, entreats the internment in a somewhat critical manner.

[46] Graff and Krout 1968.

[47] Weinstein and Wilson 1978.

[48] Sobel et al. 1984; Sobel, LaRaus, and Morris 1990.

[49] Roden et al. 1984

[50] Downey, Giese, and Metcalf 1997.

[51] King and Napp 2005.

[52] Lapansky-Werner et al. 2009; Lapansky-Werner et al. 2015.

[53] Downey, Giese, and Metcalf 1997.

[54] During the 2016 GOP presidential primary race, Senator Ted Cruz of Texas stated his desire to "carpet bomb [ISIS] into oblivion."

Love (and Rebellion) Conquers All

Why Japanese women risked everything to marry the 'enemy' in the aftermath of the Second World War

During the United States' seven-year occupation of Japan following the Second World War thousands of Japanese women would marry American serviceman. Despite Japan's formal acceptance of international marriage decades earlier, this was a sharp break from the prevailing norms of the time, which placed preference on intra-racial arranged marriages. In this analysis, I establish the significant societal and personal obstacles Japanese World War II brides faced. I also argue the continued pursuit of such controversial marriages in the context of traditional Japanese society reveals the war bride phenomena as a struggle for independence from the predominant gender roles of the time.

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On December 31st, 1950 in West Virginia, a Japanese woman by the name of Fumiko Tomita married American soldier Louis Ward… again. Roughly three years earlier in Hachinohe, Japan, an American preacher had married them, but, as American marriages were "not permissible" and the United States did not recognize Japanese marriages, their marriage went unacknowledged.[1] Standing at the altar, pledging their lives to each other for the second time, the couple was finally able to join in a legally binding marriage – a more improbable feat than may be readily apparent. According to Japanese tradition, society, and familial values and customs, as well as the Japanese and American governments, their union simply should not have happened. Their tale is not unique. According to one estimate, approximately 40,000 to 50,000 Japanese women married American servicemen and subsequently immigrated to the United States of America during the country's occupation of Japan, which lasted seven years and required more than 500,000 American troops.[2][3]

For Japanese women, marrying an American man in the wake of the Second World War proved to be a difficult matter in more ways than one. Obstacles manifested themselves in multifaceted ways including larger, more societal forms as well as individual-oriented forms. These social barriers included wider anti-American sentiment in Japanese society and culture as well as the expectation of anti-Japanese sentiment in America. While many Japanese war brides would go on to express their surprise at the lack of overt discrimination in America, it is important to clarify that their expectation of discriminatory treatment based on their prior to marriage or permanent relocation in America was an obstacle, not their experience in America post-marriage.[4] Among the individual obstacles were hesitancies from their families – sometimes coupled with threats of being disowned – in the context of Japan's family-focused society and a purposefully long and tedious marriage authorization process meant to discourage intermarriage.

American serviceman Louis Ward, left, and wife Fumiko Tomita (1950)
Source: Japan in the Heartland (Ohio University)

It is necessary to recognize that many of these obstacles, particularly societal pressure and family scrutiny, would have been substantial for any Japanese citizen regardless of their gender, but war brides faced the additional disadvantage of being female in a patriarchal society. In some cases this sexist reality further heightened the already significant obstacles

that war brides had to endure and, in other cases, it was the root of such obstacles. Still, Japanese women willingly chose to marry American men in spite of these obstacles and, in hindsight, the vast majority said that they would do it all again. The question is simply, why? Why would Japanese women pursue marriage to American servicemen given the substantial, multifaceted obstacles that stood in their way? Through the examination of Japanese war brides' oral histories and interviews it becomes clear that Japanese women primarily chose to marry American soldiers as a way to free themselves from what they saw as an oppressive society. In a patriarchal society that gave women little freedom or choice and generally emphasized the collective over the individual, an American soldier was more than just a man – he was an opportunity to assert independence. Hence, in overcoming widespread obstacles and pursuing their marriages to American soldiers, Japanese women challenged their homeland's predominant culture which marginalized women on the basis of their sex.

WOMEN IN TRADITIONAL JAPANESE SOCIETY
According to Mariko Kitamura Bird, a scholar in Japanese folklore and mythology, in Japanese culture women were taught to obey the Confucian principle of the "three submissions."[5] Early in life women were expected to submit to their fathers, then submit to their husbands in marriage, and finally submit to their sons later in life. Beyond this, Japanese gender roles were relatively similar to American gender roles of the time in terms of labor division. Japanese society expected men to economically provide and women to stay home to bear children and be the family's primary caretaker. These systemic gender roles in Japan reflected the long-standing, patriarchal "agricultural family" — known as *ie* in Japanese.

As sociologist Anne E. Imamura described it, *ie* was the "ideal" family structure throughout most of twentieth-century Japan.[6] The *ie* featured a male-preferential hierarchy in which the eldest son would inherit all family possessions including the family home when his father died. Daughters would marry into other families, presumably *ie* as well, and start anew. Younger sons would move out, sometimes establishing subordinate branches of the family. Despite the eldest son being the highest position within the family hierarchy, his wife was the lowest position. Her main purposes in life were to bear children and be her parents-in-law's primary caretaker as they aged. Interestingly enough, this expectation was so strong that being a caretaker was a duty many Japanese women felt inclined to perform as late as the 1990s.[7] While the *ie* structure was formally abolished in the Japanese constitution that the United States drafted for the country in 1946 and that took effect on May 3, 1947, there was also a strong parental preference for sons up until the late 1980s, most likely due to the prevalence of the *ie* family structure.[8]

By limiting Japanese women's social mobility and access to the workforce, as well as marginalizing them within the social hierarchy, the family system placed women in a position to be economically and socially dependent on men. Moreover, Japan has traditionally been a *kaikon shaka* or "all-marriage society."[9] In other words, the Japanese population did not view marriage as an option, but as an expectation. According to anthropologist John Knight well over 90 percent of Japanese could expect to get married in the post-war period.[10] This high prevalence of marriage coupled with the *ie* system meant the vast majority of Japanese women would find themselves in the home.

The standard definition of "Japanese war bride," according to historian Keiko Tamura, is "a Japanese woman who married a member of the foreign armed forces or a foreign civilian who was in Japan as a result of the military occupation after World War II and the subsequent military presence in Japan up to 1960."[11] This analysis focuses on such women who specifically married Americans within the nine years immediately following the conclusion of the Second World War. This selection was not arbitrary but, rather, was made after careful consideration of the historical context. While the Second World War concluded in 1945, the United States occupied the country until 1952. The American military would maintain its presence in Japan until 1960 due to the Korean War, but the true historical setting of this analysis is Occupied Japan, a time period inextricably connected to the Second World War. Given the purposefully long and difficult marriage process for Japanese-American couples, some of whom were only able to officially wed years after beginning the application the realm of analysis was extended two years beyond the official end of America's occupation to provide a more accurate and representative time period. These years can be seen as a historical grace period as it is necessary to account for the documented discrepancies in couples' marital intentions and their artificially postponed official wedding dates.

WAR BRIDES FACE SOCIETAL AND PERSONAL OBSTACLES
The obstacles Japanese World War II brides faced were varied and significant. Among the societal obstacles Japanese women wishing to marry American soldiers faced was the strong Japanese tradition and preference toward intraracial marriage. According to Japanese journalist Katie Kaori Hayashi, this was a measure meant to keep the bloodline "pure."[12] In fact, while the Japanese government had formally welcomed international marriage nearly a century earlier in the Meiji era (1868 – 1912) it was not a common practice before the Second World War.[13] Moreover, in Japanese culture, societal expectations held, and continue to hold, vast importance. As anthropologist V. Ritts has said, "Japan is a collectivist society where group needs and wants are placed above those of the individual and Japanese people tend to be other-directed."[14] This only amplified the oddity of, and therefore the discrimination toward, individuals who broke the norm.

The failure to meet the widespread societal pressure to marry

Yoshiko Forinash, of Tokyo; Mitsue Klotzbach of Washington D.C.; and Toshiko Morgan, of Silver Spring, MD., (1953)
Source: Bob Mulligan, The American War Bride Experience

within the Japanese race manifested itself in explicitly aggressive language against Japanese women pursuing an interracial relationship. For example, as one woman, Masa Soto, prepared to marry Don Tennyson, an American soldier, in Occupied Japan, she struggled to gain acceptance in her family for her choice to marry outside the race. Soto's sister put it as simply as she could, saying, "He will break your heart and ruin your life. Marry one of your own race."[15]

Given the anti-American sentiment pervasive in Japan during the occupation, the taboo against interracial marriage in general was especially amplified for Japanese women who married American men. The countries were, of course, enemies throughout the Second World War and significant ones at that. The Japanese-orchestrated Pearl Harbor attacks provoked America's official involvement in the war and America's dropping of atomic bombs on Hiroshima and Nagasaki garnered a Japanese surrender, effectively ending the Second World War in the Pacific. Relations remained fraught with tension during the American occupation.

Historian John W. Dower asserted that the anti-American sentiments the Japanese felt after the war were not as unified or vitriolic as one might expect, especially given the atomic bombings. But still, the conditions of the occupation, which lasted longer than the Second World War itself, lead some of the Japanese to be openly resentful. Dower has written,

In those years, Japan had no sovereignty and accord-

ingly no diplomatic relations. No Japanese were allowed to travel abroad until the occupation was almost over; no major political, administrative, or economic decisions were possible without the conquerors' approval; no public criticism of the American regime was permissible, although in the end dissident voices were irrepressible.[16]
In fact, in 2003 Sheila A. Smith, currently a senior fellow for Japan studies at the Council on Foreign Relations, asserted anti-Americanism in modern Japan can be traced to the population's negative feelings toward practices the United States imposed on the country during the occupation.[17] [18] In specific regards to the opposite sex, anti-American sentiment came in the form of rumors that American soldiers would brutalize Japanese women. Murasaki Church, a war bride, said, "When the American soldiers came in, there were rumors going around that they were going to rape all the Japanese girls."[19]

This anti-American sentiment trickled down to affect individual war brides in their everyday lives. For example, when Yasaki Miwako met American GI Robert Cleve in 1952, they decided to marry shortly after. As part of the marriage authorization process that Japanese-American couples had go through, Miwako and Cleve went to a Japanese municipal office. It was there that the municipal official told Miwako, "Ah, you marrying a Yankee, huh? Well, we don't need you – go."[20] Several women who would eventually become war brides recounting hearing horror stories of American ser-

"Babysan: A Private Look at the Japanese Occupation"
Source: About Japan: Japan Society

vicemen leaving Japanese women heartbroken and stranded, which left them hesitant to pursue even casual relationships with them. Parents would invoke the opera Madame Butterfly in which an American naval officer abandoned a Japanese geisha, Cho-Cho san, to deter their daughters from pursuing American soldiers.[21] Another Japanese woman, Shigeko Mori, who was 26 years old when she wed, said, "It was quite difficult to marry an American. Japanese women at my age who tried to marry American men had a hard time, and those were not socially respected."[22] Even Mori, an eventual war bride herself, said she never thought she would marry an American as she did not respect American soldiers or the Japanese women who dated them.[23]

In fact, even the term "war bride," which is neutral in American English, has a negative connotation in Japanese. This connotation derived from the belief that most war brides had previously been prostitutes – the majority of the Japanese population refused to believe "ordinary women" would marry their former enemies.[24] The implication that prostitutes were therefore "unordinary" showed the shame of sex

work in Japanese culture. Japanese society placed an arbitrary equivalence between prostitutes and war brides, thus extending this shame on to them – presumably to promote and preserve nationalist sentiment. This false equivalence was even more outlandish in the context of the extensive background checks Japanese war brides had to endure in the marriage authorization process. Still, Japanese men felt inclined to openly shame war brides for simply being associated with American men. Their brazen words suggest they did expect reprimand or punishment for shaming women, illustrating how Japanese society accepted and even condoned such treatment of war brides.

For example, Setsuko Amburn, an eventual Japanese war bride, said a Japanese man publicly called her a "*panpan*," a derogatory term which translates to "whore" in English, when he saw her walking with her American boyfriend.[25] Chuck Jensen, who worked as a Japanese linguist and medic in Occupied Japan, said young Japanese boys and an older man in uniform said, "There goes another whore with an American," when he walked by them hand-in-hand with a Japanese woman.[26] This serves as an illustration of not only anti-American sentiment but also the degradation of war brides for mere association with American men.

Beyond the anti-Americanism which plagued their relationships in their home country, Japanese women perceived that they could face anti-Japanese sentiment from Americans if and when they relocated with their husbands. Japanese women themselves held this expectation and their local communities only reinforced their fears, mounting a significant obstacle to marriage. In some cases, women were openly mocked with predictions that Americans would not accept them. Yuki Martley, a Japanese war bride who wed in 1952, described how her Japanese neighbors criticized her relationship, saying her husband's American parents would reject a Japanese daughter-in-law and that "within a year, she would be deserted."[27]

Reinforced by such harassment, Japanese women themselves feared rejection from their husband's families, and Americans in general, based on their ethnicity. Martley told the interviewer she felt "uneasy" meeting her husband's parents and was scared of rejection. "I was a little bit nervous because I was not sure if his parents would accept me."[28] In some cases, women did not even have to leave Japan before getting a taste of the ethnic discrimination they expected to face from Americans. As a requirement for their marriage to be approved, Cleve and Miwako had to go to a chaplain to receive his signature. Cleve said the chaplain, referencing Miwako, who was sitting beside him, asked, "Are you sure this is the kind of girl that you want to marry?"[29] Cleve said they were "so insulted" that they took back the form, saying he would have to get someone else to sign it as he walked out. Miwako said she felt she was being treated like a criminal.[30]

Japanese war brides also faced significant backlash from their

own families when pursuing a relationship with an American soldier. While family disapproval would have certainly been an obstacle in most cultures, it was an especially strong barrier in Japan, as Japan fosters a culture which valued obedience to elders and placed a premium on family unity. As gerontologist James D. Brightman has said, "Historically, the family rather than the individual has been the basic unit of Japanese society."[31] Furthermore, according to one oral history project:

her family made their feelings clear. Miwako's cousin threw rocks at her and yelled, "You not Yasaki [her family name]. We're going to take it off the birth certificate. Don't you ever come back!" Miwako reported that her father shared similar feelings to her cousin and that her mother could only cry. Miwako's brother told her, "You can do whatever you want to. Go ahead, but never come back to front door!"[39]

"Given the anti-American sentiment... during the occupation, the taboo against interracial marriage in general was especially amplified for Japanese women who married American men."

This familial pressure was especially apparent when it came to marriage. As Hayashi described, Before the war, young couples, even those who were older than twenty (the official age regarded as an adult in Japan), needed parental approval for their marriages. Marriage was not a private matter, but a family matter. In most cases, parents found the husband or wife for their child.[32]

It is logical, then, that negative familial reactions would be a strong deterrent to pursuing an interracial marriage. Still, many Japanese women forged ahead.

Toyoko Murakami, who grew up in Tateyama-machi in the Toyama prefecture proper, was one of these women – she wed American soldier Alison Pier in 1954.[33] While Murakami's grandmother, the authority in the matrilineal family, accepted the marriage, her father reacted with anger and shock when he heard of her American husband. He had fought for the Imperial Army in Manchuria during the Second World War and would not accept her marriage to a "former enemy soldier."[34] Her father cried, feeling he had to apologize to his comrades who had lost their lives for his daughter's marriage to an American soldier. [35]

Some families even went so far as to disown female relatives who married American soldiers. Mori did not take the decision to marry an American soldier lightly for fear she would be labeled a delinquent, a prostitute, or be heartbroken by an American soldier like she had heard others were. She refused to have an intimate relationship with her eventual husband several times. "It was a disgrace not only to me, but also to my family to be deserted by an American serviceman," she said.[36] When she did marry an American soldier her brothers told her, "If you are going to marry an American, I am going to disown you!"[37] In Mori's case it is especially telling that she received this treatment from her family as the marriage was against her will.[38] When another war bride, Miwako, returned to her hometown to gather paperwork necessary for the government to approve her marriage to Cleve,

Japanese-American couples also faced a time-consuming uphill battle when it came to the legal processes required to obtain a marriage that their respective countries would recognize. During the initial years of the occupation, the American military simply barred intermarriage via formal regulation.[40] In lieu of legally-binding unions some couples married in informal *Shinto* ceremonies, a practice historian Susan Zeiger characterizes as an openly defiant act of civil and military disobedience.[41] Even after intermarriage became legally permissible, the American and Japanese governments looked to snuff out their respective residents' forbidden love under the mountain of paperwork and long waiting periods required to gain legal recognition for their marriages. In the process, which accumulated paperwork more than an inch thick in some cases, Japanese women had to submit their birth record and family tree as well as undergo a police investigation for "communism, tuberculosis, syphilis, and anything incriminating about her or her family."[42] Other times, the American military would simply transfer the man to a different location in an attempt to halt marriage preparations.

Mike Nichols, an American soldier, described how tedious the authorization for the United States government to approve his marriage to a Japanese woman was. He stated how every few months officials would say materials had gone missing or were improperly signed. Finally, his master sergeant informed him he would be sent home. "I was stunned! It got ugly! I mean it had been two years since we had started the process," Nichols said.[43] He stormed out of the office and asked a friend of his who was a lawyer to vet the application. Nichols' friend said the application was valid and that he would "go to bat for him."[44] The government subsequently approved the marriage within two days.[45]

INDEPENDENCE: WHY JAPANESE WORLD WAR II BRIDES PERSEVERED

Yet, with everything from racism to family disapproval to bureaucracy working against them, tens of thousands of

Japanese women and American GIs (1953)
Source: The British Broadcasting Corporation (BBC)

Japanese women would pursue their choice to marry American servicemen. While marrying for love may seem like a given in modern America, it was a scarce practice in postwar Japan. As described previously, prior to the war arranged marriages with little thought to the wishes of the bride and groom were the norm in Japan, and this practice continued into the occupation period despite a provision in the Japanese constitution that explicitly declared that marriage would be based solely on consent of the individuals.[46] Beyond this, up until the mid-twentieth century, Japanese society viewed "love matches" – marriages pursued due to mutual attraction between a pair – as unrespectable. Some families even went so far as to disguise their children's love matches as arranged marriages to save face, according to renowned social anthropologist Joy Hendry.[47] Yet, despite this taboo, almost all war brides who were interviewed reported that their primary reason for marrying was their personal love for the individual American soldier. A significant number of women interviewed used the phrase *hitome bore*, "love at first sight" in English, to describe their relationships with their eventual husbands.[48]

In this sense, Japanese World War II brides broke a long-held societal norm in a time when arranged marriages were still frequent and held significant social value. By marrying for love, war brides implicitly asserted that their feelings and individual preferences came first – a sharp break from the predominant culture. In at least one case an anonymous Japanese woman made this explicit. After her uncle insulted her Filipino-American fiancé she told him, "As long as we loved each other nothing mattered. It is what we are that is impor-

tant and not what our parents are."[49]

Perhaps most significantly, Japanese women explicitly identified marriage to American men as a way to establish their independence, and specifically their independence as women. Interestingly enough, the man's affiliation with the military, while a large source of conflict between Japanese war brides and society, held little relevance to war brides' motivations for marriage. The men's affiliation with the United States, however, did hold relevance. As discussed previously, the systemic disenfranchisement of women and the influential force of family in Japanese marriage meant women were expected to move seamlessly from the role of subservient daughter to the role of subservient wife – leaving them unable to express their own desires and shape their own lives. For example, while it was Mori's choice to rebel against societal expectations and date Genaro Cubillos, a Mexican-American soldier, Mori was still essentially forced to marry him when a city worker gave into Cubillos' persistent requests for her family registration record, a required document for marriage, without her consent or even her knowledge. "[Marriage] was simply his decision, and it was not my decision at all," Mori said.[50] The fact that the city worker felt compelled to give Cubillos the record, essentially marrying her off, without even consulting Mori serves as an example of blatant disregard for women's preferences, especially in the context of a life-altering decision such as marriage. This chain of events even astonished Mori, who had felt Japanese society was chauvinistic since she was a child.[51]

In another case, Murakami was expected to marry a local boy

of her mother's choosing and secede her matrilineal family's name and house as six generations of eldest daughters had done before her. Even in a matrilineal family, a rare occurrence, Murakami said she had little freedom. "It was taken as granted for me to marry the local boy. I did not have a choice as a girl," said Murakami.[52] Murakami, however, did not marry her family-selected fiancé. After her family allowed her to live in urban Tokyo before being married, she decided not to return to the countryside. Instead, her Japanese fiancé, who was at her house in a traditional kimono for the wedding ceremony, was left waiting. That was the day Murakami said "she moved outside her family's control."[53] Murakami further moved outside her family's control, as well as Japanese society, when she married an American soldier. She said she was attracted to the "American life" and the qualities which differentiated him from Japanese men, such as his outgoing ways and the financial generosity the American dollar's strength allowed him to have.[54]

Beyond independence from their family, in becoming war brides Japanese women also found refuge from their native society which they viewed as oppressive toward women. More than one war bride described that her personal qualities were inconsistent with those of the traditional, submissive Japanese wife and called either Japanese men or the country as a whole "chauvinistic."[55] Japanese women perceived American men, and the American lifestyle which came with their marriages, as a way to explore a new life outside these strict expectations. Katsu Watanabe, who married Cecil Kelley in 1951, described herself as aggressive, outgoing, and "not afraid of anything."[56] For these reasons, she did not think she "would make too good [of] a Japanese wife."[57] Looking back, Watanabe thought she could no longer live in Japan as a person unable to express her individual thoughts and opinions. "There is freedom with American men," she said.[58] Mary Shizuka, who wed American GI Walter Rex Bottomley in 1953, was another example of a woman who married an American soldier explicitly to free herself from Japanese gender roles. Shizuka said one of the reasons she married an American was "felt that [she] could have a fuller life as a woman if [she] lived in America … I would be no good in Japan because I have too strong a personality for a Japanese woman."[59]

CONCLUSION

Ultimately, Japanese war brides' testimonies show that they persevered against a multitude of significant societal and individual obstacles to marry American servicemen in the nine years immediately following the Second World War. Moreover, their testimonies reveal implicit and explicit struggles for independence from both their families and Japanese society's pervasive gender roles. While not all facets of their new American lives would be as the war brides expected and some of their marriages ended in divorce, the majority of the women interviewed said given the chance to do it all over again, they would stand by their choice to marry an American.[60]

The Japanese war bride phenomenon can be seen as a stepping stone for Japanese women and in Japanese culture as a whole. It would be the first time Japanese women would participate in international marriage in significant numbers despite its formal acceptance nearly a century earlier. As the tradition-centered Japan faced vulnerability during the American occupation, Japanese women seized the opportunity to break away from a society they viewed as oppressive and chauvinistic and assert their own individuality. Throughout the occupation, it just so happened that the United States sent more than 500,000 men, clad in American uniform, who provided that opportunity. 🏛

Endnotes

[1] Miki Ward Crawford, Katie Kaori Hayashi, and Shizuko Suenaga. "Japanese War Brides in America: An Oral History." *ABC-CLIO.* 2010. 9.

[2] Ayaka Yoshimizu. "'Hello, War Brides': Heteroglossia, Counter-Memory, and the Auto/biographical Work of Japanese War Brides." *Meridians* (October 2009, 10: 1) 115, based on three works: Suenaga 1995, 133; Simpson 2001, 165; and Yasutomi and Stout 2005, 1.

[3] Regina F. Lark. "They Challenged Two Nations: Marriages between Japanese Women and American GIs, 1945 to the Present." Ph.D. diss., *Department of History, University of Southern California.* 1999. Accessed May 2, 2016. http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll17/id/564929.

[4] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America.

[5] Mariko Kitamura. "The Animal-wife: A Comparison of Japanese Folktales with Their European Counterparts." *University of California, Los Angeles.* 1982. 47.

[6] Anne E. Imamura. "The Japanese Family." *Asia Society.* (1990) 1. Accessed May 1, 2016. http://www.columbia.edu/cu/weai/exeas/resources/pdf/japanese-family-imamura.pdf.

[7] Noriko O. Tsuya and Minja Kim Choe. "Changes in intrafamilial relationships and the roles of women in Japan and Korea." *Tokyo Population Research Institute, Nihon University.* 1991.

[8] Kana Fuse. "Daughter preference in Japan: A reflection of gender role attitudes?" *DEMOGRAPHIC RESEARCH.* (2013) 1024. Accessed May 2, 2016. http://www.demographic-research.org/volumes/vol28/36/28-36.pdf.

[9] Terue Ohashi. "Mikonka no Shakaigaku" (The Sociology of Rising Celibacy). *NHK Books.* Tokyo. 1993. 9.

[10]John Knight. "Municipal Matchmaking in Rural Japan." *Anthropology Today* (April, 1995) 11:2 9. Accessed May 2, 2016. http://www.jstor.org/stable/2783202.

[11] Keiko Tamura. "Michi's Memories: The Story of a Japanese War Bride." *A.C.T.: Research School of Pacific and Asian Studies, Australian National University*: Canberra. 2001. 17.

[12] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 251.

[13] Ibid. 250.

[14] V. Ritts. "Culture and aging." *St. Louis Community College.* 2000.

[15] Susan Zeiger. *Entangling Alliances: Foreign War Brides and American Soldiers in the Twentieth Century.* New York University Press. March 2010. 179.

[16] John W. Dower. *Embracing Defeat: Japan in the Wake of World War II.* W.W. Norton & Company/The New Press. 1999. 23.

[17] According to its website (http://www.cfr.org/), the Council on Foreign Relations is an "independent, nonpartisan membership organization, think tank, and publisher."

[18] Robert M. Hathaway. "The Making of 'Anti-American' Sentiment in Korea and Japan." *Woodrow Wilson International Center for Scholars.* May 6, 2003. Accessed April 9, 2016. https://www.wilsoncenter.org/event/the-making-anti-american-sentiment-korea-and-japan

[19] Regina F. Lark. *Interview of Murasaki Church*. Tape recording, Tacoma, Washington, August 23, 1996. Accessed May 2, 2016. http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll17/id/564929

[20] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 33.

[21] Ibid. 89; See also: Lark "They Challenged Two Nations." Ph.D. diss., *Department of History, University of Southern California.* 1999. 132.

[22] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 136

[23] Ibid. 135.

[24] Ibid. 249 – 250.

[25] Ibid. 115.

[26] Regina F. Lark, *Mr. Chuck Jensen interview*. Tape recording, Bremerton, California, August 25, 1996. Accessed May 2, 2016. http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll17/id/564929

[27] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 125.

[28] Ibid. 126.

[29] Ibid. 33.

[30] Ibid.

[31] James D. Brightman. "AAPI Culture Brief: Japan." *University of Hawai'i.* 2005. 1 Accessed April 11, 2016. www.ntac.hawaii.edu/downloads/products/.../ACB-Vol02-Iss06-Japan.dox

[32] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 82.

[33] Prefectures are the first level of the Japanese government's administration. Similar to the state level of government in the United States. As the majority of war brides came from the metropolis of Tokyo or areas closer to it, Murakami's accounts provide rare insight into how more rural families reacted to Japanese-American marriages in the post-war period.

[34] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 89.

[35] Ibid. 92; For examples beyond specified time period see: Debbie Storrs. "Like a Bamboo: Representations of a Japanese War Bride." *Frontiers: A Journal of Women Studies* (2000) 21: 1/2. 206, 212. Accessed May 2, 2016. http://www.jstor.org/stable/3347045.

[36] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 32.

[37] Ibid.

[38] Mori was forced to marry Genaro Cubillos, a Mexican-American soldier, after a city worker gave into his persistent requests for her family registration record – required paperwork for a marriage. See further discussion of this on page 9.

[39] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 33.

[40] Zeiger. *Entangling Alliances.* 179.

[41] Ibid.

[42] Crawford, Hayashi, and Suenaga. "Japanese War Brides in

America. 32.

[43] Regina F. Lark. *Interview of Mike Nichols*. Tape recording. Eugene, Oregon. April 6, 1993. Accessed May 2, 2016. http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll17/id/564929

[44] Ibid.

[45] Ibid.

[46]"The Constitution of Japan." Article 24. November 3, 1946. Accessed May 2, 2016. http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

[47] Joy Hendry. *Marriage in Changing Japan: Community & Society.* Routledge. 2010. 24. Accessed May 1, 2016. https://books.google.com/books?id=SDdZBwAAQBAJ.

[48] Crawford, Hayashi, and Suenaga. "Japanese War Brides in America. 31, 40, 122.

[49] Zeiger. *Entangling Alliances*. 188.

[50] Crawford, Hayashi, and Suenaga. "Japanese War Brides in

America. 136.

[51]Ibid.

[52]Ibid. 86 - 87.

[53]Ibid. 88.

[54]Ibid.

[55]Ibid. 122, 133; See similar examples in: Shizuko Suenaga. "Goodbye to Sayonara: The Reverse Assimilation of Japanese War Brides." *Boston College*. 1996.

[56]Ibid. 50.

[57]Ibid.

[58]Ibid.

[59]Ibid. 181.

See similar examples in: Shizuko Suenaga. "Goodbye to Sayonara: The Reverse Assimilation of Japanese War Brides." *Boston College*. 1996.

[60]Ibid.

THE FORGOTTEN WRECK OF THE STEAMSHIP *SULTANA*

How America Forgot the Deadliest Shipwreck in National History

The wreck in April, 1865, of the steamship Sultana *remains the deadliest maritime disaster in American history, yet it has largely faded from public memory. Using a selection of newspapers from around the country in the immediate aftermath of the wreck, I argue that the American public's attention was not captivated by the* Sultana *because the Civil War had desensitized newspaper readers to death.*

By Maggie Corbett
Vanderbilt University

O n April 27, 1865, the early morning darkness in Memphis, Tennessee, was rent apart by a massive explosion. A ship by the name of *Sultana*, overflowing with Union soldiers, went up in flames in the middle of the mighty Mississippi River and sunk into the watery depths below. The steamer had set sail from Vicksburg, Mississippi, the previous evening, after stopping for a small repair to one of the boilers.[1] Although the ship was in a state of disrepair and had a maximum capacity of 400, she was overcrowded with an estimated 2,400 passengers.[2] The Civil War had ended just weeks earlier, and , the government offered payment to ship captains for each former prisoner of war transported back to their respective home states, providing motivation for ships to be filled far beyond capacity. In the case of the overcrowded *Sultana*, the poorly repaired boiler exploded between 2:00 – 3:00 a.m., spelling disaster for the released prisoners of war aboard the ship. In a matter of hours, more than 1,800 men lost their lives, making the *Sultana* the deadliest maritime disaster in American history. Yet the story of their tragic demise did not captivate national attention and has largely faded from public memory.[3] Why was the *Sultana* shipwreck not a major news story that dominated American media outlets? What about the circumstances of this shipwreck caused the *Sultana*'s story to disappear into obscurity, much like the ship itself?

Using a selection of news articles from around the country in the weeks following the *Sultana* disaster, I have attempted to expose the sociopolitical context which enabled the deaths of 1,800 people to go relatively unnoticed. In examining the newspapers, I noted where articles about the *Sultana* appeared in relation to other news, what was included and left out of the newspaper's account, which other stories were present in the newspaper, and how much text was allotted to the *Sultana*. Although the tragedy was mentioned in newspapers across the country, it was preceded by articles about President Lincoln's upcoming funeral, the whereabouts of Jefferson Davis and Robert E. Lee, and other major events in the aftermath of the Civil War. Therefore, I argue that the

nation was much more focused on the end of the war than on the *Sultana*. If the ship had wrecked at a different time - when it did not have to compete for public attention against the assassination of the President and the reunification of the country - perhaps it would have been covered more thoroughly in the newspapers. Those same papers had featured the deaths of thousands of soldiers throughout the war, and readers were therefore desensitized to death. After 23,000 deaths at Gettysburg, the 1,800 souls lost aboard the *Sultana* paled in comparison. Whereas the Chicago Tribune devoted nearly the entire front page of its issue on July 4, 1863, to the Battles of Vicksburg and Gettysburg, the same newspaper had only 50 lines on page 2 for the wreck of the *Sultana*, as will be discussed later in this paper.

Relatively few historians have conducted in-depth studies of the *Sultana* disaster, despite the appalling loss of human life. In fact, when Memphis-based lawyer Jerry Potter began his research to write *The Sultana Tragedy: America's Greatest Maritime Disaster* in the early 1990s, only three books on the subject had been written.[4] When historians have written about the *Sultana*, most hypothesized that the the timing of the wreck caused it to fade from the collective memory. The end of the Civil War and the assassination of President Lincoln eclipsed the *Sultana* in the public eye almost entirely.[5] My research elaborates on this theory; however, I contribute a new aspect to the discussion, that at the end of the Civil War, the public was desensitized to death after constant media coverage of soldiers' deaths throughout the war. Over the course of four long years, the public had grown accustomed to lists of fatalities and death tolls in the thousands, so when the *Sultana* sank, the media did not devote as much attention to the disaster as one might expect. Though no American shipwreck since has resulted in a greater loss of life, including the Titanic, the story of the *Sultana* did not capture public attention in the same way because the four preceding years had seen incredible death and destruction. In the following pages, I will show this trend using both northern and southern newspapers from before and after the *Sultana* sank, ex-
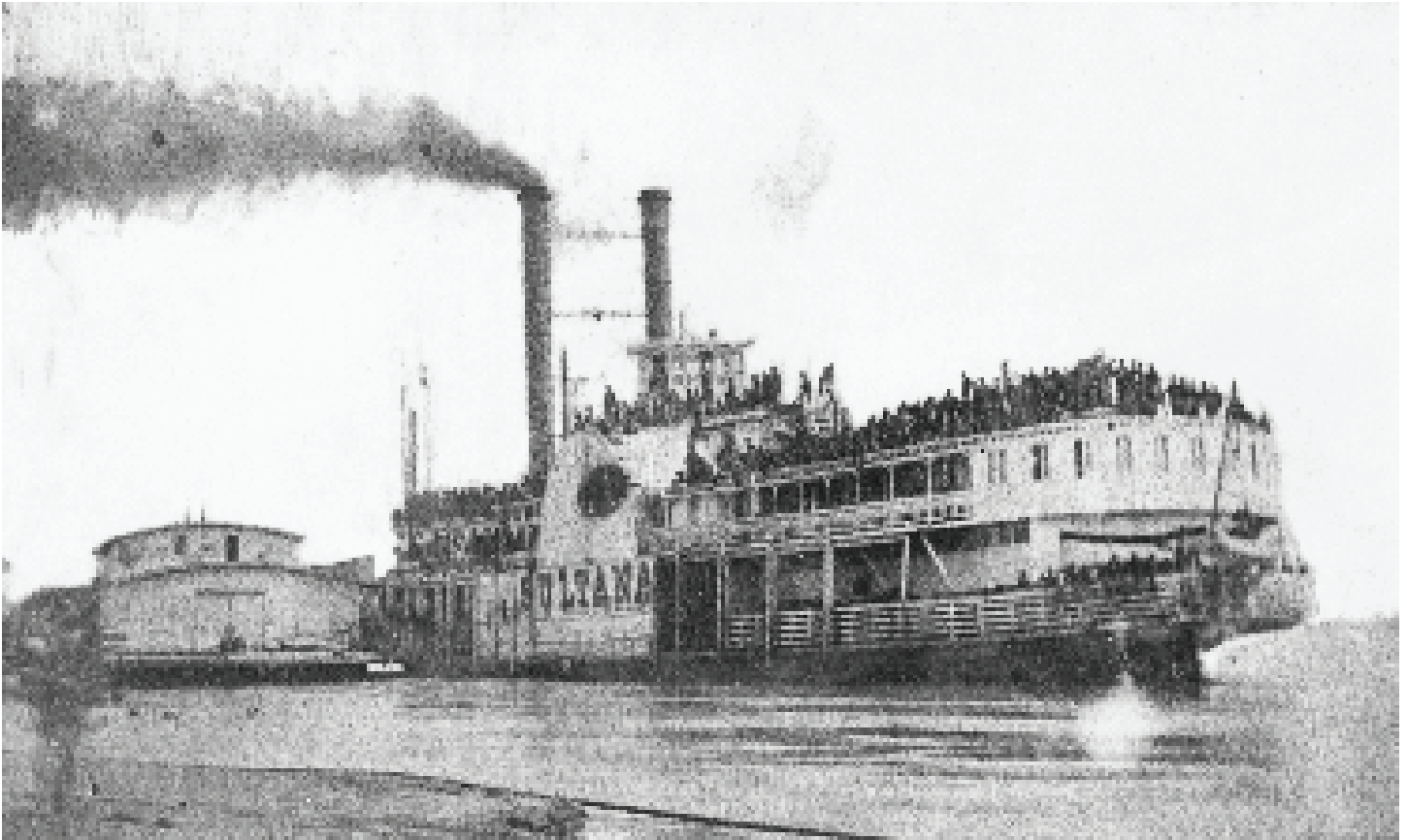
"To all observers it was obvious the *Sultana* was being overcrowded."[8]
The *Sultana* in Helena, Arkansas (April 27, 1865)
Source: Library of Congress, Prints and Photographs

amining the placement, length, and content of articles about the *Sultana* and other incidents of mass casualties.

THE SINKING OF THE *SULTANA*

To begin, let us examine the exact circumstances of the wreck of the *Sultana*. After the Civil War, thousands of prisoners of war were released all over the newly reunified country and needed transportation back to their home states. In order to encourage ships to take on this task, the United States government offered the considerable sum of $5.00 per soldier and $10.00 per officer carried.[6] Ship captains, like the captain of the *Sultana*, therefore had motivation to transport as many P.O.W.s as possible to maximize their profit margins, and for this reason the *Sultana* was loaded to six times her legal and safe capacity. William Floyd, himself a crewmember of a ship in the Memphis area in April 1865, saw the *Sultana* pass in the Mississippi, and aboard his ship "there was considerable talk as to whether she [the *Sultana*] had as many men on board her as another steamer that passed a few days before, or whether she was more crowded than that one."[7] Evidently, ships as packed as the *Sultana* were a common sight at this time, as enterprising captains wanted to transport as many prisoners as possible and thereby capitalize on the reward of-

fered by the government. This photo was taken of the *Sultana* as she left Vicksburg for what would be her final journey, burdened with the huddled masses who must surely have had difficulty moving about on the congested ship.

In addition to being full to the brim with released P.O.W.s, the *Sultana* was also disadvantaged by a poorly repaired boiler. While stopped in Vicksburg, the captain called for a boiler maker by the name of R.G. Taylor to come and examine the ship. Taylor "discovered two sheets of the boiler 'were badly bulged out'" and in dire need of repair.[9] Taylor suggested forcing back the bulges, but Captain Mason did not permit him to do this repair. Instead, "Mason directed Taylor to cut out a twenty-six inch by eleven-inch section and place a patch over it…The patch was thinner than the boiler's thickness."[10] Perhaps Captain Mason was in a hurry to get the *Sultana* loaded and on its way to ensure he would be paid the promised sum. Whatever the motivation, we can be sure that the boiler was not repaired to full functionality and posed an imminent threat to all aboard. Within days, the decision not to invest the necessary time and funds into the boiler repair would have dire consequences, not only for Captain Mason, but for the 2,400 passengers on the *Sultana*.

The Forgotten Wreck of the Steamship Sultana

On April 27, the *Sultana*'s boilers erupted in a massive explosion that sent steam, flames, and shrapnel flying in all directions. Bodies were thrown through the air by the tremendous force of the explosion, ripping men apart and scalding those who were exposed to the steam and hot water. Within twenty minutes, the ship was engulfed in flames.[11] One of the men aboard William Floyd's ship spotted the wreck in the distance, and the crew sprung to action to rescue as many men as they could. One of the men Floyd rescued said "he was sleeping above the boiler and that the first thing he knew he was flying up in the air and when he came down he was in the water."[12] Floyd spotted men floating unconscious in the freezing cold water, clinging to pieces of the wreckage as they drifted toward death. For the week and a half that Floyd and his men stayed in Memphis to help, they continued to pick bodies out of the water. Floyd wrote that "the government would send up every morning a boat and barge to pick them up, and the deck would be covered with bodies" even a week after the wreck.[13] In fact, Floyd said, he and his crewmates became to accustomed to the incredible tragedy of the *Sultana* that as they left Memphis nearly two weeks after the wreck, "no attention was paid to floating bodies except to avoid running over them."[14] Even those who saw the wreckage first-hand eventually became desensitized to the death and destruction of this horrific event.

PUBLIC RESPONSE
In the course of my research, I examined three American newspapers' coverage of the *Sultana* to expose how the American public was informed about the shipwreck. Those three newspapers are: *The Cincinnati Daily Enquirer, The Hartford Daily Courant,* and *The Daily Picayune*. In examining each newspaper, I posed the following questions:

1. How many lines were devoted to the *Sultana* wreck?
2. Where in the newspaper does the article about the *Sultana* appear?
3. What other stories took precedence and were featured earlier in the paper?
4. What details were included and excluded about the wreck?
5. How were previous mass casualties portrayed in the newspaper?

For each paper, I found a shipwreck which resulted in loss of human life earlier in the war to judge whether the amount of public attention given to deaths of soldiers decreased during the course of the war. This research led me to believe that in addition to being overshadowed by President Lincoln's assassination and the end of the Civil War, the *Sultana* was largely ignored in American media because the general public was desensitized to death by April 1865. The attention given to maritime deaths at the beginning of the war was substan-

"[T]he story of the *Sultana* did not capture public attention in the same way because the four preceding years had seen incredible death and destruction."

In total, an estimated 1,800 people died as a result of the explosion of the *Sultana*, whether from the force of the explosion, burns from the flames, scalding hot water, or exposure to the cold water. They were buried in a mass grave near Memphis, as the resources to transport 1,800 corpses back to their families would have been immense.[15] The harrowing story of their tragic demise did appear in newspapers in the North and the South, but the nation was not gripped by the tale, and it faded into obscurity. I contend that the sinking of the *Sultana* did not dominate American media outlets because the public was no longer shocked by death tolls in the thousands after the devastation of the Civil War, with thousands of soldiers dying on a daily basis. For that reason, newspapers covered the *Sultana* minimally, rather than setting aside space on the front page for news of the wreck. In the following section, I will analyze a selection of newspapers from this period and explore the public response to the disaster to expose how the sociopolitical realities of April 1865 allowed these 1,800 deaths to go relatively unnoticed in American media.

tially greater than that at the end of the war when the *Sultana* exploded in the Mississippi, a trend visible in both northern and southern newspapers. In the following section, I will examine each newspaper individually, posing the questions above and comparing the coverage of an earlier shipwreck to the *Sultana* disaster.

The Cincinnati Daily Enquirer, based in Cincinnati, Ohio, featured a short article about the *Sultana* a week after the wreckage.[16] As the P.O.W.s aboard the *Sultana* had fought for the Union, many of the readers of the Daily Enquirer could very well have known one or more men who perished in the explosion, and yet the paper devoted a mere thirty-four lines on page three of four to the shipwreck. Rather than being given a headline of its own, the *Sultana* is featured in a section entitled "Latest by Telegraph" which describes events outside of the Cincinnati area. Of the great many articles which precede the *Sultana* in this edition of the *Daily Enquirer*, there is one about the funeral arrangements for President Lincoln, an article about changes in the stock market, and the gruesome tale of a man in Baltimore who committed suicide. The placement of this third article is intriguing, since one might

logically assume that 1,800 deaths would be given more media attention than one death. Regardless, the article about the *Sultana* includes some specific details, including the approximate number of passengers and the fact that "a great number of lives were lost; all soldiers." While the author does mention the number of men aboard the *Sultana*, he does not compare that figure with the safe capacity of the ship, therefore leaving out an important detail of the disaster. Additionally, the journalist who wrote about the *Sultana* mentioned that the boiler had been recently repaired, although there was no reference to the hurried and insufficient nature of the repairs done just before the deadly explosion. As the article was written mere days after the wreck, we cannot be sure if the author purposefully excluded these details or was simply unaware of them; however, the length and placement of the article about the *Sultana* does reveal a certain lack of attention paid to the explosion.

Published in a local newspaper, this source was likely written in an attempt to keep the public abreast of national and local news. Additionally, newspapers by their very nature indicate the priorities of their readers; newspaper editors seek to maximize their distribution by including articles they believe the public will find informative and important. Since the *Sultana* was featured after an article about the President's funeral arrangements, the public was seemingly more interested in the upcoming funeral than in the deaths of the soldiers aboard the *Sultana*.

By comparison, the *Daily Enquirer* featured an article about the *U.S.S. Hatteras* shipwreck in 1861, at the beginning of the Civil War, a much smaller wreck which was given much larger media attention. The headline, "A Terrible Spot – Latest from *Hatteras*" on October 31, 1861, appears on the front page and covers over fifty lines of text.[17] The Daily Enquirer gave far greater attention to the *U.S.S. Hatteras*, and yet there were only two deaths and five injuries as a result of that wreck. Despite the enormous scale of the *Sultana* in contrast with the *U.S.S. Hatteras*, the seven casualties of the earlier wreck were featured far more prominently by this Ohio newspaper. This suggests that the readers of the *Daily Enquirer* were less interested in the *Sultana*, because the deaths of 1,800 soldiers no longer shocked readers after the devastating violence of the American Civil War. Additionally, the same paper featured a full seventy-two lines on the front page about a Scottish vessel caught in a gale in February, 1861.[18] The Elliott of Arbrath, Scotland, was on her way to Bristol when the temperature suddenly dropped more than twenty degrees and the wind picked up dramatically. One crew member fell overboard and could not be saved; two more died from cold and exposure during the night. The particular attention paid to this wreck by the *Daily Enquirer* is curious, as only three men were lost and the wreck occurred across the Atlantic Ocean. It is unlikely that the readers of the Daily Enquirer knew anyone involved, yet it was given greater coverage than the *Sultana* in which thousands of American soldiers per-

SAD ACCIDENT ON THE MISSISSIPPI.

THE SULTANA BLOWN UP.

1400 LIVES LOST

NEW YORK, April 28.—A private dispatch from St. Louis reports a terrible accident down the Mississippi river. The steamer Sultana exploded and sunk, and a great number of lives were lost —all soldiers.

ST. LOUIS, April 28.—A telegram received by the military authorities from New Madrid says the steamer Sultana, with two thousand paroled prisoners, exploded. Fourteen hundred lives were lost.

CAIRO, April 28.—The steamer Sultana from New Orleans, the evening of the 21st, arrived at Vicksburg with boilers leaking badly. She remained thirty hours repairing, and taking on 1,996 federal soldiers and 35 officers, lately released from Cahawba and Andersonville prisons. She arrived at Memphis last evening, and after coaling proceeded on. About 2 a. m., when seven miles up she blew up, and immediately took fire and burned to the waters edge. Of 2,100 souls aboard, not more than 700 will be recovered. Five hundred were rescued and are now in hospital. Two or three hundred, uninjured, are at the Soldier's House.

Capt. Mason, of the Sultana, is supposed to be lost. At 4 this morning the river in front of Memphis was covered with soldiers struggling for life, many badly scalded. Boats immediately went to the rescue and are still engaged in picking them up. Gen. Washburne immediately organized a board of officers to investigate the affairs. No further particulars received.

Exercept from the Hartford Daily Courant (April 29, 1865)
Source: ProQuest Historical Newspapers

ished. Evidently, the Daily Enquirer's editor believed readers would be more interested in the *U.S.S. Hatteras* and the Scottish Elliott than they would be in the wreck of the *Sultana*.

Although the *Sultana* disaster was not the first priority for readers in Cincinnati, it was nevertheless mentioned in newspapers across the country. Based in the Union city of Hartford, Connecticut, the *Hartford Daily Courant* gave its readers thirty-two lines on page three of six about the *Sultana* disaster on April 29, 1865.[19] The newspaper evidently received a number of telegraphs on the subject, from New York, St. Louis, and Cairo, and featured the details of the telegraphs in an article entitled, "Sad Accident on the Mississippi: The *Sultana* Blown Up, 1400 Lives Lost." Like the *Cincinnati Daily Enquirer, the Daily Courant* specifies that "a great number of lives were lost – all soldiers." The article goes
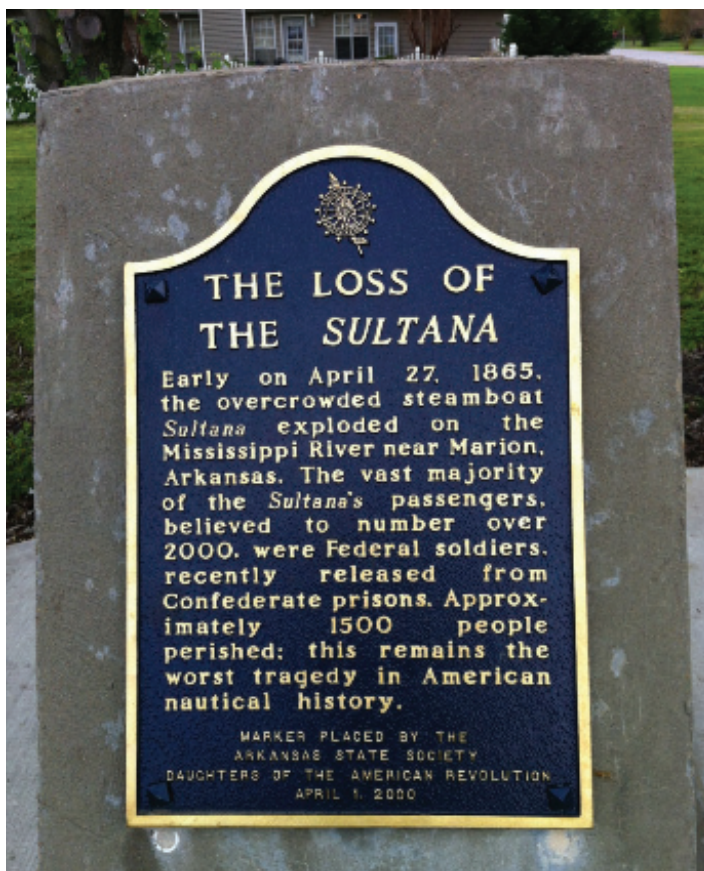
Historic marker of the *Sultana* disaster in Marion, Arkansas (2012)
Source: Wikimedia Commons (DavGreg)

on to describe the *Sultana*'s arrival in Vicksburg with "boilers leaking badly," where she stayed over a day to have the boilers repaired and to take on released P.O.W.s for transport. This newspaper also neglects to mention the subpar nature of the repairs, perhaps because this information was not publicly available at this point. Nestled among advertisements for clothing and food, the article about the *Sultana* does not appear to be one the newspaper editor believed would capture the public attention. It is preceded by an article detailing the whereabouts of Jefferson Davis, an account of the recent shooting of Senator Sumner, and a description of the weather forecast in Connecticut.

The article about the *Sultana* lacks several major details, including the extreme overcrowding on the ship which far surpassed its legal capacity and the emergency repairs done to the boiler of the *Sultana* just before the explosion. In fact, the article states that "All seemed well up to the time of the accident" and reassures readers that "all eastern men were saved." Given that the readers of this newspaper lived in the east, it would appear that the readership would have been particularly concerned with the fate of eastern men on board. The journalist assuages any fears by telling readers that the men they would have known have survived the wreckage. Fur-

thermore, the journalist lists the number of survivors first, adding the number of casualties almost as an afterthought. This fact is underscored by the light tone of the article and sheds light on the author's purpose for writing. However, the author does address the universal nature of the tragedy, stating, "The troops on board represented every state in the Union." Although the *Sultana* could have become a national tragedy of great magnitude because of the enormous loss of life of men from every state, this newspaper chose not to draw attention to the story by placing it inconspicuously on page three.

This article provides evidence that the media gave little attention to the *Sultana* in the days following its shipwreck, favoring other news stories instead. The weather, the shooting of a senator, and the whereabouts of the president of the former Confederate States took precedent over the *Sultana*, as did a number of local advertisements. In contrast, the same paper devoted an entire column, over 100 lines of text, on page two to the explosion of the *U.S.S. Merrimac*.[20] The wreck was described in vivid and meticulous detail, with phrases such as "an explosion took place that made the earth and water tremble for miles" and "a most beautiful sight [which] attracted thousands of spectators." There were no casualties of this explosion, as it was planned to avoid capture of the ship. We must therefore ask why the *Daily Courant* chose to devote such an enormous amount of text to this wreck in which not a single person was injured, while the *Sultana*, the deadliest maritime disaster in American history, was given much less attention just a few years later. Both wrecks provided opportunity for rich description of shocking images to entertain readers, but the paper opted to describe only the earlier wreck in such detail. One wreck resulted in an appalling number of casualties, while the other caused none at all; so why would the paper choose to give them such uneven attention? I argue that the readers of the *Daily Courant* were much less interested in the *Sultana* because it occurred in the midst of sociopolitical upheaval after years of deadly conflict. While 1,800 deaths might have shocked the readers of the *Daily Courant* in 1861, by 1865 they had grown accustomed to much greater numbers of casualties. For this reason, the editors tucked the story of the *Sultana*'s tragic demise among advertisements and details about the weather, rather than on the front page as they might have done before the horrors of Civil War shook the nation.

The third and final newspaper which I will examine is *The Daily Picayune*, based in New Orleans, Louisiana, a former Confederate state. Founded in 1840, *The Daily Picayune* was one of two major newspapers in the city of New Orleans in the antebellum period, and the papers later merged after the war. A full month after the *Sultana* disaster, *The Daily Picayune* devoted seventy-three lines on page three to the court martial findings regarding the wreck.[21] The article details the final journey of the *Sultana*, beginning in New Orleans, then arriving in Vicksburg with a badly leaking boiler. The author

claims that the boiler repair work "was well done, so far as it went, but sufficient repairs were not made;" however, the court martials evidently found that this neglect "did not materially endanger the safety of the boat." The article continues by describing the overcrowded nature of the boat, saying that while this was not terribly dangerous, there was "no military necessity for placing them all upon one boat." The article fails to explain why Captain Mason chose to cram his ship so far past capacity; there is no mention of the bounty offered by the government per P.O.W. transported in the months following the war. While the article does say that the *Sultana* exploded due to a boiler malfunction, there is no graphic description of the scene of the wreckage, nor is the number of casualties given. We can reasonably assume that a month after the wreck, this information was available, and thus the newspaper made a decision not to include those details in the article.

By contrast, this same newspaper devoted a considerable amount of space to several earlier shipwrecks with far fewer casualties. On November 11, 1860, *The Daily Picayune* featured 120 lines about the death of a gentleman by the name of Sheridan Knowles in the wreck of the steamer Arctic.[22] Mr. Knowles was a banker native to Philadelphia, Pennsylvania and had traveled to Russia to make arrangements for the fulfillment of a recent business contract with the Russian government. While en route to St. Petersburg, the Arctic experienced heavy winds from the northwest, as described in vivid detail in *The Daily Picayune*. Mr. Knowles was one of several passengers to perish in the wreck, including three women and a child who were washed overboard by a fierce wave. The survivors were stranded with no food for two days before being found and rescued, with most of those onboard the Arctic living to tell the tale. This lengthy articles appears toward the end of the issue of *The Daily Picayune*, but it takes up significantly more space than the article about the *Sultana* just a few years later. In March of the next year, the same newspaper covered another shipwreck extensively: the wreck of the Mary Kingsland of New York.[23] The ship was run aground by strong winds on the coast of Florida, and the nearby lighthouse keeper refused to give the survivors provisions or relief. They waited for several days until rescue arrived, with no casualties of the wreck. This story was covered by *The Daily Picayune* on March 22, 1861, in an article of nearly 100 lines, despite the fact that nothing was lost in the wreck except the boat itself (a yacht valued at nearly $1000). Both the Arctic and the Mary Kingsland shipwrecks resulted in far fewer casualties than the *Sultana*, yet the *Sultana* was given much less space in *The Daily Picayune* and was discussed in much less detail. By the end of the Civil War, the readers of *The Daily Picayune* were not as interested in tales of death and destruction as they had been in the early 1860s when the Arctic and the Mary Kingsland wrecked.

All three of the above newspapers, *The Daily Enquirer, The Daily Courant*, and *The Daily Picayune*, had an established behavior of lengthy articles covering shipwrecks in great detail before the Civil War, especially if those disasters resulted in death or injury. However, by the time the *Sultana* tragedy occurred, each of these papers had reduced the amount of space devoted to deaths, covering the 1,800 lives lost in the tragic explosion of the *Sultana* in the most minimal of terms. The placement and length of articles, decisions made by the newspaper editors, indicate what the editor believed readers would find most compelling. Therefore, the movement and reduction of the space allotted to deadly shipwrecks indicates a decrease in public interest in maritime deaths during the Civil War. These are just a sample of newspapers, and in fact this trend can be observed in newspapers around the country from this time period. Not only was the *Sultana* overshadowed by the shocking death of the President and the long-awaited end of the Civil War, but it was also largely neglected by the American public because the public simply was not interested. By April 1865, the readers of these papers and others were no longer gripped by harrowing tales of death at sea, as the newspapers had been filled with nothing but death for the past four years of brutal civil war.

DISCUSSION

No historian works in a bubble, and thus insight into historical events is always built upon the work of other historians. The challenge in this particular case, however, is that hardly any historians have written about the *Sultana* disaster, despite its shocking scale. Fewer than five books exist on the subject, one of which was not written by a historian but by a policeman by the name of Jerry Potter who researches history in his free time. He spent years compiling eyewitness and survivor accounts, photographs, newspaper articles, and government documents into a book entirely about the *Sultana* disaster, and since its publication, Potter has also appeared in a documentary on the subject.[24] Potter contends that the reason the *Sultana* was forgotten was the individuals who perished onboard; these were poor men, valued less by American society than the rich and famous.[25] Substitute laws enabled wealthy men to pay poor men to take their place and avoid the draft, which meant that the majority of soldiers in the Civil War came from poor families; it was, in essence, 'a rich man's war but a poor man's fight.' In addition to the national attention being focused on President Lincoln's assassination and the end of the war in April 1865, Potter believes that the *Sultana* disaster has been forgotten because history does not remember the common man. His contention is supported by the memoir of William Floyd, who wrote that the nation forgot those lost in the *Sultana* disaster because they "were merely soldiers," among other reasons to be discussed later in this section.[26] Indeed, the circumstances of the wreck support the notion that soldiers' lives were undervalued. Captain Mason was offered twice the reward for transporting an officer as he was an ordinary soldier, and the uncomfortably full decks of the *Sultana* would surely have been unimaginable with wealthier passengers. Several of the articles I studied used phrases such as "mere soldiers" to describe the victims of the

disaster; however, nothing in my research indicates that the socioeconomic status of those who perished in better-covered shipwrecks was better or worse than those onboard the *Sultana*. Further research could explore the media coverage of soldiers' deaths throughout the war and analyze whether the amount of space dedicated per death decreased over the course of the war. One could make a claim the nation was particularly desensitized to the deaths of soldiers at this particular moment in American history.

Mississippi-based journalist Alan Huffman published the most recent account of the sinking of the *Sultana* in 2009.[27] His account is perhaps more embellished than a historian would have written, focusing on three soldiers in particular and describing their experiences before and during the disaster. Huffman describes their service in the western theater, their incarceration in brutal P.O.W. camps, and their battle for survival in the cold waters of the Mississippi. In the course of this account, however, Huffman does not offer an explanation as to why journalists at the time and historians since have written so little about the *Sultana*. His work focuses primarily on breathing life into this forgotten chapter of American history, with little insight other than to blame corruption for the ship's overcrowded and poorly repaired state at the time of the explosion.

In his article for the *Tennessee Historical Quarterly* in 1976, Wilson Yager wrote that the *Sultana* "captured public attention only briefly before fading into relative obscurity in the general interest and excitement attending the end of the war and events surrounding Abraham Lincoln's assassination."[28] In his subsequent description of the wreck, he offers no further explanation of the disaster's relatively small amount of coverage other than it being overshadowed by the grand events of April 1865. While I agree that President Lincoln's assassination and the dissolution of the Confederacy surely captivated the nation's attention at this time, my research also led me to believe that there is more to the story than this. Further research could include a historiographical approach to the event, asking not only why newspapers at the time did not cover the *Sultana* in great detail but also why historians of the Civil War period have neglected to write about the wreck.

Eyewitness William Floyd offered several explanations on this account in his memoir of the disaster.[29] Blaming the wreck itself on government corruption and greed on the part of Captain Mason, Floyd suspected the federal government might have intervened to minimize media coverage at the time of the shipwreck. My research did not address this question, but further study could seek to find evidence of such a cover-up, including internal government communications and communications with newspapers at the time. Floyd also believed that the disaster was forgotten because "those lost in the *Sultana* were merely soldiers, and it occurred at a time when loss of life was taken for granted."[30] Like Potter, Floyd saw a connection between the social status of those who perished in the accident and their disappearance into obscurity. His experience of American culture at that period also supports my thesis, that the American public was desensitized to death after years of bloody warfare.

The paltry amount of historical writing on this subject means that there are ample research opportunities to be had surrounding the *Sultana* disaster. Further study of the *Sultana* can give us greater insight into the maritime experience of the Civil War, the lives and relative social standing of soldiers, the role of corruption in the American government at the time, public sympathy to the deaths of soldiers, and much more. In closing, I invite historians of the American Civil War to seek out answers to the research questions posed above and the many other facets of this shipwreck which remain, as of yet, unexplored.

CONCLUSION

The *Sultana* disaster of April 27, 1865, remains unmatched in total casualties among American maritime disasters, yet the tragic story of this shipwreck has been largely neglected by historians. A clue to this neglect lies in the media coverage afforded to the wreck at the time, which was minimal and often lacking key details. Whereas shipwrecks with few or no deaths were often featured in lengthy articles on the front page of American newspapers before the Civil War, by April 1865 the vast majority of newspapers devoted far less space to the *Sultana*. The deaths of nearly 1,800 soldiers therefore faded into obscurity, neglected by their contemporaries and forgotten by historians. The decreasing coverage of maritime deaths from 1861-1865 indicates that national interest in deaths waned during this period, according to the perceptions of newspaper editors who chose how much space to devote to the *Sultana* and other shipwrecks at the time. Whether this trend was a result of bias against soldiers of poor backgrounds, a purposeful government cover-up, or as I contend, desensitization to death after the Civil War, is a question which demands further research. We can be certain, however, that the particular timing of this shipwreck had an enormous impact on its place in American national attention and historical consciousness. 🏛

Endnotes

[1] Yager, Wilson M. "The Sultana Disaster." *Tennessee Historical Quarterly* 35, no. 3 (1976): 306-25. http://www.jstor.org.proxy.library.vanderbilt.edu/stable/42623593

[2] Yager, Wilson M.

[3] Potter, Jerry O. *The Sultana Tragedy: America's Greatest Maritime Disaster*. Gretna: Pelican Pub., 1992.

[4] Potter, Jerry O.

[5] Salecker, Gene Eric. *Disaster on the Mississippi: The Sultana Explosion, April 27, 1865*. Annapolis, MD: Naval Institute Press, 1996.

Potter, Jerry O.

[6] Yager, Wilson M.

[7] William B. Floyd. "The Burning of the Sultana." *The Wisconsin Magazine of History* 11, no. 1 (1927): 70-76. http://www.jstor.org/stable/4630705. P. 70.

[8] Yager, Wilson M. P. 312; Pocock, Michael. "MaritimeQuest - Daily Event for April." *MaritimeQuest - Daily Event for April. MaritimeQuest*, n.d. Web. 16 Dec. 2016. http://www.maritimequest.com/daily_event_archive/2006/april/27_sultana.htm.

[9] Ibid., 310.

[10] Ibid.

[11] Ibid.

[12] Floyd, William B. 75.

[13] Ibid., 73.

[14] Ibid., 74.

[15] Ibid.

[16] "Details of the Horrible Accident on the Steamer Sultana--1,400 Lives Supposed to be Lost:" *The Cincinnati Daily Enquirer* (1852-1872): 3. Apr 29 1865. *ProQuest*. Web. 15 Dec. 2016.

[17] "A Terrible Spot--Latest from Hatteras." *The Cincinnati Daily Enquirer* (1852-1872): 1. Oct 31 1861. *ProQuest*. Web. 15 Dec. 2016.

[18] "Effects of the Late Cold Snap at Sea--A British Vessel in a Gale—Man Overboard—Deaths from Cold and Exposure-Captain and Crew Frost-bitten, &c." *The Cincinnati Daily Enquirer* (1852-1872): Feb 14, 1861. *ProQuest*. Web. 15 Dec. 2016.

[19] "SAD ACCIDENT ON THE MISSISSIPPI." (1865, Apr 29). *Hartford Daily Courant* (1840-1887) Retrieved from http://search.proquest.com.proxy.library.vanderbilt.edu/docview/553428610?accountid=14816

[20] "EXPLOSION OF THE MERRIMAC." *Hartford Daily Courant* (1840-1887): 2. May 13 1862. *ProQuest*. Web. 17 Dec. 2016.

[21] "ADDITIONAL LATE NEWS." *The Daily Picayune* (1840-1865): 3. May 26 1865. *ProQuest*. Web. 17 Dec. 2016.

[22] "A Terrible Shipwreck." *The Daily Picayune* (1840-1865): 11. Nov 11 1860. *ProQuest*. Web. 17 Dec. 2016.

[23] "LATER FROM HAVANA." *The Daily Picayune* (1840-1865): 8. Mar 22 1861. *ProQuest*. Web. 17 Dec. 2016.

[24] Excerpts of the documentary are available at http://www.sultanadocumentary.com/.

[25] Potter.

[26] Floyd, William.

[27] Huffman, Alan. *Sultana: Surviving Civil War, Prison, and the Worst Maritime Disaster in American History*. New York, NY: Smithsonian, 2009. Print.

[28] Yager, Wilson. 306

[29] Floyd, William.

[30] Floyd, William. 76.

AN ARMENIAN FROM MACEDONIA

The Origins of Emperor Basil I

Byzantine Emperor Basil I (r. 867-886) is commonly known by the epithet "the Macedonian," yet the ethnic origins of Basil have long been in dispute. "Macedonian" is not suitable as an ethnic term during the ninth century. The available source material, including works by Basil's son and grandson, illustrate that Basil was ethnically Armenian. But while royal descendent from the Armenian Arsacid Dynasty, as promoted by Patriarch Photios, can be ruled out, this does not undermine Basil's Armenian ethnicity, and in fact bolsters the theory. Several of the sources did not advance any personal agenda by describing Basil as Armenian, rather they actually may have undermined their own positions by doing so: being seen as foreigners could be deadly for those ruling Byzantium. While Basil was almost certainly ethnically Armenian, he would have, like those he ruled, considered himself a Roman and ruled like one over his ethnically cosmopolitan empire.

By Michael P. Goodyear
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Emperor Michael III crowns Basil as co-emperor, 866
Source: Madrid Skylitzes (National Library of Spain)

A group of conspirators entered the imperial bedchamber and cut down Emperor Michael III (r. 842-867) in cold blood. Michael's corpse was soon found and his co-*basileus*, Basil, was raised to the imperial throne.[1] The murder was one of the most brutal in Byzantine history, yet Basil, Michael's colleague, did nothing to punish the conspirators. In fact, Basil played at least some sinister role in Michael's death. Although it is unclear whether Basil was among those that physically struck down the emperor, it is clear from the textual evidence that he was at least implicit in the murder and probably directed it. After all, he had killed Michael's uncle, Bardas Caesar, just one year earlier. Basil was also very close to the conspirators whose names have come down to us from history: his friends, Hovhannes Khald and Hagovpik, his brothers, Marian and Smbat, and his cousin, Acila.[2] At least some of these five conspirators were of Armenian descent; was Basil also an Armenian?

The issue of Basil's origins has been a long-standing question in Byzantine studies. He has been known as Basil the Macedonian for centuries, yet that does not make him a Macedonian in the modern sense of the word. Some sourc-

es refer to him as Armenian, others as Slavic. Byzantinists have either tried to wrestle with this question, or simply ignored it, for decades. Those who supported the theory of Basil's Armenian origins include Armenian historian Sirarpie Der Nersessian and Byzantine historian Peter Charanis.[3] Famed Byzantine historian George Ostrogorsky agreed, but held many reservations.[4] Others, in more general histories of Byzantium, have simply ignored the matter all together. Despite this inconclusiveness, however, looking at the textual evidence can reveal a definite answer. By rejecting "Macedonian" as an ethnic term, tracing the source material for Armenian population movements and Basil's own origins, determining the implausibility of a royal Arsacid lineage for Basil, and examining Basil's own actions, he emerges as ethnically Armenian, but above all a Byzantine emperor.

BASIL'S NON-ETHNIC ORIGINS

Although Basil's ethnic origins have been uncertain, other aspects of his origins have been definitively proven. The primary sources that discuss Basil are unanimous in stating that he had a humble background, starting life as an impoverished youth from a town near Adrianople. Constantine VII (r. 913-959), Basil's grandson, makes it clear in the *Vita Basilii* that Basil was born a commoner. Constantine creates an image of a society that wanted a common man as emperor rather than the corrupt *porphyrogenitos* Michael III and plays on Basil's humble origins as a locus of support.[5] Early Byzantinists quickly recognized the unanimity of the source material and agreed that Basil was of humble origins.[6] The rise in Basil's economic status came through the rich widow Danielis, who wanted good relations with Basil, the man that a priest had told her would one day wear the imperial purple.[7]

One theory of Basil's origins has him being born in 812 or 813 and shortly thereafter being taken captive by the Bulgar army of Krum (r. c.803-814). Although this theory is substantiated by the *Vita Basilii*,[8] logistically it makes little sense. If this timing was correct, Basil would have been in his forties by the time he became a stable boy to Michael III, making him twice Michael's age. "This date would run counter to the more solid historical evidence of Basil's rise to power and relationship with Michael III. Basil was Michael's stable boy and later his close friend and confidant. Michael even forced Basil to marry his mistress, Eudokia Ingerina, and for her sake alone it is highly unlikely that Michael would have made his mistress marry someone twice her age. In all of the sources, closeness in age is implied, especially through the references to Basil as ἀγουρον (*agouron*) and νεώτερον (*neoteron*), translating to boy and junior. It is much more likely that Basil was born around 836, after the captives from Krum's campaign were returned to the Byzantine Empire under Bulgar Khan Omurtag (r. 814-831). This would put Basil's age as only slightly greater than Michael III, properly fitting with the relationship between Michael III and Basil that is clear from the source material.

GEOGRAPHIC REJECTION OF THE SLAVIC THEORY

It is clear that Basil was from the Adrianople region, referred to as Byzantine Thrace, which was included in the term Macedonia at the time of Basil.[9] Regardless of an ethnic meaning today, in the ninth century the term "Macedonian" referred principally to the location Macedonia, making Basil, in the geographic sense, a Macedonian. Macedonia was an ill-defined physical region in the Southern Balkans that extended from Ohrid and Thessalonica into the region around Adrianople, the region that is more commonly termed Thrace. This region was settled by a variety of peoples, including the remnants of pre-Slavic peoples, Greeks, Slavs, and Armenians.

This ambiguity in the term "Macedonian" has sometimes caused it be interpreted as an ethnic term rather than the primarily geographic denotation. This gave rise to the first of three major theories on Basil's ethnic origins, the idea that Basil I was a Slav. The Arab chronicle of al-Tabari, for example, recognized Basil's supposed descent from a royal Armenian dynasty, the Arsacids, but states that Basil's mother was a Slav. This term refers to location, as the region near Adrianople did have a large Slavic population due to the Slavic incursions that led to massive demographic shifts in the Balkans since the sixth century.[10] Therefore Basil's mother was from Sklavinia, or the land of the Slavs. Arab sources used the terms Macedonian and Slav interchangeably, referring to both Macedonia and Sklavinia without any real distinction.

This trend was noticed as early as the seventeenth century by Barthélemy d'Herbelot, who noted that Oriental, or rather Arab, historians referred to anyone born north of Greece as Slavs, so therefore they called Basil the Macedonian Basilious al-Seclabi, or Basil the Slav.[11] In short, Arab historians referred to Slavs as anyone born north of Greece, so therefore Basil the Macedonian was called Basilious al-Seclabi, or Basil the Slav. A host of Arab historians referred to Basil as a Slav, including Hamza al-Isfahani (Ispahanensis), Al-Masoudi, and Sibt ibn al-Gauzi.[12] Some scholars promoted this Slavic theory of origin for Basil, including George Finlay and Karl Hopf.[13] Most of these scholars were themselves of Slavic or Germanic ancestry, suggesting a potential nationalist bias. This is compounded by the severe lack of evidence. The only primary sources that specifically referred to Basil as a Slav are ones in Arabic, whereas sources in other languages, including Greek, the main language of the Byzantine Empire, did not. There is still a chance that Basil could have had Slavic blood, as Macedonia was heavily Slavicized at this time. However, the singularity of vague Arabic support for a Slavic ancestry, intermingled and confused with being from Macedonia or Sklavinia, provides weak support for the Slav theory, which has effectively lost scholarly support, except as a theory of vague hypothesizes and probabilities.

CONFIRMATION OF THE ARMENIAN THEORY

With the Slavic theory effectively disproved, we are left with two theories: the Armenian and the Arsacid, the latter being a corollary to the Armenian theory. Many Byzantinists, such as Nicholas Adontz, A.A. Vasiliev, Peter Charanis, and Speros Vryonis, Jr. thought that the claim of Armenian descent for Basil was reasonable.[14] Most Byzantinists, however, were still reluctant to assign an Armenian ancestry to Basil, following Ostrogorsky's opinion that such a genealogy was "far from certain."[15] The evidence, however, leaves little room for uncertainty on Basil's origins. Large numbers of Armenians had been transplanted into Thrace since the time of the Emperor Maurice (r. 582-602).[16] Therefore, Armenians had been settled in Thrace in significant numbers since at least over two centuries before the birth of Basil. In addition, Constantine VII stated that these Armenian kept themselves (ethnically) pure by only marrying among their own people, maintaining Armenian ethnic purity in Macedonia for generations.[17] This information effectively undermines the idea of Basil having mixed ancestry. Although of course a mixed ancestry could still be within the realm of possibilities for Basil, it is unlikely that Basil's own grandson would tout this trait among the Macedonian Armenians if it were not true and did not affect his lineage.

In addition, several Byzantine primary sources explicitly state that Basil was Armenian. The *Vita Euthymii* relates that "it was Stylianos, called Zaoutzes in the Armenian dialect, seeing he was a Macedonian of Armenian descent like himself, whom [Basil] left in charge, committing to him the direction of all matters, ecclesiastical and political."[18] Therefore, according to the *Vita Euthymii*, both Basil and Stylianos Zaoutzes were of Armenian descent but were from Macedonia. Constantine VII supported this, saying of his grandfather, "Now Emperor Basil – hailed from Macedonia, but traced his origins to the nation of the Armenians."[19] This is perhaps the greatest proof, as it is unclear why Constantine would advertise an Armenian ancestry for his family if it were not true. Basil was also supposedly descended from Constantine the Great on his mother's side.[20] The political advantages of claiming such an ancestor are obvious in the Byzantine Empire; those of claiming an Armenian ancestry are not. Being from an ethnic minority was not a complete bar on imperial ambitions, but it certainly hampered an emperor's public support. An obvious example is the ethnically Isaurian Zeno (r. 474-491) in the fifth century, who faced heavy opposition due to his ethnic origins, or Tiberios III (r. 698-705) and Philippikos Bardanes (r. 711-713), who changed their Germanic and Armenian names specifically to avoid backlash against their ethnic origins. Basil's son, and Constantine's father, Leo VI (r. 886-912), provides the answer to this question. Leo relates that, like the ancients had said, it is better to embrace your ethnicity and background than to adopt a new one.[21] Therefore he is embracing the poor origins of his father, Basil, as well as his Armenian ancestry. Yes, an Armenian heritage was not ideal, but it is what he was born

with, so he should work within those circumstances. There is no other reason for claiming descent from a minority that was religiously unorthodox and was ethnically and culturally dissimilar to the majority Greek population. This would only have created a sense of distance and division between the Macedonian Dynasty and their subjects. Without any real advantages, and in fact quite a few detriments, it unlikely the dynasty would have claimed Armenian descent for themselves unless the Macedonian Dynasty was in fact Armenian.

In other sources there are hints that imply Basil's Armenian ancestry. As mentioned previously, the region Basil came from had had a large Armenian population since the end of the sixth century. Many of his friends were of Armenian descent, such as those that murdered Michael III. Basil's brother was named Smbat, an Armenian name.[22] It is unlikely that a non-Armenian family would name one of their children one of the most common Armenian names of this period. Armenian works such as that by the thirteenth century Kirakos Gandzakets'i also proclaimed Basil's Armenian ancestry, although the only remotely contemporaneous source to mention Basil's origins is Stephen of Taron, and even he did not write until the eleventh century.[23] Although ethnic bias could play a role, this information corroborates the Armenian ancestry stated in the Byzantine sources.

THE DYNASTY'S ARMENIAN ORIGINS ASSURED

Although Basil's Armenian ancestry is certain by looking at all of the evidence, there is still one question as to whether the Macedonian Dynasty was Armenian. The marriage of Basil and Eudokia Ingerina was predicated on the fact that Eudokia was the mistress of Michael and that Michael forced this marriage to get Eudokia closer to him without arousing suspicion. This led to rumors that Leo, born before Michael III was murdered, was actually the son of Michael, not Basil. This matter was not helped by the fact that Basil did not like Leo and treated him poorly compared to his first and third sons, Constantine and Alexander, whom he adored. But the theory of Leo being the son of Michael lost support due to the work of Nicholas Adontz. Adontz argued that malicious writers were merely punishing Basil by spreading divisive rumors.[24] In fact, the question of which emperor sired Leo is irrelevant for the question of Leo's Armenian ethnicity, because both potential fathers were Armenian. Michael's mother, Theodora, came from an Armenian family in Paphlagonia,[25] so therefore Leo would have had Armenian ancestors no matter whether his father was Basil I or the less probable Michael III.

ARSACID THEORY UNDONE

Now that Basil's Armenian ancestry is established, we turn to our second question. Was Basil in fact descended from the royal Armenian Arsacid Dynasty? Several sources say that Basil was descended from the Arsacids. Constantine VII says of his grandfather, "Now Emperor Basil – hailed from Macedonia, but traced his… lineage back to the Arsacids."[26]

Constantine explains this farfetched idea by saying that Heraclius moved the descendants of the Arsacids to Philippi, in Macedonia, and later to Adrianople to take them out of the scheming hands of the caliphs, who wished to use them to gain power in Armenia for themselves.[27] These people kept their ethnicity pure by marrying only among themselves, explaining the continuance of their line. Constantine VII claims Arsacid descent for Basil through Maiktes, an Arsacid, and a daughter of a certain Leo in Constantinople. Their son was Basil's father. The tenth-century Byzantine historian Genesios also says that Basil even traced his lineage back to Trdat III, the first Christian king of Armenia.[28] The issue with the *Vita Basilii* in Theophanes Continuatus is that it is so laudatory and mythicized.[29] Omurtag supposedly recognized Basil's talent before releasing him, the typical image of an eagle shading the imperially destined child appears, and the help of God is frequent, among other obvious examples. There was of course some benefit for Constantine claiming descent from the earliest royal Christian dynasty in history. Even if Armenian descent was not the greatest for promoting the claims of the Macedonian Dynasty, Constantine VII could have been trying to make the most of this heritage by claiming descent from the most famous of the Armenian families, the Arsacids.

The greatest blow to this theory, however, is the *Vita Ignatii*. The *Vita* says that Patriarch Photios completely fabricated a pedigree for Basil.[30] He put the first letter of the names of Basil, his wife Eudokia, and their children, Constantine, Leo, Alexander, and Stephen, together to create the name Beklas. He then said that it was predicted that Basil's father would father such a child as Basil, named Beklas. Photios then drew a line all the way back to King Trdat III of Armenia, the first

Byzantine emperor Basil I (left) with his son, Leo VI (right)
Source: Madrid Skylitzes (National Library of Spain)

Christian Armenian monarch. He finally wrote all of these things on old sheets of papyrus in handwriting that resembled old Alexandrian letters and deposited them in the imperial library, where they were miraculous discovered shortly afterward. Basil had removed Photios from the patriarchate shortly after becoming emperor. The *Vita* suggests that Photios fabricated this royal ancestry for Basil in order to return to Basil's good graces. Photios was himself Armenian and was very learned, so he would have been familiar with Armenian circles and important personages in Armenian history. Constantine VII supported this illustrious ancestry to support the image of his grandfather Basil as a good choice for an emperor with a distinguished background. But why did Photios choose this line of ancestry in the first place? It is almost certain that Photios would have picked this particular genealogical line, rather than any of the countless more illustrious, more Byzantine ones, for a reason. This is further proof of Basil's Armenian ancestry, even if not his Arsacid descent. Later sources, such as Pseudo-Symeon and John Zonaras, also relate that some sources have invented a noble heritage for Basil I.[31] Hardly a modern scholar has believed the theory of Arsacid descent. As early as the eighteenth century Charles du Cange denounced the Arsacid theory as a mere forgery.[32] In more recent times, historians Nicholas Adontz, Nina Garsoïan, and Warren Treadgold have all denounced the theory as mere falsification and deceit.[33]

ARSACID THEORY SUPPORTS ARMENIAN ORIGINS
If the Macedonian Dynasty were going to launch a false genealogy anyways, why would they not choose a more illustrious one? The answer again lies with Leo VI's wisdom in the funeral oration he composed for his father. Leo points out that you cannot change your ethnicity or heritage, so do the best with the genealogy you are given.[34] Adding a few embellishments inside this genealogy does not necessarily run counter to this ideology. In fact, it is more believable for the Armenian Macedonian Dynasty to claim descent from the Armenian Arsacid Dynasty, rather than more far-fetched antecedents such as the more respectable heroes of Greek and Roman history and mythology. Yes, Constantine VII claimed descent from Constantine the Great, but this claim was always touted far less in sources than the Arsacid connection. Although the Arsacid genealogy is false, there are further reasons why it could have been promoted, besides the fact that the Macedonian Dynasty was Armenian. There was an increase in Armenian elites immigrating into the Byzantine Empire in the period of the Amorian and Macedonian Dynasties. There was no shortage of important individuals under Michael III and Basil I who were descended from Armenians. John the Grammarian, Leo the Mathematician, Constantine the Armenian, and of course Photios are just a few of the famous Byzantines of Armenian ancestry during this period.[35] Historian Timothy Greenwood believed that this Arsacid claim appealed to this significant body within the Constantinopolitan elite that was of Armenian descent.[36] Although such an ancestry could have appealed to the in-

The murder of Bardas Caesar at the feet of Emperor Michael III
Source: Madrid Skylitzes (National Library of Spain)

creasing numbers of Byzantine elites of Armenian ancestry, it would still not have been anywhere near as useful as claiming descent from a previous imperial dynasty or a Greco-Roman predecessor. Nor would it have improved Basil in the eyes of the common people, who, although cosmopolitan for the Middle Ages, identified themselves as Roman and spoke Greek. Although there were some reasons that an Arsacid ancestry would have benefited Basil, it came down to making the most of his Armenian ancestry and claiming the famous first Christian dynasty of the Arsacids as his ancestors.

There is also a fringe theory that was promoted by historian Andreas Schminck. Schminck rejected that Basil was definitely of Armenian descent. He claimed that Leo VI's lack of mention of Armenian and only Arsacid in his *Funeral Oration* disproved the whole Armenian theory, as why would Leo not have known of his own Armenian origins.[37] But Arsacids are Armenian; therefore, stating both would be redundant. All Arsacids are Armenian, even if not all Armenians are Arsacids. Schminck countered that Photios made the whole genealogy up, so the entire idea of any Armenian descent is wrong.[38] This theory begs this obvious question of why would Photios specifically choose the Arsacid Dynasty out of all dynasties in world history. The answer is that Basil was in fact of Armenian descent.

The theory Schminck proposed is that Basil specifically wanted to claim a Macedonian ancestry and called himself "the Macedonian" to draw comparisons with Philip II and Alexander the Great. He cited as evidence vague comparisons in the *Vita Basilii* and one line from Genesios that lists a plethora of famous antecedents of Basil.[39] In Schminck's opinion, a Thracian peasant could not become emperor, but a Macedonian could. Why then is Basil's Macedonian back-

ground not advertised in any Macedonian Dynasty propaganda, while the Arsacid ancestry is promoted so much? This is because Basil was ethnically Armenian, not Macedonian, and he and his descendants promoted an Armenian ancestry, not a Macedonian one. Schminck treated Basil with a sort of disdain, sarcastically referring to him as an "honorable man" that wanted to be Macedonian.[40] This entire theory of Basil wanting a Macedonian ancestry is debunked by the strong evidence of Basil's Armenian ancestry and the promotion of an Armenian and Arsacid genealogy in the primary sources.

AMICABLE ARMENIAN RELATIONSHIP
Basil had incredibly good relations with Armenians inside and outside the Byzantine Empire during his reign. Sirarpie der Nersessian notes no real difference in Armenian emperors' actions towards the Armenians, just the same religious persecution and expansion at their expense that she notes in the policies of other Byzantine emperors.[41] This makes Basil and his son Leo VI the exceptions to the rule, as both had very amicable relations with the ruling Bagratids in Armenia and with Armenian populations inside the Byzantine Empire. As mentioned previously, many of Basil's closest friends and advisors were of Armenian descent. Since Basil was Armenian, this makes his brothers, Marian and Smbat, as well as his cousin, Acila, ethnically Armenian. This means that all of the conspirators that murdered Michael III, along with Hovhannes Khald and Hagovpik, were Armenian. Under both Basil I and Leo VI, various Armenians rose to positions of prominence, including the *Logothete* Symbatios, *Ishkhan* Kurtik of Locana, Artavasdos, captain of the *Hetairoi*, or foreign guards, Theophylact Abastaktos, the father of the future Romanos I Lekapenos, and the later *basileopator* Stylianos Zaoutzes.[42] This indicates at the very least some preferential treatment towards fellow Armenians.

The Macedonian Dynasty was additionally very welcoming to Armenian princes, although, early on, this did not necessarily indicate a long-term desire to annex the Armenian principalities, like historian Speros Vryonis, Jr. has suggested.[43] This positive relationship was especially pronounced when Leo VI's widow, Zoe Karbonopsina, welcomed the suppliant Ashot II (r. 914-928) in 914.[44] Basil I himself recognized the first independent Armenian king in centuries, Ashot I Bagratuni (r. 885-890), and referred to Ashot as his beloved son and Armenia as the closest ally of Byzantium.[45] Basil's emissary, a certain Nikodemos, preserved the amicable relations and exchanges between these two sovereigns from an embassy.[46] Ashot even journeyed to Constantinople in 886 to greet the new emperor, Leo VI, since he maintained an alliance with the Macedonian Dynasty.[47]

Perhaps most symbolic of the new importance of Armenians during the mid-ninth century was the discovery of the relics of three of the holiest of Armenian saints in Constantinople. The relics of St. Gregory the Illuminator, St. Hripsime, and St. Gayiane were discovered in a casket brought to Constantinople in the time of Emperor Zeno.[48] The Armenians had already held the relics of those saints in Armenia for generations, so the announcement of their recovery was not deemed noteworthy. The discovery of these relics, however, has been seen as a gesture of reconciliation and recognition towards the Armenians by the Byzantine authorities.[49] Regardless of the actual factuality of the discovery, it is significant that these relics were discovered when both the emperor

They had become semi-autonomous by the time of Basil I and constituted a dangerous element on the eastern frontier of Byzantium. Basil campaigned against them and captured their capital of Tephrike in 872, dispersing the movement. Although the Paulicians had previously been thought to be Armenian heretics, they have since been shown as not explicitly linked to any ethnicity, as non-Armenians also became Paulicians.[50] The Paulician sect did have its roots in Armenia, but its Armenian characteristics lessened after the reforms of Paulician leader Sergios-Tychikos at the start of the ninth century. Although many Armenians belonged to the Paulician sect, the two are not the same. In fact, its last leaders after the destruction of Tephrike by Basil I in 872 were two Greeks, Diakonitzes and Pullades.

BASIL THE ROMAN

While Basil was Armenian and was aware of his Armenian origins, he, like any Byzantine emperor, considered himself first and foremost Roman. It is important to note that none of the emperors of Armenian descent belonged to the Armenian Church, as being Orthodox was necessary for becoming emperor. The greatness of the Byzantine Empire was the primary goal of these emperors. There was no sort of national thought or sense of nationalism like exists today. As we have seen through the example of Basil, however, people of like backgrounds did support each other and ancestry could influence decisions and outlook. That said, the emperors of Armenian descent ruled as Byzantines, establishing Orthodox churches and promoting the Macedonian Renaissance, a flowering of Byzantine learning and intellectual culture.

"[T]racing the source material for Armenian population movements and Basil's own origins… he emerges as ethnically Armenian, but above all a Byzantine emperor."

and the patriarch were of Armenian descent. Photios had taken a considerable interest in bringing the Armenians into the Chalcedonian fold, but it is important to remember that Basil must have at the very least not opposed Photios' efforts, and more than likely he supported them. Basil had originally removed Photios from the patriarchate; he certainly would not have reappointed him to the patriarchate if he opposed his policies. Therefore the discovery of the relics is emblematic of a push under the emperor and patriarch of Armenian ancestry to reach out to Armenian Christians for discussion and improved relations.

While Basil maintained very good relations with Armenians inside and outside the Byzantine Empire, indicating an awareness of his Armenian origins, some might point to the example of the Paulicians, a heretical sect that flourished in Eastern Anatolia during the eighth and ninth centuries.

In theory, race meant relatively little in Byzantium, as Byzantine social homogeneity was based on Roman political theory and religious Orthodoxy.[51] Byzantine sources, however, present a different picture, showing religious and ethnic awareness and bias. The movement of Armenians from Armenia to Byzantium exposed them to a very different culture and in some contexts this manifested itself in Armenians developing new political and cultural orientations, or a degree of assimilation, which was stronger at the core of the empire than at its peripheries.[52] This was especially a trend due to at least trace opposition of the Byzantine majority to ethnic minorities, be they Slavic, Armenian, or any other minority. Those Armenians who played roles in the highest echelons of the government and military were heavily Byzantinized, imbibed with Greek culture and language and converted to the Orthodox faith. Prime examples are the Patriarch Photios, Empress Theodora, later canonized as St. Theodora in

Delegation of Croats and Serbs to Emperor Basil I
Source: Madrid Skylitzes (National Library of Spain)

the Orthodox Church, and Emperor Basil I. All of Basil's legislation, such as the *res gestae*, was based on Byzantine political theory, not any Armenian sensibilities.[53] Basil, despite his awareness of his Armenian heritage, lived and ruled as a Roman, as a Byzantine emperor.

CONCLUSION

Byzantine historian Nicholas Adontz noted, "Byzantinism, as distinct from its preceding civilization, was due to the united cooperation of various nationalities under one state. To determine the contribution of each nationality element means the elucidation, the true understanding of Byzantinism."[54] Basil I is exemplary of this definition. Basil was the very symbol of a multiethnic empire: an Armenian born and raised in Macedonia ruling as a Roman emperor in cosmopolitan Constantinople. The primary sources leave little doubt that Basil was an Armenian. The *Vita Euthymii*, the *Vita Basilii*, Leo VI's *Funeral Oration*, and the writings of Genesios, among others, asserted that Basil was Armenian and many also stated that he was descended from the Arsacids. While the Arsacid component is extremely unlikely and greatly undermined by the tell-all *Vita Ignatii*, Basil's Armenian origins stand up to scrutiny. There are Basil's many Armenian accomplices in the murder of Michael III, the many Armenians that he promoted upon his ascension, and the Armenian name of his brother Smbat. There was also no reasonable cause for why Basil I, Leo VI, or Constantine VII would have promoted their Armenian origins, which could only have hampered their position, if they were not in fact Armenian. But even then they only advertised their Armenian origins as part of descent from the Arsacids, the most notable Armenian dynasty and one with strong Christian overtones. Basil was ethnically Armenian, but his primary identity, like all Byzantine emperors, was that of a Roman and a Christian. His origins, however, illustrate not only the great level of mobility in Byzantine society, but also the rich tapestry of peoples who were part of the Byzantine Empire. 🏛

Endnotes

[1] Basileus was the term used by the Byzantines to refer to their emperors.

[2] N. Adontz, "Basil I the Armenian," *Armenian Review* 9 (1956): 16.

[3] "With the accession of Basil (867-886), a family of Armenian descent occupied the throne for almost two centuries." S. der Nersessian, *Armenia and the Byzantine Empire: A Brief Study of Armenian Art and Civilization* (Cambridge, MA: Harvard University Press, 1945), 20. "Basil was an Armenian, born in Macedonia, where numerous Armenians had been settled." P. Charanis, "The Armenians in the Byzantine Empire," *Byzantinoslavica XXII* (Prague 1961), 218.

[4] "Basil came of a family settled in the theme of Macedonia...it is far from certain that he was of Armenian extraction." G. Ostrogorsky, *The History of the Byzantine State* (New Brunswick, NJ: Rutgers University Press, 1969): 232.

[5] I. Ševčenko, trans, *Chronographiae Quae Theophanis Continuati Nomine Fertur Liber Quo Vita Basilii Imperatoris Amplectitur* (New York: De Gruyter, 2011), 79. *Porphyrogenitos* means "the purple-born" and refers to those that were born the son or daughter of a seated emperor. The term comes from the fact that imperial children were born in the *porphyra*, or the purple chamber, whose walls were made of the purple stone porphyry. Therefore the first thing imperial children would see when they were born was the color purple, the color of royalty.

[6] C. Du Cange, *Historia byzantine duplici commentario illustrate: Familiae Byzantinae, 2nd ed.* (Venice, 1729), 138. and C. Baronius, *Annales Ecclesiastici* (Coloniae Agrippinae, 1685), Tomus X, 370B.

[7] S. Vryonis, Jr., "The Vita Basilii of Constantine Porphyrogenitus and the absorption of Armenians in Byzantine society," in *Ευφρόσυνον. Αφιέπωμα στον Μανόλη Χατζηδάκη* (Athens: Εκδοση του Ταμείου Αρχαιολογικών Πόρων και Απαλλοτριώσεων, 1992), 686.

[8] Ševčenko, *Chronographiae Quae Theophanis Continuati*, 19.

[9] Adontz, "Basil I the Armenian," 7.

[10] Adontz "Basil the Armenian," 18-19.

[11] B. d'Herbelot, *Bibliothèque Orientale* (Maestricht, 1776), 776

[12] Hamzah al-Isfahani, *Hamzae Isphanensis annalium libri X* ed. I.M.E Gottwaldt (Petropoli: In commississ apud Leopoldum Voss, 1844). Abul Hasan Ali al-Masoudi, *The Book of Golden Meadows* (Islamabad: Alhamra, 2001). Sibt ibn al-Jawzi, *Mirāt al-zamān fī tārīh al-a'yān*, ed. Juliette Rassi (Damas: IFPO, 2005).

[13] G. Finlay, *History of the Byzantine and Greek Empires from 716 to 1453* (London, 1854), 271. K. Hopf, *Griechische Geschichte* (Leipzig, 1867), 54.

[14] Vryonis, "The Vita Basilii of Constantine Porphyrogenitus," 678. N. Adontz, "L'Age et L'Origine de L'Empereur Basile I," in *Études arméno-byzantines* (Lisbon: Livraria Bertrand, 1965), 108. Charanis, "Armenians in the Byzantine Empire," 218. A. Vasiliev, "The Origin of the Emperor Basil the Macedonian," *Vizantiysky Vremennik, XII* (1906), 155-157.

[15] Ostrogorsky, *History of the Byzantine State*, 232.

[16] R. Thomson, trans., *The Armenian History Attributed to Se-beos* (Liverpool: Liverpool University Press, 1999), 31-32.

[17] Ševčenko, *Chronographiae Quae Theophanis Continuati*, 15.

[18] P. Karlin-Hayter, trans., *Vita Euthymii Patriarchae CP* (Bruxelles: Editions de Byzantion, 1970), 4-5.

[19] Ševčenko, *Chronographiae Quae Theophanis Continuati*, 11.

[20] Ibid., 19.

[21] A. Vogt and I. Hausherr, trans., *Oraison funèbre de Basile I, par sons fils Léon VI, le Sage* (Rome: Pont. Institutum Orientalium Studiorum, 1932), 44-45.

[22] N. Tobias, *Basil I, Founder of the Macedonian Dynasty: A Study of the Political and Military History of the Byzantine Empire in the Ninth Century* (Lewiston: The Edwin Mellen Press, 2007), 181.

[23] Kirakos Gandzakets'i, *History of the Armenians, trans. Robert Bedrosian* (New York: Sources of the Armenian Tradition, 1986): 29.

[24] Adontz, "Basil I the Armenian," 20-21.

[25] Ševčenko, *Chronographiae Quae Theophanis Continuati*, 89. Lynda Garland, *Byzantine Empresses, Women and Power in Byzantium AD 527-1204* (London: Routledge, 1999): 96.

[26] Ševčenko, *Chronographiae Quae Theophanis Continuati*, 11.

[27] Ibid., 15.

[28] Joseph Genesios, *On the Reigns of Emperors, trans. A. Kaldellis* (Canberra: Australian Association for Byzantine Studies, 1998), 94.

[29] Ševčenko, *Chronographiae Quae Theophanis Continuati*, 17.

[30] Nicetas David, *The Life of Patriarch Ignatius, trans. A. Smithies* (Washington, D.C.: Dumbarton Oaks, 2013), 118-121.

[31] Symeon Magister, *De Leone Basilii Filio*, tr. I. Bekker (Bonn, 1838). Ioannes Zonaras, *Epitome Historiarum, vol. iii, Libri XIII-XVIII* (Bonn, 1897, Weber), 407-412.

[32] Du Cange, *Historia byzantine duplici commentario illustrate*, 138.

[33] Adontz, "L'Age et L'Origine," 105. N. Garsoïan, "Armenia, History," in *Dictionary of the Middle Ages, Vol. 1*, edited by Joseph R. Strayer (New York: Charles Scribner's Sons, 1982), 481. W. Treadgold, "Basil I the Macedonian," in *Dictionary of the Middle Ages, Vol. 2*, edited by J. Strayer (New York: Charles Scribner's Sons, 1982), 117-118.

[34] Vogt and Hausherr, *Oraison funèbre*, 44-45.

[35] M. Shirinian, "Armenian Elites in Constantinople: Emperor Basil and Patriarch Photius," in *Armenian Constantinople*, ed. R. Hovannisian and S. Payaslian (Costa Mesa, California: Mazda Publishers, 2010), 57-60.

[36] T. Greenwood, "The Discovery of the Relics of St. Grigor," in *Byzantine Style, Religion, and Civilization*, ed. E. Jeffreys (Cambridge: Cambridge University Press, 2006), 188.

[37] A. Schminck, "The beginnings and origins of the 'Macedonians' dynasty," *Byzantine Macedonia, Identity Image and History: Papers from the Melbourne Conference, July 1995*, ed. John Burke and Roger Scott (Melbourne: Australian Association for Byzantine Studies, 2000), 65.

[38] Schminck, "The beginnings and origins of the 'Macedonians'

dynasty," 66-67.

[39] Ibid., 68.

[40] Ibid., 68.

[41] Der Nersessian, *Armenia and the Byzantine Empire*, 21.

[42] The title λογοθέτης (*Logothete*) was a Byzantine administrative position equivalent to that of a minister of state. Ishkhan was a medieval Armenian title that meant prince. The ἑταῖροι (hetaireia) was an imperial guard corps that was primarily composed of foreigners. The term translates to "the company," which harks back to the old Macedonian Companions of Philip II and Alexander the Great. Βασιλεοπάτωρ (*basileopator*) was a special created post that literally means "father of the emperor," although the figures it was conferred upon were not the emperors' genetic fathers, but rather an important administrator for the state who held an important role in relation to the emperor. It was only conferred on Stylianos Zaoutzes and Romanos Lekapenos, both fathers-in-law of emperors. For more information on the importance of these individuals in the governments of Basil I and Leo VI, see Der Nersessian, *Armenia and the Byzantine Empire*, 21. Ostrogorsky, *History of the Byzantine State*, 242. Adontz, "Basil I the Armenian," 13-14.

[43] Vryonis, "The Vita Basilii of Constantine Porphyrogenitus," 679.

[44] N. Garsoïan, "The Problem of Armenian Integration into the Byzantine Empire," in *Studies on the Internal Diaspora of the Byzantine Empire*, ed. H. Ahrweiler and A. Laiou (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1998), 59-60. T. Greenwood, "Patterns of Contact and Communication: Constantinople and Armenia, 860-976, " in *Armenian Constantinople*, eds. R. Hovannisian and S. Payaslian (Costa Mesa, California: Mazda Publishers, 2010), 81, 93.

[45] Yovhannēs Drasxanakertc'i, *History of Armenia*, trans. Krikor Maksoudian (Atlanta: Scholar's Press, 1987), 129.

[46] Greenwood, "The Discovery of the Relics of St. Grigor," 178-181.

[47] V. Kurkjian, *A History of Armenia* (New York: Armenian General Benevolent Union, 1958), 150. A. Vasiliev, *History of the Byzantine Empire* (Madison: University of Wisconsin Press), 304.

[48] Der Nersessian, *Armenia and the Byzantine Empire*, 41-42.

[49] Garsoïan, "The Problem of Armenian Integration into the Byzantine Empire," 73. Greenwood, "The Discovery of the Relics of St. Grigor," 184.

[50] N. Garsoïan, *Paulician Heresy; A Study of the Origin and Development of Paulicianism in Armenia and the Eastern Provinces of the Byzantine Empire* (The Hague: Mouton, 1967), 125-129, 232.

[51] Vryonis, "The Vita Basilii of Constantine Porphyrogenitus," 677.

[52] Ibid., 677.

[53] Ibid., 691.

[54] Adontz, "Basil I the Armenian," 21.

"Allow Me to Call Your Attention to the Situation of the Forts"[1]

Misreading the Importance of Defending Eastern North Carolina in the Civil War

This paper examines the failures of Confederate leadership in the defense of eastern North Carolina during the Civil War by investigating the measures taken to protect Cape Hatteras and Roanoke Island at the state and national levels. The author draws upon primary sources from archives, letters, official war records, newspapers, and reports to argue that government officials did not understand the strategic importance of the two posts. Civilian and military leaders did not properly supply the defenses, sought to defer responsibility, and avoided collaboration between Raleigh and Richmond and between the officers on the ground and the bureaucracy designed to support them.

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As the summer heat reached its peak across the South in late August 1861, the rebellion seemed to have hit its own zenith with dramatic Confederate victories at Fort Sumter and First Bull Run. Victory over the Union appeared imminent for the fledgling Confederacy, yet on an isolated, windswept barrier island in North Carolina, the United States won a crucial battle that would dramatically turn the tide of war in the Old North State. The Battle of Hatteras Inlet Batteries highlighted the spectacular failure of the state to defend its own shoreline with officials in Raleigh, the state capitol, being entirely unprepared. Nevertheless, the failure to understand the significance of guarding the coast would be repeated five months later on a greater scale after the Confederate debacle at the Battle of Roanoke Island secured Union control over eastern North Carolina. The Confederacy lost the region within the first year of its bid for independence because the North Carolina state and the Confederate national governments were slow to recognize the importance of defending the coast and did not cooperate effectively. As a result, the North Carolina Military Board and the Confederate Secretary of War did not provide adequate troops and supplies for the defense of Cape Hatteras and Roanoke Island, respectively.

The Confederate outposts at Hatteras and Roanoke were the two most strategically important positions in the defense of eastern North Carolina because their capture allowed the Union to control Albemarle and Pamlico Sounds and the rivers that flow into them. The state's second wartime governor, Henry Clark, argued that by occupying Hatteras Island, the Union had "command of the population on the sea beach, [which] affords them a fine position from which they can make inroads into our adjoining counties."[2] Although isolated, it provided a beachhead for Northern forces and a station for blockading vessels to seal off the inlets and the ports that relied upon them. With possession of Roanoke to the north, the Union could control the two sounds that the island separates. That post was, according to Confederate

Sketch Showing Route of the Burnside Expedition, 1862
Source: Library of Congress

Brigadier General Daniel H. Hill, "the key of one-third of North Carolina, and whose occupancy by the enemy would enable him to reach the great railroad from Richmond to New Orleans."[3] It allowed the invader to move up the many rivers that snake inland, garrison towns, and conduct raids. Therefore, the Union could begin to reconquer the state by possessing these two key points, which it understood much more quickly than the Confederacy.

Faced with the constant raiding of Union merchant shipping along the Outer Banks by Confederate privateers, federal authorities were quick to recognize the value of capturing Hatteras. The North Carolina Military Board advised the state to purchase a steamer as early as May 22, 1861, and by June 26, North Carolina had three vessels in its navy.[4] These ships, combined with at least four privateers by August, wreaked havoc on Union trade from their base at Hatteras during the summer.[5] Their activities were so prevalent that "it seem[ed] that the coast of Carolina [was] infested with a nest of privateers."[6] The constant raids, however, had one benefit for the Union in that they served as a call for action. The New York Board of Underwriters petitioned for "immediate steps [to] be taken by the Government to prevent . . . any further captures by the pirates" out of Hatteras, while the State Department complained to the Navy about the alleged "pirates."[7] As a result, a joint expedition to capture the inlet was ordered on August 13.[8] Thus, North Carolina hastened an invasion of Hatteras Island by plundering so many Union merchant vessels as to provoke a response. At the same time, the state faced challenges in defending the outpost.

NORTH CAROLINA SLOWLY PREPARES THE DEFENSES ON HATTERAS ISLAND

While Hatteras served as an effective base for privateering operations, it was still a remote location in North Carolina that presented some logistical challenges for the defenders. The island "is a dreary, barren spot, composed chiefly of sand" that experiences strong, frigid winds in the winter and abundant "mosquitoes remarkable alike for size and blood-thirstiness" in the summer.[9] The climate made garrisoning troops a miserable experience, which was further compounded by supply problems. Fresh water could be obtained by "digging wells between high and low water marks," but provisions could only come on boats from New Bern that had problems crossing Pamlico Sound because it is "entirely too shallow for several miles out to admit the approach of any but the smallest of boats."[10] The logistical problems extended to supplying cannons, which had to be shipped via water from Norfolk, Virginia, and then moved onto rafts constructed on the island to cross the shallows.[11] The difficulties in garrisoning and supplying the isolated outpost were substantial but far from insurmountable. Instead, the problems rested more in the leadership of those responsible for its defense.

After joining the Confederacy, North Carolina initially was responsible for preparing the fortifications on Hatteras. On

Governor Warren Winslow, 1854-1855
Source: State Archives of North Carolina

May 10, the General Assembly passed a law establishing the North Carolina Military and Naval Board that consisted of three members, including one "principal officer" to serve as a cabinet official, who advised the governor on appointments and "such other matters respecting naval and military affairs" as the legislature saw fit.[12] That same day, the Assembly passed another act which authorized the governor, with the Military Board's advice, to repel invasions by "employ[ing] the militia, military and naval forces of this State."[13] Since the board was headed by the military secretary and advised the governor, it effectively served as a war department directing the war effort under the commander-in-chief. Warren Winslow led the board throughout its tenure and issued orders under his name to officers of the North Carolina State Troops until the board was abolished on August 20 when the Confederacy subsumed the state's military.[14] Therefore, since the Confederacy did not take over until a week before the battle on August 28, the Military Board was responsible for managing the defenses at Hatteras; however, it began its preparation efforts too late.

The state faced some difficulties in building fortifications on the island and was slow to complete them. Inspector General W. H. C. Whiting recommended erecting batteries on April 28, and a reconnaissance confirmed his opinion, noting that construction "should have been carried out . . . before now" to be effective.[15] He felt that work could be finished quickly with proper resources, but worried that if officials delayed or prepared slowly, "it would only advise and assist the enemy to occupy the very positions we choose."[16] Yet it took almost a month before construction began on May 25, which cannot be faulted entirely on logistical challenges because the board

did not vote to utilize a "Seaboard Rail Road" for transportation of men and supplies until the day before.[17] Instead, it simply chose to not prioritize defending Hatteras. Once an Engineer Corps was created, the board proposed that it be used for fortifications on the Roanoke River and the state's northern boundaries, not the coast.[18] Board members then spent most of May and June only discussing appointments, often adjourning without conducting any other business and never mentioning Hatteras.[19] Thus, the board demonstrated its lack of concern for the island by not acting quickly and by focusing its efforts elsewhere. The situation was then exacerbated by a lack of troops.

papers of varying locations and political ideologies arguing otherwise, the governor felt the coast had enough troops and the defenses on Hatteras could stop the entire Union navy. Then, after communicating with the Military Board, the convention passed a law on June 27 that included a prohibition on creating a "different species of force," implying the mobile reserve.[28] By undermining the statute, the governor and the board either felt sufficiently prepared or simply did not prioritize spending money and resources on Hatteras. The latter seems more likely as the board assumed the Confederacy would shoulder that burden.

"By undermining the statute, the governor and the board either felt sufficiently prepared or simply did not prioritize spending money and resources on Hatteras."

EVADING AND DEFERRING RESPONSIBILITY LEADS TO DISASTER

As the North Carolina government prepared Hatteras' defenses, state officials faced growing calls for more soldiers at the outpost. Whiting argued in April that the batteries would "require a strong supporting force" or a reserve of one thousand soldiers on the mainland.[20] A month later, State Troops Brigadier General Walter Gwynn was placed in charge of the new northern coastal department, which included Hatteras, and stated that only 190 men were stationed there despite his estimate of one thousand needed to defend the island.[21] He also advised that five thousand troops were needed to protect the entire coastline.[22] Military officers were not the only ones urging for more soldiers on Hatteras. Surely influenced by Gwynn's assessment, an ordinance was introduced in the state's Secession Convention on May 28 "to raise seven regiments of volunteers . . . for the exclusive defense of the seaboard counties" and was passed on June 7.[23] The law was intended to create a mobile reserve to respond to coastal crises, as Whiting had recommended and as major state newspapers had demanded.[24] Therefore, the pitiful number of troops stationed on Hatteras was deemed vastly insufficient by the military, the legislature, and the press. Still state officials not only ignored their calls but also sought to undermine them.

The governor and the Military Board refused to allow a mobile reserve for the defense of Hatteras, showcasing their failure to understand the island's importance. After the ordinance passed, a delegate motioned that the vote be reconsidered, but it was put off until June 10.[25] On that day, the state's first wartime governor, John Ellis, sent a message to the convention stating that "the power of the United States Navy is not sufficient to effect an entrance into any one of the harbors of the State."[26] After it was presented, the ordinance was voted down on June 14.[27] Despite his own officers and news-

Even though the state would not complete the transfer of its military to the Confederacy until late August, the Military Board ceased expenditures for Hatteras over a month before. The transition began on June 27 and lasted through August 20.[29] In the meantime, the board stated that "no further expenses for the Forts or Navy will be met by the State."[30] Winslow did not alert Gwynn until July 12 when he ordered him to cease spending on supplies and munitions, stop raising troops, and charge the state only for employing the forces he had at work.[31] Despite continual privateering out of Hatteras, the board could not comprehend the value of maintaining the island's fledgling defenses for the time being because it did not want to continue funding them in the transitory power vacuum. The Confederacy had not even inspected the "Public works, forts & batteries in North Carolina" yet, only beginning the statewide process on July 5; and as late as August 16, the state was inquiring of President Jefferson Davis whether it should provide troops for the coast.[32] Clearly the Confederacy was not ready to assume responsibility of the defenses so early before the final transition and the state's indifference to this led to unpreparedness and confusion. Yet the board continued to ignore calls for more soldiers and supplies.

After resigning Hatteras' fate to the unready hands of the Confederacy, the Military Board focused on providing troops for other Confederate armies. North Carolina State Troops could transfer to Confederate service only in regiments enlisted for one year, with unattached companies and excess troops discharged.[33] This presented a dilemma for Gwynn because as of July 22 many of the companies on Hatteras were not enrolled in regiments and the fate of artillery companies was never specified.[34] He warned the governor that "under existing laws and the terms of the transfer . . . the coast will be almost stripped of troops on the 20th of August."[35] These

concerns fell on deaf ears in Raleigh. The board barely increased the garrison on Hatteras from the 190 troops in late May to about 350 men of the Seventh North Carolina on the eve of battle, August 27, and even placed a cap of one thousand coastal troops in the adjacent southern department.[36] The board continued its trend of ignoring officers' concerns of manpower shortages by giving precedence to Confederate service in Virginia over coastal duty. A lack of state-funded ammunition further hampered the island's defenses.

Not only did the Military Board refuse to finance Hatteras and garrison it with enough soldiers, but it also did not supply enough munitions. In late May, only 80 muskets were sent to the island, but on June 26, the board reported that they had originally seized 37,000 muskets from the arsenal in Fayetteville, of which 9,500 had been shipped to Virginia.[37] Later reports do not reference a lack of small arms on Hatteras, but at least initially the board again prioritized the Virginia front more than its coast. As for artillery, the two batteries built on the island to protect Hatteras Inlet, Forts Hatteras and Clark, were only partially armed, with ten cannons in the former out of a capacity for twenty and seven in the latter out of an estimated eighteen possible.[38] Yet the real problem was ammunition for small arms and artillery. A prisoner held on the island through July 19 reported a "very short" supply, with only "about 100 kegs of powder" available, whereas Gwynn detailed on July 22 that the stock was deficient despite his "repeated . . . requisitions" since he first arrived.[39] After the battle, the officer who assumed command of Confederate forces on the second day stated there was a "very limited supply of ammunition," which even the governor corroborated as "contribut[ing] to its fall."[40] By rejecting Gwynn's requests for more ammunition, the board further indicated its lack of understanding about Hatteras' role in defending eastern North Carolina and its repeated mismanagement culminated in major defeat.

When a naval fleet appeared on August 27, Confederate Colonel William Martin had not nearly enough men to both work the cannons and "successfully resist a landing of the enemy's troops," so he sent for reinforcements.[41] The Union launched a heavy bombardment the next day, which the guns in Fort Clark returned but with limited results.[42] A lack of rifled shells and ammunition that was "entirely exhausted" prompted a retreat to Fort Hatteras.[43] During this time, Union Major General Benjamin Butler landed 315 men with two cannons and seized the abandoned fort, but bad weather forced the fleet back out to sea.[44] Over 250 more Confederates arrived that night and Martin turned command over to Commodore Samuel Barron, who wanted to attack the isolated Union soldiers in the fort but lacked sufficient soldiers to do so.[45] Instead, the naval barrage continued in the morning. With limited ammunition that had no "ability to damage our adversaries," Barron surrendered the fort and 691 men.[46] The lack of ammunition prevented the Confederates from damaging the Union fleet and led them to abandon Fort

Clark, thereby giving the strong position and eventually the island to Union soldiers.

ATTENTION SHIFTS TO ROANOKE ISLAND AND THE CONFEDERACY TAKES COMMAND

The state lost the "key to the Albemarle" by not prioritizing it, and while it would learn from its mistakes, the greater Confederacy would not in the face of an even larger Union invasion.[47] With the capture of Hatteras, Union officials saw the importance of seizing Roanoke Island as a springboard for invading the state. On November 11, Flag-Officer Louis Goldsborough of the North Atlantic Blockading Squadron proposed destroying the small Confederate fleet in Pamlico Sound and then "driving the enemy away from Roanoke Island by a combined attack on the part of the Army and the Navy."[48] Secretary of the Navy Gideon Welles heartedly approved.[49] This idea fit well with suggestions for an amphibious army command to be "used in conjunction with a naval force operating against points on the sea-coast."[50] The seeds were sown for a joint expedition to capture eastern North Carolina. The Burnside Expedition, so named for its commander Brigadier General Ambrose Burnside, was ordered in January 1862 to first attack Roanoke and use it as a base of operations from which to penetrate deep into the state, capturing ports, destroying railroads, and possibly seizing Raleigh.[51] Thus, the Union was quick to see the value of the island because it was the logical next step after Hatteras and fit with their strategic plans for invading the Confederate coastline. Similarly, North Carolina officials finally saw the significance of defending their shores.

Even though the capture of Hatteras served as a wakeup call for administrators in Raleigh to prioritize coastal defenses, state officials could do little but protest to the Confederate government. With the transition of power in August, the state lost direct control of military affairs within its borders as Brigadier General Richard Gatlin assumed command of the coast.[52] The Confederacy was now responsible for preparing the defenses on Roanoke. Yet Governor Clark, who was without the Military Board to advise him, communicated frequently with President Davis and the secretaries of war, arguing immediately after Hatteras fell that the coast "requires all the attention of [the] Confederate government."[53] Despite his limited authority, he also kept in touch with the ever-rotating series of generals who oversaw the coast.[54] Clark recognized the significance of Roanoke and pleaded repeatedly for action from Confederate officials in command of the island. Yet his appeals did little to improve the situation as the Confederacy constructed inadequate fortifications.

Under the authority of Colonel Ambrose Wright, the Confederates quickly erected batteries on Roanoke that proved to be weak and poorly placed. Brigadier General Benjamin Huger, commanding the defenses of nearby Norfolk, sent Wright's Third Georgia Volunteers to occupy the island in early September with some North Carolina State Troops and

build fortifications.[55] He constructed batteries at Pork Point (Fort Bartow) and Weir Point (Fort Huger) to command Croatan Sound facing the mainland; in the center of the island to protect from land attacks; at Midgett's Hammock on the eastern shore to guard Roanoke Sound; and on the mainland at Roberts' Fishery.[56] Yet the building project was riddled with flaws. Brigadier General Daniel H. Hill assumed command of the northern coastal defenses under Gatlin on September 29 and noticed the forts' deficiencies upon inspection, arguing they made the island weak by being "badly located and without adequate infantry support."[57] Fort Bartow needed strengthening and the battery in the island's center could not adequately repel infantry assaults.[58] Thus, Wright's best efforts ultimately did not significantly improve the island's defenses as he had hoped and would later cost the Confederacy precious time that it did not have to fix them.

Hill's designs for strengthening Roanoke's fortifications were ignored by his successor, effectively crippling the defenses. Hill set to work immediately to fix the deficiencies by "having a line of defense thrown up to defend the approaches to . . . Roanoke. The spade has been set agoing everywhere."[59] He replaced the Roberts' Fishery battery with another on the mainland known as Fort Forrest, started strengthening Fort Bartow, and planned to erect a fortified line across the entire island to protect against infantry attack.[60] However, the ambitious project was not to last. Hill was replaced by Brigadier General Lawrence Branch on November 16, an obscure officer whom the press considered unqualified for the command and with good reason because "it does not appear in evidence that General Branch ever visited the island or made any move towards its defence."[61] Branch did not continue Hill's improvements because Fort Bartow still "afford[ed] no

Secretary Judah Benjamin, 1860-1865
Source: National Archives and Record Administration

protection to the defense of the sound" by the end of the year and the fortifications continued to be "a sad farce of ignorance and neglect combined."[62] Therefore, Wright's poor planning and Branch's disregard for his command left Roanoke in a state of virtual defenselessness as 1862 dawned. Even though their successor would try to rectify the situation, their long series of failures ensured he had too much to handle.

Roanoke's final commander was successful in strengthening many of the existing forts but could not finish everything. On December 21, the northern coastal department was divided, with the region including Roanoke given to Brigadier General Henry Wise under Huger's department.[63] Wise began his work "with great energy" in January, ordering the island's commander, Colonel Henry Shaw, to construct piles across Croatan Sound, extend the earthwork in the island's center as far as possible, and strengthen the other forts.[64] He also proposed that new batteries be built on marshes at the southern end to stop gunboats moving up the sound.[65] When Huger scrapped the idea, "probably for want of time," Wise had troops patrol the area in the interim and eventually placed infantry with field artillery to cover the two possible Union landing sites.[66] Ultimately, the obstructions across the sound were never completed, nor was the extension of the center battery.[67] Thus, General Wise simply did not have enough time to build all the necessary defenses before the battle because so much effort was needed to improve the existing batteries as a result of Wright's and Branch's failures. The unfinished defenses were further hampered by a lack of troops.

DISCONNECT BETWEEN RALEIGH, RICHMOND, AND ROANOKE

Besides appointing several lackluster officers to command the island, Confederate officials in Richmond ignored calls from the state for more troops to be sent to Roanoke. Governor Clark was the most persistent, arguing for more coastal regiments immediately after Hatteras fell, particularly those troops sent to Virginia "who are not allowed to come to the defense of their homes" or some of "our own regiments from James River."[68] He prioritized the coast, but there was a clear disconnect with Richmond as the president and secretary of war would not cooperate with him. They repeatedly refused to send more soldiers, with Davis "object[ing] to sending back any troops," Secretary Leroy Walker finding it not in the "necessities of the public service," and his successor Judah Benjamin claiming it was "impossible" to meet all the state's needs.[69] Benjamin also made un-kept promises about dispatching troops. In addition to stating that three regiments were waiting to come to Clark's aid, he claimed on November 2 that a regiment, battalion, and battery of artillery were sent to the region to respond to coastal threats.[70] Evidently, they were never ordered to Roanoke as returns show no increase at the garrison from September to January.[71] Therefore, by ignoring Clark's pleas for more men, the Confederate government not only failed to work together with the state but

The Burnside Expedition Landing at Roanoke Island, 1862
Source: Library of Congress.

also failed to give any precedence to Roanoke. It continued this negligence with its own officers.

Benjamin also disregarded appeals from multiple sources for more soldiers on Roanoke. Gatlin, stating that "no reliance should be placed on the expectation of troops . . . from Virginia," requested in vain three coastal regiments in September.[72] Hill then pleaded to the Confederate government for four regiments that "are absolutely indispensable to the protection of this island," but he was refused.[73] Wise went a step further, not only writing requests but also going in person to see Benjamin, urging "in the most importunate manner, the absolute necessity of strengthening the defences" before being rebuffed and ordered back to his command.[74] Officers were not the only ones complaining about the lack of coastal troops. A letter was forwarded to Richmond from Confederate Judge Asa Biggs who believed that Roanoke lacked enough men to work the batteries.[75] The press felt similarly, with the *Weekly Standard* stating in October that Davis ignored the island and later, along with the *Wilmington Journal* calling upon the Confederacy to strengthen the island in anticipation of the Burnside Expedition.[76] Yet despite the military, the judiciary, and the press arguing that Roanoke lacked sufficient troops, Benjamin refused to spare any men. He clearly did not understand its significance. He even would not help when given an opportunity to do so without sending soldiers.

Civilian and military authorities petitioned Benjamin to supply the coast with more munitions and supplies but were again denied despite the state raising regiments to help. There was a severe shortage of small arms in North Carolina and Clark energetically pressed Richmond for more, stating that "we have disarmed ourselves to arm you" after sending full regiments and an extra 13,500 muskets to Virginia.[77] He raised three regiments by late October, but they were utterly useless without arms.[78] Benjamin continued to disappoint the disgruntled governor. He repeatedly stated he had no arms to give the state, despite receiving thousands that were instead sent elsewhere.[79] Hill and Wise were just as adamant in their concerns for more munitions and supplies on Roanoke. The former found the batteries desperately needing rifled cannons, "cannon powder badly, fuses, and friction tubes."[80] Similarly, Wise felt that any more delay in receiving powder and ammunition from Richmond would prove disastrous.[81] Nevertheless, Benjamin still did not find Roanoke important enough or faced with imminent danger to answer their requests, preferring to prioritize other fronts instead. Little did he realize that Wise's prediction was about to come true. In the meantime, the generals turned to the only other official who could help, Huger.

Just as Davis and Benjamin did not grasp the value of Roanoke, neither did Huger even though he often administered the island. Immediately after dispatching Wright's regiment in early September, he stated that he already sent more troops than he could spare and within a month "asked to be relieved from the command supervision of Roanoke."[82] He was adamant about reclaiming Wright's men even when there were none to replace them.[83] Then, when commanders under his authority pressed him for more soldiers and supplies, he simply refused. Wright needed horses, cannon limbers, and especially troops, while Wise requested in writing and in person more ammunition, "large artillery pieces," and several

thousand infantrymen, among other materials.[84] Huger had 15,000 soldiers and "a large supply of armament and ammunition" sitting idly around Norfolk, but he did "not consider large forces necessary for the defense of this island" if the batteries kept gunboats away.[85] He did not consider that infantry would be needed to repel any attackers despite Wise having informed him that the forts were in no condition to prevent a landing or that the island was a backdoor to Norfolk.[86] Thus, Huger showed that he did not realize Roanoke's importance by not properly defending it when under his command and ignoring requisitions from his subordinates.

Finally, the Confederate government did not concentrate on the naval affairs that captivated the state before the fall of Hatteras because it provided only a few extra steamers to defend Roanoke. Gatlin knew that warships were needed to patrol the sounds and recommended to the War Department and the president on September 4 that they construct "a number of gunboats, to be placed upon Pamlico Sound."[87] In the meantime, three or four armed vessels were at his disposal, with three more arriving from Norfolk or captured by the end of the year.[88] Several more would come and go, but the defenders of Roanoke could count only on a "little squadron of seven vessels" by the battle in February and evidently none had been built in the state as Gatlin recommended.[89] The Confederacy also dodged inquiries about the navy. Clark complained to Benjamin that the state did not receive any vessels by late September, but he shrewdly replied that the state did have the vessels it transferred to the Confederate Navy.[90] Nevertheless, the few ships that Richmond did send to Roanoke and the sounds were simply not enough to adequately defend such an expansive area against a massive Union expedition.

The battle for Roanoke began on February 7 when seven of nineteen Union warships attacked Forts Bartow, Blanchard, and Forrest, but the latter two returned fire "without effect."[91] Just as Hill and Wise had feared, the placement of the forts proved disastrous as only one could respond, leaving the southern end of the island open for invasion. In the afternoon, Burnside landed 4,000 men "in less than twenty minutes" at Ashby's Harbor and eventually disembarked over 10,000 with artillery, compelling the small rebel force of two companies and cannons guarding the position to retreat out of fear they "might be cut off."[92] At the same time, the few gunboats opposing the Union fleet quickly ran out of ammunition and retired.[93] Wise was sick and morning brought a perilous situation for Shaw, who commanded a Confederate force of 1,434 infantrymen, a portion of which he placed behind and on either side of the battery in the island's center.[94] For five hours his troops held on in a grueling, "unceasing" firefight, but when they ran out of ammunition and found their left flank turned, Shaw "considered the island lost" and surrendered after retreating to the north.[95] The absence of earthworks extending the width of the island and sufficient troops and ammunition to repel attackers cost the Confederates the battle.

CONCLUSION: A SERIES OF FAILURES AND MISUNDERSTANDINGS AT ALL LEVELS

The Confederacy lost eastern North Carolina via Hatteras and Roanoke because the state and Confederate governments did not properly supply the posts or cooperate effectively. The Military Board is responsible for the loss of the former, although Governor Ellis shoulders a portion of the blame for defeating the mobile reserve ordinance.[96] The board sent out too many privateers, waited almost a month before preparing the defenses, and provided too few soldiers and supplies. It then ceased funding the post when the Confederacy was unprepared. While Benjamin repeatedly ignored Roanoke, he is not the only one responsible for its fall.[97] Davis and Walker dodged calls for more men and the former did not act on improving the navy. Huger also disregarded the island when it was under his command since he refused requisitions from his large Norfolk garrison. Wright and Branch constructed useless forts and allowed improvements to lapse, respectively. All these men ignored military officers, local citizens, and/or newspapers that saw Roanoke's significance, but none more so than Benjamin. He repeatedly refused to dispatch soldiers, sent munitions elsewhere, and ignored his promise to build gunboats. Both he and Davis did not work with Governor Clark; they refused his requests at every turn, even when presented with an opportunity to help without sending troops. Thus, civilian and military officials in Raleigh and Richmond did not perceive the importance of Hatteras and Roanoke.

By failing to prioritize Cape Hatteras and Roanoke Island, the state and the Confederate governments allowed the Union to reconquer most of eastern North Carolina. The Burnside Expedition continued its successful campaign, capturing New Bern, Beaufort, Washington, and Plymouth, sealing off the major rivers, and later conducting raids through the countryside that threatened the vital Wilmington and Weldon Railroad.[98] Yet those victories would not have been possible without first establishing a beachhead at Hatteras and then controlling the sounds by seizing Roanoke. While it would be ahistorical to fault state and Confederate leaders for not seeing into a future where a third of North Carolina would be reconquered within a year of its secession, they are certainly responsible for doing almost nothing to strengthen the defenses at those points which military officers, legislative officials, civilians, newspapers, and Union leaders recognized as the keys to the region. However, the disconnect between Raleigh and Richmond that hampered defensive preparations, particularly at Roanoke, was not unique but rather was part of a larger trend in the Confederacy where state and national views of the war conflicted.[99] In part, it was these failures to cooperate and to understand the strategic importance of certain areas within the Confederacy by officials at all levels of government that, like at Hatteras and Roanoke, contributed to its eventual downfall and restoration to the Union. 🏛

Endnotes

[1] Henry T. Clark to L. P. Walker, September 7, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies,* 70 vols. (Washington, D.C.: Government Printing Office, 1880-1901), ser. 1, vol. IV (1882), 643. Hereafter cited as *OR*.

[2] Henry T. Clark to J. P. Benjamin, September 24, 1861, *OR*, ser. 1, vol. IV (1882), 657.

[3] D. H. Hill to S. Cooper, October 18, 1861, *OR*, ser. 1, vol. IV (1882), 682.

[4] North Carolina Military Board, "Military Board Minutes" (North Carolina State Archives G.O. 433, Raleigh: Office of the Governor, 1861), May 22, 1861, 19; Warren Winslow, *State Troops: North Carolina Convention (1861-1862), North Carolina Military Board*, (Raleigh: Syme & Hall, 1861), June 26, 1861, 25.

[5] Daniel A. Campbell and Henry W. Penny, statement dated August 12, 1861, *The Official Records of the Union and Confederate Navies in the War of the Rebellion*, 30 vols. (Washington, D.C.: Government Printing Office, 1894-1922), ser. 1, vol. VI (1897), 79. Hereafter cited as *NR*.

[6] Thos. O. Selfridge to Gideon Welles, August 10, 1861, *NR*, ser. 1, vol. VI (1897), 72. The little navy did not participate in the upcoming battle except to ferry reinforcements and provide men to serve the cannons, see S. Barron to S. R. Mallory, August 31, 1861, *NR*, ser. 1, vol. VI (1897), 138-40.

[7] Dan'l Drake Smith, Leopold Bierwirth, and Wm. C. Thompson to Gideon Welles, August 12, 1861, *NR*, ser. 1, vol. VI (1897), 77-78; Gideon Welles to S. H. Stringham, August 23, 1861, *NR*, ser. 1, vol. VI (1897), 110.

[8] E. D. Townsend to John E. Wool, August 13, 1861, *NR*, ser. 1, vol. VI (1897), 82.

[9] "The Capture of Fort Hatteras," *The Western Democrat* (Charlotte, NC), as quoted from *Petersburg Express*, Sep. 10, 1861.

[10] Francis U. Farquhar to J. E. Wool, September 7, 1861, *OR*, ser. 1, vol. IV (1882), 592; "The Capture of Fort Hatteras," *The Western Democrat*.

[11] L. D. Starke to John Ellis, May 29, 1861, *State Troops*, 56.

[12] An Act to Create a Military Board, NC General Assembly Sess. of 1861, "Military Board Minutes" (North Carolina State Archives G.O. 433, Raleigh: Office of the Governor, 1861).

[13] An Act to Provide for the Public Defence, NC General Assembly Sess. of 1861, "Military Board Minutes" (North Carolina State Archives G.O. 433, Raleigh: Office of the Governor, 1861).

[14] For an example of his orders, see Warren Winslow to Walter Gwynn, July 16, 1861, "Military Board: Letter Book, July-August, 1861" (North Carolina State Archives G.O. 435, Raleigh: Office of the Governor, 1861), 63; An Ordinance to Provide for the Disposition of the State Troops . . . And "An Act to Provide for the Public Defence," Ratified the 10th Day of May, 1861 . . ., North Carolina State Convention Sess. of May and June 1861, *Ordinances and Resolutions Passed by the State Convention of North Carolina, 1861-62* (Raleigh: John W. Syme, 1862), 38.

[15] W. H. C. Whiting to Theo. H. Holmes, April 28, 1861, *State Troops*, 50; W. H. C. Whiting to Theo. H. Holmes, May 1, 1861, *State Troops*, 52.

[16] Ibid., 52-53.

[17] L. D. Starke to John W. Ellis, May 25, 1861, *State Troops*, 56-57; Military Board, "Military Board Minutes," May 27, 1861, 23.

[18] Ibid., May 17, 1861, 14.

[19] The board did occasionally discuss purchasing steamers and naval supplies, presumably for privateering operations, before inevitably spending the bulk of the meeting on appointments; see Ibid., May 2, 1861, 19.

[20] Whiting to Holmes, April 28, 1861, *State Troops*, 50-51.

[21] R. H. Riddick, General Orders No. 2 dated May 27, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 116; Walter Gwynn, statement dated May 31, 1861, *State Troops*, 59.

[22] Walter Gwynn, questions and answers dated May 28, 1861, *State Troops*, 61.

[23] Walter L. Steele and L. C. Edwards, *Journal of the Convention of the People of North Carolina, Held on the 20th Day of May, A. D., 1861* (Raleigh: Jno. W. Syme, 1862), 44, 82

[24] "Sea Coast Defences," *Weekly Standard* (Raleigh, NC), June 19, 1861; For newspapers arguing for more coastal troops, see "War," *Wilmington Journal* (Wilmington, NC), May 30, 1861; "Do We Realize our Danger," *Newbern Weekly Progress* (New Bern, NC), June 4, 1861; and "President Davis," *Weekly Standard*, June 5, 1861.

[25] Steele and Edwards, *Journal of the Convention*, 85.

[26] "Sea Coast Defences," *Weekly Standard.*

[27] Steele and Edwards, *Journal of the Convention*, 87, 104.

[28] Ibid., 179; An Ordinance to Provide for the Disposition, *Ordinances and Resolutions*, 39.

[29] Ibid., 37.

[30] Warren Winslow to Marshal Parks, July 3, 1861, "Military Board: Letter Book," 3.

[31] Warren Winslow to Walter Gwynn, July 12, 1861, "Military Board: Letter Book," 49-50.

[32] Warren Winslow to Richard C. Gatlin, July 5, 1861, "Military Board: Letter Book," 22; Henry T. Clark to Jefferson Davis, August 16, 1861, "Military Board: Letter Book," 139.

[33] An Ordinance to Provide for the Disposition, *Ordinances and Resolutions*, 37-39.

[34] Walter Gwynn to Henry T. Clark, July 22, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 194.

[35] Ibid.

[36] Wm. F. Martin to Adjutant-General of North Carolina, August 31, 1861, *NR*, ser. 1, vol. VI (1897), 140; Warren Winslow to Richard C. Gatlin, July 5, 1861, "Military Board: Letter Book," 24.

[37] E. Morris to J. F. Hook, May 28, 1861, *State Troops*, 58; Winslow, *State Troops*, June 26, 1861, 40.

[38] For the number of cannons mounted, see Benj. F. Butler to John E. Wool, August 30, 1861 *OR*, ser. 1, vol. IV (1882), 584; For the number possible in Fort Hatteras, see Farquhar to Wool, September 7, 1861, *OR*, ser. 1, vol. IV (1882), 591; For the number possible in Fort Clark, I added those mounted with those additionally requested, see W. Bevershaw Thompson to Thomas H.

Allen, July 26, 1861, *NR*, ser. 1, vol. VI (1897), 714.

[39] Campbell and Penny, statement dated August 12, 1861, *NR*, ser. 1, vol. VI (1897), 79; Gwynn to Clark, July 22, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 194.

[40] Barron to Mallory, August 31, 1861, *NR*, ser. 1, vol. VI (1897), 139; Henry T. Clark to L. P. Walker, August 29, 1861, *NR*, ser. 1, vol. VI (1897), 137.

[41] Martin to Adjutant-General, August 31, 1861, *NR*, ser. 1, vol. VI (1897), 140; For a more detailed account of the battle and Union preparations for it, see John G. Barrett, *The Civil War in North Carolina* (Chapel Hill: University of North Carolina Press, 1963), 36-45.

[42] Ibid., 141.

[43] Ibid.

[44] Butler to Wool, August 30, 1861 *OR*, ser. 1, vol. IV (1882), 582.

[45] Martin to Adjutant-General, August 31, 1861, *NR*, ser. 1, vol. VI (1897), 140; Barron to Mallory, August 31, 1861, *NR*, ser. 1, vol. VI (1897), 139.

[46] Ibid.; Butler to Wool, August 30, 1861 *OR*, ser. 1, vol. IV (1882), 584. For Butler's response to the victory and his views on the importance of Hatteras, see Ibid., 584-85.

[47] Colonel Thompson, as quoted in Butler to Wool, August 30, 1861, *OR*, ser. 1, vol. IV (1882), 585.

[48] L. M. Goldsborough to Gideon Welles, November 11, 1861, *NR*, ser. 1, vol. VI (1897), 421-22.

[49] Gideon Welles to L. M. Goldsborough, November 18, 1861, *NR*, ser. 1, vol. VI (1897), 422.

[50] Geo. B. McClellan to Simon Cameron, September 6, 1861, *OR*, ser. 1, vol. V (1881), 586.

[51] Geo. B. McClellan to Ambrose E. Burnside, January 7, 1861, *NR*, ser. 1, vol. VI (1897), 508; For a more detailed account of Union preparations for the expedition, see Barrett, *The Civil War in North Carolina*, 66-72.

[52] S. Cooper to R. C. Gatlin, August 19, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 240.

[53] Henry T. Clark to L. P. Walker, August 30, 1861, *OR*, ser. 1, vol. IV (1882), 637.

[54] R. C. Gatlin to Henry T. Clark, December 3, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 404; J. G. Martin to D. H. Hill, October 14, 1861, *OR*, ser. 1, vol. IV (1882), 679.

[55] R. C. Gatlin to B. Huger, September 26, 1861, *OR*, ser. 1, vol. IV (1882), 659; A. R. Wright to B. Huger, September 6, 1861, *OR*, ser. 1, vol. IV (1882), 642-43.

[56] Ibid., 643; A. R. Wright to B. Huger, September 11, 1861, *OR*, ser. 1, vol. IV (1882), 647; A. R. Wright to B. Huger, September 22, 1861, *OR*, ser. 1, vol. IV (1882), 655; A. R. Wright to B. Huger, October 18, 1861, *OR*, ser. 1, vol. IV (1882), 683. Another battery, Fort Blanchard, was built between Pork and Weir Points that Wright never mentioned, see Confederate House of Representatives, *Report of the Roanoke Island Investigation Committee* (Richmond: Enquirer Book and Job Press, 1862), 3-4.

[57] Jno. Withers, Special Orders No. 166 dated September 29, 1861, *OR*, ser. 1, vol. IV (1882), 662; D. H. Hill to R. C. Gatlin, October 27, 1861, *OR*, ser. 1, vol. IV (1882), 693-94.

[58] D. H. Hill to Lieutenant Selden, November 14, 1861, *OR*, ser.

1, vol. IV (1882), 698.

[59] Hill to Gatlin, October 27, 1861, *OR*, ser. 1, vol. IV (1882), 694.

[60] H. M. Shaw to Henry A. Wise, January 8, 1862, *OR*, ser. 1, vol. IX (1883), 418; Hill to Selden, November 14, 1861, *OR*, ser. 1, vol. IV (1882), 698.

[61] Jno. Withers, Special Orders No. 224 dated November 16, 1861, *OR*, ser. 1, vol. IV (1882), 700; "Our Coast Defences," *Weekly Standard*, Dec. 25, 1861; Confederate House, *Report of the Roanoke Island*, 10.

[62] G. H. Hill to H. M. Shaw, December 29, 1861, *OR*, ser. 1, vol. IX (1883), 124; Henry A. Wise to J. P. Benjamin, February 21, 1862, *OR*, ser. 1, vol. IX (1883), 129.

[63] Jno. Withers, Special Orders No. 272 dated December 21, 1861, *OR*, ser. 1, vol. IV (1882), 715.

[64] "Roanoke Island," *Weekly Standard*, January 22, 1862; Henry A. Wise to H. M. Shaw, January 7, 1862, *OR*, ser. 1, vol. IX (1883), 127; Wise to Benjamin, February 21, 1862, *OR*, ser. 1, vol. IX (1883), 129; Shaw to Wise, January 8, 1862, *OR*, ser. 1, vol. IX (1883), 418.

[65] Confederate House, *Report of the Roanoke Island*, 11.

[66] Wise to Benjamin, February 21, 1862, *OR*, ser. 1, vol. IX (1883), 132; Henry A. Wise, Special Orders No. 16 dated January 16, 1862, *OR*, ser. 1, vol. IX (1883), 136-37; C. B. Duffield to H. M. Shaw, February 6, 1862, *OR*, ser. 1, vol. IX (1883), 150.

[67] Confederate House, *Report of the Roanoke Island*, 4.

[68] Henry T. Clark to L. P. Walker, September 2, 1861, *OR*, ser. 1, vol. IV (1882), 638; Henry T. Clark to J. P. Benjamin, September 27, 1861, *OR*, ser. 1, vol. IV (1882), 660; Henry T. Clark to J. P. Benjamin, January 5, 1862; *OR*, ser. 1, vol. IV (1882), 717.

[69] Henry T. Clark to J. P. Benjamin, October 25, 1861, *OR*, ser. 1, vol. IV (1882), 690; L. P. Walker to Governor Clark, September 12, 1861, *OR*, ser. 1, vol. IV (1882), 648; J. P. Benjamin to Henry T. Clark, September 29, 1861, *OR*, ser. 1, vol. IV (1882), 662.

[70] J. P. Benjamin to Henry T. Clark, November 2, 1861, *OR*, ser. 1, vol. IV (1882), 697.

[71] 1,468 officers and men were present in September compared to 1,435 in January, see Richard C. Gatlin, abstract dated September 1861, *OR*, ser. 1, vol. IV (1882), 662; and Shaw to Wise, January 8, 1862, *OR*, ser. 1, vol. IX (1883), 418.

[72] R. C. Gatlin to S. Cooper, September 13, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 294; R. C. Gatlin to Henry T. Clark, September 15, 1861, *OR*, ser. 1, vol. LI, pt. II (1897), 298.

[73] Hill to Cooper, October 18, 1861, *OR*, ser. 1, vol. IV (1882), 682; Adjutant General Samuel Cooper operated under the secretary of war.

[74] Confederate House, *Report of the Roanoke Island*, 13; Jno. Withers, Special Orders No. 17 dated January 22, 1862, *OR*, ser. 1, vol. IX (1883), 139.

[75] Asa Biggs to General Gatlin, October 3, 1861, *OR*, ser. 1, vol. IV (1882), 671.

[76] "Roanoke Island," *Weekly Standard*, Oct. 23, 1861; "The Burnside Expedition . . . The Importance of Roanoke Island as a Strategic Point," *Weekly Standard*, Jan. 29, 1862; *Wilmington Journal*, January 16, 1862;

[77] Clark to Benjamin, September 27, 1861, *OR*, ser. 1, vol. IV

(1882), 660.

[78] Clark to Benjamin, October 25, 1861, *OR*, ser. 1, vol. IV (1882), 690; Martin to Hill, October 14, 1861, *OR*, ser. 1, vol. IV (1882), 679.

[79] J. P. Benjamin to Henry T. Clark, November 21, 1861, *OR*, ser. 1, vol. IV (1882), 702.

[80] Hill to Cooper, October 18, 1861, *OR*, ser. 1, vol. IV (1882), 682; D. H. Hill to S. Cooper, October 2, 1861, *OR*, ser. 1, vol. IV (1882), 664.

[81] Confederate House, *Report of the Roanoke Island*, 12.

[82] Benj. Huger to S. Cooper, September 6, 1861, *OR*, ser. 1, vol. IV (1882), 641-42; R. H. Chilton to R. C. Gatlin, October 9, 1861, *OR*, ser. 1, vol. IV (1882), 676.

[83] R. C. Gatlin to B. Huger, October 12, 1861, *OR*, ser. 1, vol. IV (1882), 678.

[84] Wright to Huger, September 11, 1861, *OR*, ser. 1, vol. IV (1882), 647; Henry A. Wise to B. Huger, January 13, 1862, *OR*, ser. 1, vol. IX (1883), 133; Henry A. Wise to B. Huger, January 15, 1862, *OR*, ser. 1, vol. IX (1883), 134.

[85] Confederate House, *Report of the Roanoke Island*, 13-14; Benj. Huger to Henry A. Wise, January 13, 1862, *OR*, ser. 1, vol. IX (1883), 115.

[86] Confederate House, *Report of the Roanoke Island*, 11.

[87] R. C. Gatlin, report dated October 1, 1862, *OR*, ser. 1, vol. IV (1882), 574.

[88] W. T. Muse and A. Tredwell, "Abstract Log of the C.S.S. Ellis, August 2, 1861, to February 7, 1862," *NR*, ser. 1, vol. VI (1897), 781-85.

[89] Ibid., 786-89; Wm. F. Lunch to S. R. Mallory, February 18, 1862, *NR*, ser. 1, vol. VI (1897), 594. The squadron consisted of the *Appomattox* (unknown origin), *Beaufort* (NC Navy), *Curlew* (Norfolk), *Ellis* (NC Navy), *Forrest* (captured), *Raleigh* (NC Navy or Norfolk), and *Sea Bird* (Norfolk), see Muse and Tredwell, "Abstract Log," *NR*, ser. 1, vol. VI (1897), 781-88; Thos. T. Hunter to Commander Lee, July 22, 1861, *NR*, ser. 1, vol. VI (1897), 711; F. Forrest to Wm. F. Lynch, September 23, 1861, *NR*, ser. 1, vol. VI (1897), 732; and W. F. Lynch to J. R. Tucker, December 13, 1861, *NR*, ser. 1, vol. VI (1897), 752.

[90] Clark to Benjamin, September 27, 1861, *OR*, ser. 1, vol. IV (1882), 660; Benjamin to Clark, September 29, 1861, *OR*, ser. 1, vol. IV (1882), 662. Benjamin claimed that vessels were being built in the state but those that arrived before the battle all came from Norfolk or were captured, see note 85 above.

[91] L. M. Goldsborough to Gideon Welles, February 18, 1862, *NR*, ser. 1, vol. VI (1897), 551-53. For a more detailed account of the battle, see Michael P. Zatarga, *The Battle of Roanoke Island: Burnside and the Fight for North Carolina* (Charleston: History Press, 2015), 79-137.

[92] A. E. Burnside to Lorenzo Thomas, February 14, 1862, *OR*, ser. 1, vol. IX (1883), 76-77; Goldsborough to Welles, February 18, 1862, *NR*, ser. 1, vol. VI (1897), 553; J. V. Jordan to H. M. Shaw, February 17, 1862, *OR*, ser. 1, vol. IX (1883), 175-76.

[93] Confederate House, *Report of the Roanoke Island*, 6.

[94] Wise to Benjamin, February 21, 1862, *OR*, ser. 1, vol. IX (1883), 145; H. M. Shaw to Henry A. Wise, February 24, 1862, *OR*, ser. 1, vol. IX (1883), 172; James M. Whitson, report dated February 6, 1862, *OR*, ser. 1, vol. IX (1883), 174. The date on the final report is incorrect, as it is on events that took place after the 6th.

[95] Shaw to Wise, February 24, 1862, *OR*, ser. 1, vol. IX (1883), 172; Burnside to Thomas, February 14, 1862, *OR*, ser. 1, vol. IX (1883), 79. Shaw surrendered about 2,500 troops, which included the roughly 1,500 officers and men available for battle, the soldiers manning the forts, and a column of reinforcements who arrived on the 8th just as the Confederates retreated, see Shaw to Wise, February 24, 1862, *OR*, ser. 1, vol. IX (1883), 173.

[96] Ellis was absent in early July and died on July 7. He was succeeded by Clark, who still did not fulfill Gwynn's requests but was handicapped by the decision of the board to cease funding in early July. For news of Ellis' absence and death, see Warren Winslow to Marshall Parks, July 3, 1861, "Military Board: Letter Book," 7; and Warren Winslow to H. T. Clark, July 8, 1861 "Military Board: Letter Book," 35.

[97] The Confederate Congress investigated, blaming Huger and Benjamin. I agree with their basic premise, but they ignore the responsibility of many others involved, see Confederate House, *Report of the Roanoke Island*.

[98] For more on the Burnside Expedition after Roanoke and the raids conducted by the garrisons left behind, see Barrett, *The Civil War in North Carolina*, 95-148.

[99] For more on disputes between state and Confederate governments about war policies, see George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill: University of North Carolina Press, 1994), 115-16.

Art as Power

The Medici Family as Magi in the Fifteenth Century

The Medici family of the Italian Renaissance were portrayed in works by Benozzo Gozzoli and Sandro Botticelli as Magi, the venerated figures from the new testament who were the first gentiles to recognize Jesus' divinity. In doing so, the family transformed their desire for power into the physical realm and blurred the boundary between politics and religion.

By Janna Adelstein
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In the middle of fifteenth-century Florence, the Medici were at the height of their power and influence. Lead by the great Cosimo, this family of bankers resided in the heart of the city. Their unparalleled financial and societal status was measured in part by a consistent devotion to the arts. This patronage is appraised through the Medicis' close relationships with their favorite artists, such as Benozzo Gozzoli and Sandro Botticelli, who often lived in the Palazzo de Medici and enjoyed personal relationships with members of the family. As was customary for art of the time, many of the works commissioned by the family featured the biblical trio of the Magi, who were the first people to vis-

it the Virgin Mary after the birth of her son, Jesus Christ. Often, the Medici would commission the artist to present various family members as the Magi themselves, melding religious history and their contemporary world. This biblical trio was held in high esteem by the family due to the family's involvement in the confraternity the *Compagnia de' Magi*, which was dedicated to the group. I will argue in this paper that through an analysis of paintings in which the family is depicted as these biblical figures and the Medicis' involvement in the *Compagnia de' Magi*, we can begin to uncover why Cosimo desired to align himself with the Magi, and the political consequences of such a parallel.

Adoration of the Magi, Bennozzo Gozzoli, 1443-1445
Source: ARTStor

Art as Power

To begin, I will examine the concept of the Magi. Often referred to as the Kings or Wise Men, this threesome was comprised of the first gentiles to reach the Holy Family, and to welcome the divinity of Christ. Often, the Magi are shown as representing three different ages (the eldest being Melchior, the middle being Balthasar, and the youngest, Caspar). They are also sometimes shown as being of different races. They are often depicted with an entourage of exotic animals and in vivid, colorful dress. While these qualities often appear in artistic representations of the Kings, the basis of these attributions are fanciful, and the actual definition of the term is vague. Per James Hastings in *Dictionary of the Bible* vol. III, "It is partly owing to this vagueness in the meaning of the word that so little certainty can be arrived at regarding the most important illusion to the Magi in the Bible [when they come to Mary after the birth of Jesus]."[1] However, Hastings then indicates what is known about the trio; the Magi hailed from the East, might have been tied with astronomical theory, and were magicians by profession. The Medici family of Renaissance Florence regularly commissioned paintings in which they were shown as these magical and mysterious biblical figures, and this paper focuses on three of those instances.

The Medici family's dedication to the trio of Kings can be traced back to the family's involvement with the *Compagnia de' Magi*, also known as the *Compagnia della Stella*. In addition, they belonged to the other lay confraternities who met in the monastery of San Marco: the *Arte di Por Santa* (the Guild of Silk Weavers), and the *Compagnia di San Marco*. The origins of the *Compagnia de' Magi* can be traced to before the end of the fourteenth century, and the Medici's involvement allowed the organization to rise to prominence in the fifteenth-century.[2] The main mission of the confraternity was to manage the *Festa de' Magi*, an elaborate pageant that was celebrated every five years by 1447. The celebration took place in the streets of Florence on June 23, the day of the epiphany, when John the Baptist (the patron saint of the city) baptized Christ.[3] Three different processions would congregate in front of the Baptistery and the *Piazza Della Signoria*, before making their way to the Piazza San Marco.[4] In addition to the religious purpose of the festival, it also served as a form of propaganda for the powerful families involved in the company, as those who marched in the parade "flaunt[ed] costumes, music and banners that exalted the magnificence of the Medici family and the other members of the confraternity."[5] In fact, the *Signoria* (the government of Renaissance Florence) disapproved of the company and the actions of the Medici, saying that the group had brainwashed the minds of the citizens and threatened the city's security.[6] After the family's fall from power, the confraternity, in turn, dissolved, demonstrating the power the Medici held within the orga-

Procession of the Magi, Benozzo Gozzoli, 1459
Source: ARTStor

nization. To a great extent, their intense involvement contributed to their patronage of many works of art in which members of the family are depicted as and alongside Magi.

GOZZOLI'S MEDICI AS MAGI

Such was the case with art commissioned by the Medici from Benozzo Gozzoli (ca. 1420-1497) who was among the most respected artists of his time. Born in Florence, he was named Benozzo di Lese di Sandro or Benozzo da Firenze. The second name "Gozzoli" was given to him by Giorgio Vasari in his *Lives of the Artists*. Scholars have determined that he was an apprentice of Fra Angelico, and it was through this master that he would develop an intimate relationship with the Medici family, who commissioned the two works discussed in this paper.[7]

stands and looks at the scene, and to his left is the youngest king, Caspar, who holds in his hands a gift of a golden goblet. Per Professor Allie Terry Fritsch, Caspar serves as the strongest direct connection to the Medici in the fresco. His robes, which are different than the dress of any other figure in the image, correspond directly to Cosimo through the similarity to the clothing worn by Saint Cosmas in the fresco, *The Crucifixion with Virgin and Medici Saints*, Monastery of San Marco, ca. 1440) in a neighboring cell.[9] Caspar's presence as Cosimo invokes a "theme of benefaction"; just as the magus is shown with a present for Jesus and Mary, Cosimo has bestowed his own offering in the form of the newly restored monastery.[10]

"[T]he Signoria... disapproved of the company and the actions of the Medici, saying that the group had brainwashed the minds of the citizens and threatened the city's security."

In 1436, Cosimo de Medici funded the complete renovation of the Dominican monastery of San Marco, as part of his generosity and commitment to arts and to his religion. Gozzoli's master, Fra Angelico, was a member of the monastery and lead the painting and fresco work involved in this project. One such fresco, *The Adoration of the Magi* (Monastery of San Marco, ca. 1440-1441) is located in what was Cosimo de Medici's private cell. While previously attributed to Fra Angelico, the painting was later determined to have been the work of Gozzoli. This is explained by Emil Krén and Daniel Marx, who argue that the composition was created by the apprentice, rather than the master, due to the subdued chromatics of the composition, the sharper figures, and the use of the landscape as a backdrop.[8]

The fresco is a lunette, and depicts the Magi and their companions paying their respects to Mary and the newly born Jesus. The artist traded a traditional manger scene for a desert with mountains of sand. Below the work, there is an image of the deceased Christ on the cross. The border of the work has a golden braid, adding to the tan tonalities of the work. The Magi and their associates are dressed in brightly colored clothing associated with exoticism and the East. The entourage of the Wise Men is made of people from a variety of different races and ages, which falls in line with conventional depictions of the subject.

On the far left of the image, Joseph stands behind the Virgin, collecting presents for the newborn child. The Magi are shown as varying in age, and the eldest, Melchior, kneels on the ground and kisses Mary's feet in a sign of respect for the divinity of the newborn. The middle-aged king, Balthasar,

The presence of this lunette in the Monastery of San Marco has particular significance regarding the Medici's involvement with the *Compagnia de' Magi* because the confraternity met in the monastery. For Cosimo to display the Kings in his own private cell might have been a way for him to emphasize his family's individual power within the *Compagnia* and his allegiance to the organization.

Gozzoli's *Procession of the Magi or Journey of the Magi* (Magi Chapel, ca. 1459-1464) is a large fresco cycle occupying three walls showing the procession of the Magi to Bethlehem. It was commissioned by an intimate friend of the Medici, Roberto Martelli, on behalf of the family for the Magi chapel in the Palazzo de Medici Riccardi. The fresco shows the Kings on a journey to the manger of Jesus and Mary, along with many servants, animals, and women walking up the mountain. Per Gozzoli scholar Diane Cole Ahl, the artist's study of the landscape may have been the most extensive of its time, with elaborate and meticulous depictions of botanical elements seen in the trees, the meadow, and the flowers.[11] This landscape was likely inspired by Northern European tapestries, which had a similar level of intricacy in their design and depiction of foliage. As part of his magnificent scene of nature, Gozzoli includes deer, buffalo, eagles, and other animals. He also includes creatures as part of the Magi's company, although these are rarer breeds, like leashed cheetahs, monkeys, and camels to fit into the exoticization of the biblical threesome. The Kings ride horses, who don gold ornamental tacking. Those who ride them are likewise lavishly dressed, wearing turbans, colorful outfits of bright blue and peach, and styled in fifteenth-century Florentine outfits, as indicated by their tights. The flamboyant outfits of the fig-

ures in the composition conveyed wealth and status to the contemporary viewer, and Ahl believes that Gozzoli was able to work so finely on the dress because he was the son of a tailor.[12]

Art historians can identify many of these well-dressed figures. Balthasar is shown on the south-wall.[13] His crown bears green, white, and red feathers--the colors associated with the Medici family--enforcing the connection between the Kings and the family. The main Magus is the youngest, Caspar, shown on the east wall garbed in the light gold robe and red stockings often associated with the Medici, riding a white horse. He is surrounded by Cosimo and his son Piero on horseback, who lead a retinue of family members. The realistic and recognizable faces of the family throughout the fresco cycle add to the Medici's egoism. They immortalize the role of the family in sacred religious tradition, as well as the Medici's wealth, class, authority, and overall legacy within the city of Florence. Important and influential people of the day would have been invited to the Magi Chapel, where they would have seen these paintings, and therefore understood the glory of the Medici as depicted by Gozzoli would spread to the citizens of Florence.[14]

In addition, this patronage serves as a direct connection to the *Compagnia de' Magi*. The chronicle of San Marco directly connects the chapel with the organization, saying, "The same house of the Medici afterwards made over this place to the aforementioned confraternity of the Magi, where it built a choir and a chapel."[15] This assertion indicates that those who knew of the chapel would have seen it as a tribute on the part of the Medici to not only the trio of the Magi, but also to their Compagnia. And yet, the organization to whom the fresco was dedicated was linked with the status and wealth of its members, as displayed in the Festa de' Magi, where the Medici would celebrate their glory amidst a celebration of the Wise Men.

BOTTICELLI AND THE MEDICI AS MAGI UNDER ANOTHER PATRON

Another artist who depicted the Medici as Magi was Sandro Botticelli (ca. 1445- 1510). Botticelli, one of the great masters of the Italian Renaissance who was acknowledged as such even in his own lifetime, was born in Florence. Originally called Alessandro di Mariano di Vanni Filipepi, he shared the alternative name Botticelli from his older brother. In his early life, it is known that the artist trained and learned about painting from Fra Filippo Lippi, whose style is reflected in some of Botticelli's early works, but by 1470 if not before, he was considered a prolific artist in his own right.[16]

Especially in his early career, Botticelli enjoyed a close relationship with many members of the Medici family, so much so that he was often regarded as one of their favorite artists. His teacher Lippi and his brother had close relationships with Piero de' Medici and Lorenzo il Magnifico, respectively,

which likely served as Botticelli's introduction to the family. Lorenzo di Pierfrancesco frequently patroned the artist (See the *Birth of Venus*, *La Primavera*, etc.), as did Giuliano and other family members.

Botticelli's *Adoration of the Magi* (Uffizi Gallery, 1475) is the composition which first brought him much acclaim. It is an altarpiece, painted for the funerary chapel of the wealthy businessman Guaspare di Zanobi del Lama in Santa Maria Novella. The painting is smaller than traditional altarpieces, but it is extremely vibrant, with the figures donning blue, red and gold hues. The scene is set in an enclosed hut made from spare and cracked bricks, in which Joseph, the Virgin, and Christ are elevated above all else, with a light from the top center of the image pointing directly at the head of the infant. In the background is a landscape with a dilapidated structure made of columns and there are mountain tops in the far distance. The folds and detail of the clothing keep the eye moving, with Joseph's subdued robes emphasizing the fresh light blue of the Mary's.

Although the Virgin and Christ are compelling, the most notable part of the image is the depiction oef the Medici and other figures. This picture was commissioned by Del Lama, who was not a member of the Medici family. And yet, the patron occupies a less prominent role (seen on the right, with the old man in blue robes) than the Medici's of the image. Cosimo is shown as the eldest Magus, kneeling as he touches the foot of Christ, below him is Piero, shown as the middle king, and Giovanni as the youngest sits to Piero's right. There are currently no definitive records to explain why Del Lama would choose to so prominently honor these three men, as they all had passed away by the time Botticelli composed this image. Lorenzo and Giuliano, who were alive at this time, are shown as princes and therefore occupy a less dominant role than their deceased relatives. However, it is likely that the patron made this decision because he was noted to be a great admirer of the family and their power in Florence.[17] Perhaps in his great respect for the family, he uncovered their involvement with the *Compagnia de' Magi* and therefore chose the subject matter of his funerary altarpiece as a tribute to the family's involvement and power within the organization that celebrated the Kings. In a way, Botticelli's *Adoration of the Magi* serves as the fulfillment of the goal of the Medici in depicting themselves as the Kings: to spread their authority and influence using a biblical context.

RELIGIOUS TRIBUTE OR ATTEMPT TO SEIZE POWER?

Not all art historians view the depictions of the Medici as the Magi as an attempt to remind contemporaries of their dominance. Rab Hatfield, in his article The *Compagnia de' Magi*, asserts that "[The Medici's] devotion to the Magi was real and their support of the confraternity a genuine expression of that devotion. The political advantages that attached to their support were natural concomitants of the traditional

Adoration of the Magi, Sandro Botticelli, 1475
Source: ARTStor

system of patronage within which the Medici operated."[18] To Hatfield, the Medici admired the Kings artistically and through the *Compagnia* mainly as a symbol for devotion, and not for propaganda.

However, some see the Medici's patronage mainly as an attempt to seize power, and not solely an act of devotion. The website for the Palazzo Medici Riccardi asserts the family had political agency when depicting themselves as the Wise Men and in their activity in the *Compagnia de' Magi*, saying, "The intention [of the Medici] was decidedly worldly and self-celebrating rather than religious."[19] Art historian Roger Crum asserts in his article *Roberto Martelli, The Council of Florence and the Medici Palace Chapel* that "Cosimo was not in a position as a Christian to be an obvious critic of papal crusading plans, and it seems that he was also disturbed by the fall of Constantinople [but could do nothing about it]."[20] Perhaps, then, the depiction of the Medici as the Magi was an attempt by the family to not only express their power and status, but also to inflate perception of the degree of authority they possessed before the family's descent from power at the end of the century.

While the Medici may not have had as much power as they wanted to hold, they still clearly wielded an influence among the populace, so much so that De Lama decided to dedicate his resting place to deceased members of the family. Therefore, if the goal was to spread word of the Medici's power and garner success for the family, the patronage depicting the family as the three kings was successful. The example of Botticelli's *Adoration of the Magi* serves as a reminder that sometimes the perception of dominance has a greater impact on public perception than the actual possession of such dominance.

Therefore, these three images are not just valued for their visual and aesthetic contributions to the field of visual art, but also to examine the politics of fifteenth-century Florence. Part of the goal of the Medici in commissioning the first two works from Gozzoli was likely to spread dominion and authority via the depiction of the family as Magi tied to their motivation for dominating the *Compagnia de' Magi*. Whether or not this was born of true faith, both paintings seem to depict the Medici as holy, to eternalize the family alongside the first gentiles who recognized Jesus as divine. Their power, even if they might have had less control than was perceived, generated admirers such as De Lama, and so the legacy of the Medici lived on even after the death of the great patron, Cosimo. And despite the family's ultimate fall from prominence, their story survives in the present day, largely due to Cosimo and others' patronage of these great works of art. 🏛

Endnotes

[1] Hastings, James. *Dictionary of the Bible*. New York: Scribner, 1900. Print. 204.

[2] Hatfield, Rab. "The Compagnia de' Magi." *Journal of the Warburg and Courtauld Institutes*, vol. 33, 1970, 108.

[3] Hatfield, "The Compagnia de' Magi," 108.

[4] No Author. "Mediateca Di Palazzo Medici Riccardi." *Palazzo Medici - The Wall Paintings of Benozzo Gozzoli: 'The Procession of the Magi' - Mediateca Di Palazzo Medici Riccardi*. N.p., n.d. Web. 02 Dec. 2016.

[5] N.a. "Mediateca Di Palazzo Medici Riccardi."

[6] Hatfield, "The Compagnia de' Magi," 110.

[7] Ahl, Diane Cole, and Benozzo. *Benozzo Gozzoli*. New Haven: Yale UP, 1996. Print. 11.

[8] Krén, Emil, and Daniel Marx. "Adoration of the Magi by Gozzoli, Benozzo." *Adoration of the Magi by Gozzoli, Benozzo*. Web Gallery of Art, n.d. Web. 2 Dec. 2016.

[9] Terry-Fritsch, Allie. "Florentine Convent as Practiced Place: Cosimo De' Medici, Fra Angelico, and the Public Library of San Marco." *Medieval Encounters* 18.2-3 (2012). Web. 261.

[10] Terry-Fritsch, "Florentine Convent as Practiced Place: Cosimo De' Medici, Fra Angelico, and the Public Library of San Marco," 261.

[11] Ahl, *Benozzo Gozzoli*, 88.

[12] Ibid., 92.

[13] Ibid., 92.

[14] Ibid. 83.

[15] Hatfield, "The Compagnia de' Magi" 139.

[16] Lightbown, R. W. S*andro Botticelli: Life and Work*. New York: Abbeville, 1989. Print. 22.

[17] Lightbrown, *Sandro Botticelli: Life and Work*. 66.

[18] Hatfield, "The Compagnia de' Magi" 143.

[19] N.a. "Mediateca Di Palazzo Medici Riccardi."

[20] Crum, Roger J. "Roberto Martelli, the Council of Florence, and the Medici Palace Chapel." *Zeitschrift Für Kunstgeschichte*, vol. 59, no. 3, 1996, 413.

THE VALUE OF SUFFERING

American Civil War Pensions and Public Perceptions of the Morally Deserving

Following the Civil War, the federal government instituted a pension system to relieve injured veterans and their widows. This was a large social welfare program without precedent in the United States, and when costs began to climb, and as the laws liberalized to include ever-more veterans and dependents, public and bureaucratic outrage around the pension system boiled over. Debate centered around what kind of pensioner was deserving of public aid. In these discussions, critics and government officials often reified gender norms and race stereotypes, identifying only those who followed these traditional mores as deserving of government pensions.

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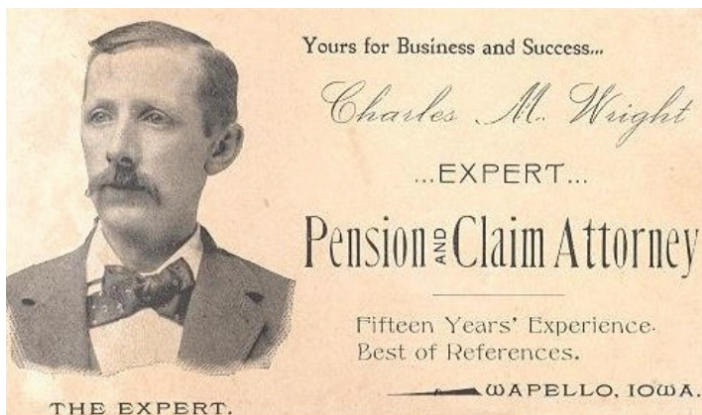
Civil War Pensions Business Card, 1895
Source: SSA Historical Archives.

In the decades following the Civil War, the federal government arbitrated the pension claims of hundreds of thousands of Union veterans and their dependents, usually widows and children. This task entangled the state in the intimate lives of its citizens to an unprecedented degree. Pensions required the federal government to define legitimate intimate relationships, and in doing so make decisions about who was deserving and who was not. As pension disbursement rose to all-time highs between 1890 and 1915, public debate about the pension system exploded. The alarming cost of the pension rolls occasioned much elite anxiety about individual fraud. After 1890, when the Dependent Pension Act severed the link between veterans' disability and their claim to a pension, the scope of the pension system became a form of generous old-age care for remaining veterans and their families. Debate after this point shifted to the apparently excessive generosity of the pension laws themselves, and to critiques of the pension system's purpose.

Ultimately, in these discussions about an unprecedented form of American government aid, American welfare was established on the terrain of moral charity, with questions of the deserving against the undeserving dominating policy discussion. Government bureaucrats and elite critics came to see pensions as a form of aid that should be offered only to those American citizens who were morally deserving. Sociologist Theda Skocpol has observed that a key difference between Europe's welfare-state programs and "often equally extensive" Civil War pensions was the decision by the American government to couch its social benefits not in terms of relief for a class of needy citizens, but in the language of "earned aid" for a special group of morally deserving citizens. Unsurprisingly, in the public debate surrounding rising pension disbursement, the American public offered its own opinions about legitimate family relationships and gender roles. Newspaper stories, magazine articles, official reports, and legal statutes all suggest that the public and the state held mutually reinforcing concepts of legitimate gender roles and family relationships.

However, these definitions, especially when codified, failed to capture lived experiences of family and intimate life. The disjunction of legal statutes with social realities resulted in indignation among both pensioners and government officials, which was directed not only at fraudulent pensioners, but also towards what many considered an overly generous pension system. Public opinion and official government positions, via reports and law, reveal some common discourses defining who was a morally deserving pensioner. These views, as applied to veterans and their dependents, illustrate popularly received notions about traditional gender and family roles in the United States at the turn of the twentieth century. This fixation on legitimate kinship roles reveals that pensions in the postwar United States were viewed as a form of generous aid for the morally worthy, not as an obligation of the government.

Skocpol observes that "applications for widow's pensions seem to have generated the greatest concern among Pension Bureau special examiners and reformist critics."[2] Whether or not this special concern was warranted, it is true that government officials and critics alike paid great attention to the ways in which widows could and did make fraudulent pension claims.

Discussions about women in general centered on widows whose remarriages and delayed arrearage claims seemingly eroded their moral standing as deserving pensioners. Widows who could not offer concrete documentation of their marriages, as well as those who remarried or asked for large pension payments in arrear were thus especially liable to bureaucratic suspicion. Such women, who may not have made claims to a pension until long after their husbands' deaths, were granted large lump sum awards which became illustrations of the pension system's apparently excessive generosity. Yet, from the perspective of the claimants, ultimately the need for financial support necessitated weathering the public and bureaucratic suspicion that they often faced.

relationship eroded her moral standing as a wife and thus her eligibility as a pensioner.

Though Evans' strongly personal anger towards fraudulent pension claims seems strange, it is by no means unique among those in his position. In fact, he spends a considerable portion of his report offering a laundry list of commissioners who have preceded him, citing lengthy quotes illustrating their similar outrage against pension frauds and apparently lax laws. These Commissioners, as the individuals ultimately responsible for the increasingly alarming costs attached to the pension roll, had reason to take the disbursement of pensions as a reflection of their personal ability. Their frustration at being unable to keep pension costs low may have led them to harp on the apparently unstoppable pension cheats the system was letting slip through.

Though second marriages were a cause of great concern to Evans and the Pension Bureau, first marriages were not exempt from scrutiny. "Young pullets," or young women who had married aged veterans presumably for the sake of secur-

"[G]overnment officials and critics alike paid great attention to the ways in which widows could and did make fraudulent pension claims."

Remarriage too was an issue of some contention, especially in cases where the widow made a retroactive claim to her ex-husband's pension after a second marriage fell through. In his 1901 annual report, the Commissioner of Pensions, Henry Clay Evans, cited eight individual cases in which widows made claims suspected or known to be fraudulent. Among these, three involved widows who entered into relationships with another man, and only afterwards made claims to pension payment in arrears. One such case, described in Commissioner Evans' ever indignant tone, involved a woman who, twenty-two years after a second marriage, "filed a claim for restoration of pension as widow alleging that she lived with her second husband for nearly six years when she discovered that he had a wife and children then living, and that said marriage was illegal and void…the arrearage payment in this case was $2,700" (about $72,000 in 2016).[3] This claim appears to be justified – the illegality of bigamy meant that the pensioner's second marriage was in fact invalid. Given the loss of her second husband's support, it seems natural for her to turn to her first husband's yet unclaimed pension. The Commissioner, however, bemoaned his circumstances, in which he was "powerless [to deny the claim] though he believes the case to be fraudulent."[4] Despite the seemingly reasonable grounds for annulment offered by the pensioner, Evans' undisguised suspicion towards her claim clearly represents his feeling that any widow who entered into a second

ing their pensions, stirred considerable public and official outrage. The Congregationalist, the official magazine of the National Association of Congregational Christian Churches, in 1898 decried the "many instances…of the marriage of young women to old soldiers, long after the Civil War, for the sake of the widow's pension certain to be soon obtainable." [5] The magazine Forum similarly, though more colorfully, wrote of the phenomenon "where designing girls have yoked themselves to decrepitude to secure public support for the rest of their lives, or where irregular life is afterward preferred to marriage."[6] These young women, if they indeed married for pension money, were thus made not only into pension cheats, but in fact were painted as clever enough to compel the government to support their promiscuous lifestyles after their husbands passed.

This controversy did not die with the majority of Union veterans, however. In 1911, when the remaining veterans would have been in their last years, the Washington Post detailed the indignant protests that followed after Congressman Isaac Sherwood of Ohio suggested that "young girls, characterized as 'spring pullets,' frequently marry old soldiers who 'are on their last legs,' so they may continue to draw their pension money after they die."[7] Veterans rebuked the congressman, and retorted that "there is no record that 'spring pullets' drag aged veterans to the altar and capture their pen-

sions," and counsel for the Grand Army of the Republic repudiated the claim as a baseless "stock charge…intended to alarm the people by making them believe that young girls, who have entrapped old soldiers into marriage, are swindling the country out of large sums of money."[8] Doubtless, even if the claim were true, elderly veterans would take umbrage at this characterization of their wives' motivations, but the lack of any broad evidence or even exemplar cases suggests the claim was in fact a stock political charge designed to outrage.

Such a baseless claim, made countless times, reveals more than concern about government fraud. It also suggests anxiety about changing women's roles and agency in a time of social and political turmoil. Women who allegedly married for government money offended mainstream moral as well as political sensibilities. Such women represented in bold relief the risk of fraud that pension policies allowed. Though a veteran who exaggerated or even fabricated an illness to receive a pension also risked running afoul of masculine expectations as a lazy, cowardly, or emasculated man, the possibility of women defying gender roles for the sake of monetary gain was a source not just of condescension, but of moral outrage. A "spring pullet" was assumed to have married not for love or familial obligations but for money – this was the key focus of anger directed at the supposed phenomenon of "spring pullets." There was no question raised about the technical legality or documentation of such marriages. Critics then did not just desire to better police false claims, but in fact to regulate the more intangible aspects of pensioners' marriages. Authenticity of emotion and true wifely devotion became important arbiters above and beyond legal documentation.

The bugbear of supposedly reprobate women who did not meet these criteria undergirded alarmist claims like the one published in Forum in 1901, stating that "in the adjudication of claims…widows have in more than one instance been discovered to have been accessories before the fact in the murder of their husbands."[9] Such a woman, if in fact she existed, violated every criterion of wifehood and womanhood by lying, cheating, and even perhaps killing to obtain support without having performed any feminine labor to earn it. Fears about women who married veterans in anticipation of their deaths, or even went so far as to murder them, illustrate the expectation that women earn the support of their husbands, and in their absence, of the state. If a good wife was one who through feminine labor, domestic and sexual, earned stable protection, pension cheats not only unfairly drained public funds but also violated this normative marital contract.

If this is the portrait of the undeserving widow, then what does the deserving widow look like? An 1898 Forum article on "Some Weak Places in Our Pension System" grants that there are in fact widows who deserve pensions:

> The woman who was the wife of a soldier in the field during the Civil War suffered untold anxiety; and in many cases, her life was one of constant struggle for existence, - especially if she had small children. If her husband lost his life in the service, or subsequently incurred disabilities therein, or died, her burden was made still heavier. The intent of the lawmakers, in granting pensions to soldiers' widows, was to recompense them in some degree for the anxieties, suffering, and privations they had been called upon to endure.[10]

This account highlights that pensions were a form of moral repayment – courageous and country-loving citizens, men and women alike, had suffered much to preserve the Union, and in return deserved the nation's recompense for what they lost and endured due to the war. Such a romantic portrayal of the truly morally deserving widow pensioner stands as a foil against the supposed others who were merely out to exploit government coffers. This wife, with just claims to support, was strong enough to weather the hardships of wartime life, and dutifully cared for her children throughout. Wives such as these, compared to the "young pullets," suffered directly from the effects of the war, just as their husbands did. They were married prior to the war and because of the conflict lost their only source of support, and thus required the aid of the state in its stead.

As could be expected following the Civil War, race, in addition to gender, presented a problematic dimension of perceived pension system failures. African American widows especially were often portrayed as undeserving pension claimants. A combination of white supremacist stereotypes and social realities resulted in common public expressions of doubt towards black women claimants. The vague prewar status of marriages between slaves in the South made it particularly difficult for widows to obtain acceptable documentary evidence of marriage. Pension laws eventually took this into account by setting a lower evidentiary bar for black widows compared to others. Historian Megan McClintock observes that "after 1866, whether or not they had been enslaved, black claimants for widows' pensions could submit proof of cohabitation without providing evidence that formal documentation was unattainable, as white applicants had to."[11] In the absence of documentary evidence, the testimony of neighbors and family became the main avenue for black widows to substantiate their claims.

The case of Hester Lancaster of Jacksonville, Florida, the presumptive widow of Abram Lancaster, offers an instructive example. Her 1908 claims to a pension were obstructed by the discovery that Abram Lancaster had a recently deceased wife in nearby St. Augustine. The first wife, Jane Nattiel, and her social circle never knew of his second wife, whereas Abram's relations in Jacksonville recognized only Hester Lancaster as his wife. In order to arbitrate the claim, the special examiner had to take depositions from relations on both sides, with each side claiming that one and not the other was the legitimate wife.[12] In this case, claimants had to rely solely on conflicting testimony to establish their applica-

tions, thereby placing the Pension Bureau and the broader state it represented in the uncomfortable position of arbitrating individual testimonies and relationships.

African American widows' reliance on testimony, and the flexibility which came with the use of testimony, may perhaps have offered greater opportunity for fraud. Whether or not they committed such fraud at a higher rate than white women who faced a higher evidentiary bar is not known, but white public opinion fixated on black women as pension cheats. The author of the aforementioned 1898 Forum article laments the widespread use of testimony to establish a widow's claim. He notes a recent investigation that exposed a whole slate of pensioners had used notary clerks as witnesses to their case. These witnesses testified that they were familiar with the claimant and her circumstances, yet further investigation revealed that in fact many of the witnesses in question were in fact the clerks working at the notary office where the depositions were taken, and had no connection whatsoever to the widow. "The widows – most of them colored women…testified that they were not acquainted with this witness, and that the witnesses were always furnished by the [claims attorney]."[13] That the author finds it important to mention the women's race denotes that race prejudice further fanned anxiety around fraudulent widows.

This added racial dimension was reinforced not just on a legal level in pension laws, but in official instructions for special examiners in arbitrating individual cases. Historian Brandi Brimmer writes that

> freedwomen were singled out in the sixtieth item of the General Instructions to Special Examiners of the United States Pension Office…a section of the handbook devoted to 'Colored Claimants' explained that some black female applicants adopted children 'not their own' to enhance their monthly stipend. Bureau officials directed examiners to 'see all the children for whom the pension is claimed; their color may sometimes indicate whether they are the children of the soldier and the claimant.'[14]

These instructions indicate the power of ideas about race and sex in forming official ideas about legitimate intimate relationships. The reality of interracial marriages between black women and Union soldiers, implied in the instructions, resulted in children of mixed race who defied easy categorization. Examiners' insistence on using outward race markers to arbitrate pension claims emphasizes more general anxieties about maintaining strict racial categorization during this period.

The instructions further illustrate the historical formation of enduring stereotypes about black mothers on welfare. Black widows were singled out as especially willing to violate traditional nuclear family bonds to enhance their own gain, and as needing extra policing to keep them from deceit. At the same time, the reality that black women's experience of matrimony and family was different from white women's

necessitated lower bars of evidentiary documentation. The African American family under slavery, when slaves could not legally marry and children were often sold far away from parents, was perpetually unstable, often dictated not by family bonds but by owners' financial needs. This reality, resulting in lower standards of documentation and greater reliance on testimonial evidence for widows of formerly enslaved Union soldiers, heightened racially colored concerns about black women's veracity. Greater wariness and suspicion, it seemed, was just as necessary as a lower evidentiary bar.

Fear of pension fraud by women in general and black women in particular reflected general anxieties about the state's Sisyphean task of delineating proper family relationships. The state's definition of family relationships was not limited to that between husband and wife. Legally only one dependent could receive a veteran's pension at a time; the order of claims is telling of how the state defined family life at large.[15] First in line was the veteran himself. Upon his death the widow had first rights. Then came minor children, then finally orphaned minor siblings or financially dependent parents.

As such, difficulties in defining family relationships were not limited to spousal relationships. McClintock writes of the many struggles by parents of Civil War soldiers to obtain state aid. Their claims were often made decades after their son's death, when old age rendered them less productive, at which point proving that they had been financially dependent upon their son at the time of his death was often all but impossible. Even when the laws were liberalized to allow parents whose sons had intended to support them, documentary evidence, such as letters or diary entries, was hard to come by. As with black widows, the difficulty of obtaining documentation resulted ultimately in a lowering of evidentiary standards, when finally in 1890 the circle was widened to include any parents who had lost a son as a result of the war.

This chain of events captures the way the country viewed pensions – as a repayment of debt for service rendered or income lost, with the deserving identified by their adherence to mainstream gender and family roles. Though Skocpol argues that the United States viewed its pensions in moral terms as opposed to the socioeconomic terms of European welfare states, this may be too romantic an interpretation. In fact, the case of dependent parents highlights the state's vision of pension payments in terms of tangible economic loss. Parents, like widows, had to prove somehow that in losing their son to the Union cause, they had lost a tangible source of income. To prove this, though, they needed physical documentation of their son's filial dedication. By 1890 though, the state simply assumed that the nation's sons would have supported their parents in their old age. Such an assumption was also embedded in widows' pensions: the state assumed without question that women were economically dependent on their husbands. The cascading chain of claims and the

government's response to them articulate broad ideas about dependency within the ideal family: men rely on physical health to earn a living, and in turn care for their wives, who care for children, and elder siblings for younger siblings, and when parents reach infirmity, children care for them as well.

This clear delineation of proper family relationships floundered when it came into contact with the fuzzy reality of social relationships in day-to-day arbitrations. The failure of legal statutes to capture family life often left both claimant and government unsatisfied. Precisely because the nuclear family under slavery often did not follow the typecast set by the government, black widows in particular struggled to gain pensions. Brimmer details the persistent efforts of black women like Mary Lee to maintain or increase their pensions, resulting in cases open for years or decades. The process, she notes, "allowed women like Mary Lee to keep their cases over long stretches of time," constantly appealing unfavorable decisions over decades.[16]

Yet on the government's side, there was equal frustration. In his annual reports on the Bureau of Pensions activities, Commissioner of Pensions Henry Clay Evans consistently begged Congress to restrict pension access and grant him

Commissioner Henry Clay Evans, 1901
Source: The World's Work

greater surveillance powers. In reference to the law granting widows back pay from the date of their husband's death, he lamented that "the law is bad," and gave many cases that together showed "your Commissioner is powerless though he believes the case to be fraudulent."[17] Further he complained that claimants were "seldom willing to accept" rejected cases as final: "claimants lack confidence in the decisions of this Bureau in determining the real merits of claims, and it therefore often happens that rejected cases are reopened and appealed again and again."[18] On both the side of the claimant and the government, there existed great discontentment with claims decisions. The crux of this struggle was born of the clash between a clear-cut legal definition of family and more free-flowing social realities.

The difficulties of adjudicating claims, and the outrage these complications produced, were not, however, limited to widows or dependents. Civil War veterans, as the main beneficiaries of generous pension policies, were subject to equal if not more scrutiny. Government officials and the public alike professed skepticism about veterans' disability claims. After the passage of the 1890 Dependent Pension Act, which extended coverage to all surviving veterans regardless of whether or not they sustained a war-related injury, this skepticism grew into frustration towards an increasingly generous pension system.

Similar to distrust of widows' claims to legitimate wifehood, both government and public critics voiced great skepticism about the severity of veterans' injuries. Reputed journalist Eugene Smalley published a piece in the popular periodical Century Magazine innocuously titled "The United States Pension Office" in 1884. In the article Smalley speculated that "a man who served in the army and has no disease, wound or other serious hurt, was toughened by the rough life of the camp and actually benefited physically, and given a probable longer lease of life."[19] Clearly veterans were expected to fulfill a certain vision of virile manhood similar to the womanly expectations placed on widows. The ideal Civil War veteran came out of the Civil War not only having avoided injury, but stronger overall from the masculine exercise of warfare. Though Smalley's view on the healthful effects of soldiering unduly glorifies warfare, it represents a more general feeling that there was a suspiciously high number of veterans claiming disability.

This suspicion was expressed in the more explicit accusation that many veterans were exaggerating or fabricating their injuries. A Chicago Tribune writer opined in 1915 that most of "the 'old boys' have lived useful and prosperous lives since the war and are now surrounded by comfort and protected by the care of sons and grandsons."[20] Veterans who applied for pensions twenty or more years after the war risked being stereotyped as a lazy and exploitative of government generosity.

The Value of Suffering

A notable crux of the public debate was the supposed inability of disabled veterans to perform manual labor. Smalley criticized pension policies for assuming that applicants were "honest ex-soldier[s], actually disabled…from earning a living by manual labor," and pointed out that plenty of veterans, even if "crippled quite seriously," must have been "just as able as ever to follow [their] business calling" if it did not require bodily toil.[21] Forum offered its readers a slate of amusing stories about pensioned veterans who had lied about their disabilities and been caught red-handed. One man "pensioned for total blindness…was encountered in a jewelry shop, engaged in delicate mechanical tasks with a magnifying-glass stuck in his eye."[22] Another "pensioner, 'totally disabled',… was met by a special agent walking down the street with a lawn-mower over his shoulder, carrying it as easily as most men carry a fowling-piece."[23] Upon medical re-examination, doctors found he suffered "from nothing but the habitual use of opium."[24] This image of a dissipated derelict is a powerful evocation of the undeserving pensioner. These lazy opportunists violated popular ideals of honest, industrious manhood, thus eroding their moral claim to pension support.

The deserving veteran pensioner before 1890 was, then, a seriously injured, self-dependent manual laborer whose ability to support himself was robbed by his patriotic commitment to the Union cause. Critics alarmed at the rising cost of Civil War pensions in the decade following the war clearly believed that, for some reason or another, there were far more pensioned veterans than should be expected. In response, they fixated on fraudulent veterans, pinning public blame on opportunists. Yet, in reality, by 1875 only 43% of men wounded in the Civil War had signed up for disability pensions.[25] Pundits' indignant observation that not all injured men should be in need or want of a pension was thus actually borne out by the number of veterans who applied for government assistance. Anxieties about rising costs had less to do with true fraud or excess than with the unprecedented scope of the pension welfare program.

After 1875, as disabled veterans who required pensions applied and were accepted, pension claims plateaued. But after the 1890 passage of the Dependent Pension Act, pensions essentially became a broad form of old-age care for any surviving veterans and their families. As pension claims climbed ever higher in the decades following, public outrage about the pension system grew louder. Critics' view of deserving versus undeserving pensioners remained much the same, and they continued to harp on exemplar cases of fraud, but now their focus shifted from individual pension frauds to anger at what they considered an overly generous pension system. After 1890, the billions of dollars being spent on pensions could not be pinned only on fraud. Laws that allowed any veteran to claim pension regardless of health, gave large lump sum payments in arrears, and permitted friends, family, and local doctors to serve as supporting witnesses became the more obvious problem.

In this setting, excessive government largesse simply stood as too large a temptation for eligible veterans. Forum in 1901 mocked the government for essentially "station[ing] a servant at the door of its vaults to shout: 'Come in and get your share. God help the surplus!' to every passer-by who wears any remnant of the federal uniform."[26] Similarly, the bureaucrats adjudicating claims could also be forgiven as victims of a broken system. Smalley wrote that "for this condition of affairs the Pension Office at Washington cannot be held responsible…it is methodical, careful, and vigilant within the limitations…the system itself is at fault."[27] In fact, critics and Pension bureaucracy were often aligned together, with each supporting the legitimacy of the other. Commissioner Evans similarly claimed that "fault lies…not with the soldier claimant or his widow; but the system is so faulty that it offers a most inviting field for the enterprising and adventurous… those that are willingly persuaded to be dishonest."[28]

Indeed, commissioners beginning with the first decade of pension disbursement bemoaned what they saw as the neglectful generosity of the pension laws. Commissioner J.A. Bentley in his 1876 Annual Report to Congress urgently suggested a complete restructuring of the pension adjudication system, which "will give to the office an opportunity to closely question both the claimant and his principal witnesses."[29] He proposed a detailed plan of dividing the country into districts and sending pairs of government-employed medical officials and clerks to each in order to closely examine each pension applicant's health status and supporting testimonial evidence. Bentley urged passage of these reforms to Congress throughout his tenure as Commissioner, to no avail.

Commissioner Evans in his 1901 report cited a laundry list of his predecessors who complained of lax laws. He argued that conditions of fraud and excess spending "have existed ever since the war, and able and conscientious Commissioners of both of the great political parties, have in their annual reports strongly protested against them."[30] For him, political divisiveness prevented the thoroughgoing reform he believed necessary, griping that "when attention is called to the defects which are responsible for these conditions, a howl goes up in certain quarters."[31] His pointed observation that Commissioners of both of the "great political parties" have made the same complaints about the pension system hints at the party politics that fueled pension policymaking.[32] This supports Skocpol's argument that passing generous pension laws was one form of "patronage democracy" after 1880 when the Republican Party used pensions to capture the soldier vote.[33]

Though popular critics placed blame for high pension spending on the federal government, their contention ultimately was that generous pension laws allowed for far too many undeserving applicants to claim a place on the rolls. Pundits believed that the laws drew far too narrow a line between deserving pensioners and undeserving ones. After 1890, when pensions effectively became a form of old age se-

curity for all surviving veterans and their dependents, this criticism reached a peak. These critics believed that a contractual obligation existed between the state and the veterans who had suffered to serve it. Though Skocpol is right to argue that such a view of pensions was more couched in moralistic language than it was in European welfare states, Americans' view of pensions revolved around a moral currency of patriotism and rightful suffering in return for government support. Those veterans and dependents who failed to gain enough moral currency were labeled as undeserving pensioners. Smalley in fact lambasted the system because "the pension is given as a right, not as an act of charity."[34] This contention reveals the view that pensions should be a form of government beneficence, bestowed as a token of appreciation for veterans' service. In this view, pensions were not necessarily a duty of the government to it soldiers.

Ultimately though, it is important to remember that even if there was outrage at the level of government bureaucrats or political pundits, there obviously were great numbers of regular American citizens who either relied on generous pensions or sought to gain them. By 1910, there were almost one million registered pensioners, not to mention far more who had applied up to that time.[35] These American citizens likely would not have shared elite concerns about excessive gener-osity. No matter how much haranguing in higher-up circles occurred around pension system failures, it should not be forgotten that this system of aid was relevant and valuable to a great part of the American citizenry. Though their voices have been elided somewhat in this discussion, the ultimate persistence of the pension system reflects this basic social fact.

But though these Americans, cutting across gender and race, benefited from the pension system, to gain its benefits they frequently had to fulfill elite notions of acceptable lifestyles and relationships. Pension laws in this way both concretized and newly articulated gender as well as race relations. By positing the primary deserving pensioner as a veteran who relied on manual labor, and the deserving dependent widow as a dutiful, chaste wife, the American pension system reissued old notions of gender roles in the family. Yet, the particular debates that coalesced around the pension issue, concerning masculine and feminine labor and patriotic sacrifice as the basis for morally earned aid, reflected new anxieties occasioned by an unprecedentedly large welfare program. In arbitrating claims, the federal government and a large class of political critics each reified concepts of gender, race, and family, setting the stage for discourse on welfare policy well into the twentieth century. 🏛

Endnotes

[1] Skocpol, Theda. *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States.* Cambridge, MA: Belknap Press of Harvard University Press, 1992: 151.

[2] Ibid., 145.

[3] Evans, Henry Clay. *Annual Report of Commissioner of Pensions, 1901.* 57 Congress, 1 sees. Cong. Rept. H.doc.5/6. United States. Cong. Bureau of Pensions, Department of Interior: 38.

[4] Ibid., 37

[5] "Pension Reform," *Congregationalist,* August 18, 1898; 83, 33; American Periodicals: 206.

[6] John DeWitt Warner, "Half a Million Dollars a Day for Pensions," *Forum* 15 (June 1893), 445. Quoted in Skocpol, *Protecting Soldiers and Mothers.*

[7] "NO YOUNG PULLETS: G.A.R. Veterans Deny Pension Grab by Marriage." *The Washington Post.* July 31, 1911.

[8] Ibid.

[9] Leup, Frances E. "DEFECTS IN OUR PENSION SYSTEM." *Forum.* Aug 1901; VOL. XXXI,, NO. 6.; American Periodicals, 670

[10] Clark, S. N. "SOME WEAK PLACES IN OUR PENSION SYSTEM". *Forum.* Nov 1898; American Periodicals, 306.

[11] McClintock, Megan J. "Civil War Pensions and the Reconstruction of Union Families." *Journal of American History* 83, no. 2 (September 1996): 456-480.

[12] Deposition of Sally Growles , No. 848. 540. Case of Hester Lancaster. November 20, 1908. Pension Files, National Archives. Deposition of Abram Lancaster, No. 731. 812. Case of Hester Lancaster. February 17, 1890. Pension Records, National Archives. Genderal Affidavit, James H. Hill. Case of Hester Lancaster. March, 1908. Pension Records, National Archives.

[13] Clark, S. N. SOME WEAK PLACES IN OUR PENSION SYSTEM. *Forum* (1886-1930); Nov 1898; American Periodicals 306

[14] Brimmer, Brandi C. "Black Women's Politics, Narratives of Sexual Immorality, and Pension Bureaucracy in Mary Lee's North Carolina Neighborhood." *Journal of Southern History* 80, no.4 (November 2014): 827-858.

[15] Skocpol, *Protecting Soldiers and Mothers*, 107.

[16] Brimmer, "Black Women's Politics, Narratives of Sexual Immorality, and Pension Bureaucracy," 839.

[17] Evans, *Annual Report of the Commissioner of Pensions 1901*, 55.

[18] Ibid.

[19] Smalley, Eugune. "The United States Pension Office." *Century Illustrated Magazine.* Jul 1884; XXVIII, 3; American Periodicals, 427.

[20] Hyde, Henry. "Pension Total Since Civil War $5,000,000,000." *Chicago Daily Tribune.* Apr 29, 1915; ProQuest Historical Newspapers: Chicago Tribune, 13.

[21] Smalley, "The United States Pension Office," 427.

[22] Leup, "Defects in our Pension System."

[23] Ibid.

[24] Ibid.

[25] Skocpol, *Protecting Soldiers and Mothers,* 129.

[26] Leup, "Defects in Our Pension System."

[27] Smalley, "The United States Pension Office."

[28] Evans, *Annual Report of the Commissioner of Pensions 1901,* 38.

[29 J.A. Bentley, *Annual Report of the Commissioner of Pensions,* October 31 1876, 703.

[30] Evans, *Annual Report of the Commissioner of Pensions,* 57.

[31] Ibid.

[32] Ibid.

[33] Skocpol, *Protecting Soldiers and Mothers.*

[34] Smalley, "The United States Pension Office."

[35] Skocpol, *Protecting Soldiers and Mothers,* 145.

THE RACE FOR LOOTED GOLD

Swiss Bank Compliance and Shadow Banking During World War II

Throughout World War II, Swiss banking and financial institutions played a significant role in aiding Nazi Germany with the war effort. Banks held and transported jewelry, rare art, and gold on behalf of their German counterparts. The Swiss National Bank and other financial organizations were responsible for acting as a custodial bank for its clients, no matter their political affiliation or criminal background. In understanding the progression of the war, the operational role of Swiss banks is intrinsically linked to the narrative of how the Nazis were able to finance their wartime machine. This research sheds light on the role of Swiss banks in extending the conflict, as well as addresses international efforts to repatriate looted gold to their home countries.

By Robert Yee
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A crate of rings from prisoners in Buchenwald (1945)
Source: United States Holocaust Memorial Museum

"Curst greed of gold, what crimes thy tyrant power attest."
-Virgil, Book 3: Stanza VIII.[1]

After the invasion of Poland in September 1939, Adolf Hitler, Chancellor of Germany, became cognizant that the Nazis would have had a significantly difficult time funding the war due to the lack of necessary gold. For the German war machine, foreign currency reserves were pertinent for executing the Nazi mission of territorial expansion throughout Europe. Eight months earlier, the President of the Reichsbank, Hjalmar Schacht, had sent a memo to the incredulous Führer in which he stated, "the Reichsbank possesses no more gold or foreign exchange reserves. The deficit of imports over exports is rapidly increasing… The reserves formed by the annexation of Austria… have been used up."[2] Furious at Schacht's allegedly poor planning, Hitler knew

that the only way to fuel the industrial complex of the Third Reich would have been to acquire more gold, a universal medium of exchange that was accepted around the world. Over the years of the war, Germany seized gold reserves from the nations it invaded, with estimates of some $91 million from Austria and $45 million from Czechoslovakia.[3] The point of interest in this 'financialization' process was that the Third Reich's stability and survival relied on consistently acquiring gold to pay for its guns, tanks, and ammunition, thereby extending the conflict in a self-perpetuating process: the Nazis were able to acquire gold from invaded countries, and then use that currency to fund further invasions. More importantly, the need for a safe mode of transportation and safekeeping was necessary for these reserves. The gold would have also had to be secured and deposited in a location where it would be safe from the Allies and other aggressors. Among some speculation and debate, the Nazis decided that the most suitable location for gold reserves was Swiss banks.

According to the records of several international commissions and organizations, such as the later Bergier Commission, major banks of Switzerland, both private and public, accepted German payments and deposits for their services. These institutions were an important hub for the gold trade in Europe, facilitating transactions between Allies and Axis Powers, while at the same time allowing the country of Switzerland itself to remain neutral. While contributing to their normal business operations of accepting deposits and giving loans, these institutions were also instrumental in buttressing the capabilities of Nazi territorial expansion. The transfer of commodities and foreign currency had significant global implications during the Second World War for its ability to prolong the fighting, risking more lives and more assets. For years, the "economic and ethnic ties with its neighbor to the south" crafted a strong bond between Germany and Switzerland.[4] And among all the services rendered, the commodity

The Paris branch of the Lloyds Bank after being converted into a German bank during Nazi (1940)
Source: The British Broadcasting Company

with the greatest impact on financial markets and wartime decisions was gold.

THE ROLE OF SECRECY IN SWISS BANKING: A HISTORY

The origins of Swiss banking can be traced back to the Middle Ages. Small merchant-run shops arose in the cantons of Geneva and St. Gallen. When merchant bankers began expanding their lines of business as a result of increased trade, they soon realized there was a desperate need for credit among their clients, along with derivatives to offset the resulting credit risk. In 1713, the Great Council of Geneva banned banks from revealing client information.[5] Not only were the Swiss inclined to take out more loans and place more deposits, but an influx of foreign business deals made its way into the country. Bank secrecy agreements developed to form strong bonds, whereby a trust was established between principals and agents. The legislation made it a criminal act, subject to heavy fines and imprisonment, for disclosing any information to outsiders due to the importance of maintaining secrecy and anonymity. In essence, a strong relationship was established between banker and depositor, trustee and beneficiary.

The very foundation of shadow banking grew from the idea that the financing of corporations, individuals, and in this case war crimes, could be done without regulatory oversight and strict government inspections. From their roots in the eighteenth century, small merchant banks consolidated and grew in capacity and size. Gradually, shadowing banking evolved from the practice of small loans to individuals, to offering a whole suite of financial services for wealthy individuals, large corporations, and governments around the world. Risky credit exposure to German clients during the 1920s and the later "Paris affair" of 1932 likely were main factors in influencing revisions to the secrecy laws. These events questioned the relationship between banks and their clients, which ultimately made nondisclosure laws more inflexible in Switzerland. In both instances, Swiss bankers made it clear that they wanted to protect the interests of their esteemed clients, and the government played a complacent role in advocating for more legislation.[6] Furthermore, much like lawyers and doctors are sworn into secrecy, bankers identified their role of not providing details on personal or account information as integral to their profession. A codified set of laws to embody this mantra was created in the Banking Act of 1934.[7] The law also created the Federal Banking Commission which oversaw the new legislation, auditing processes, and reorganization of banks in Switzerland.[8] The privacy that it enforced has led many to accuse the institutions of assisting with tax evasion and money laundering. However, these financiers were sworn to "professional secrecy," and thus a

new image of the Swiss emerged.[9] This image was, however, tainted with scandal and immorality during the course of World War II.

NAZI "STOLEN GOLD"
Given the host of economic and political factors that led to Hitler's ascension to power, the Nazis were able to use their influence and connections with Swiss banks to take part in an unprecedented scheme of financial thievery. *Raubgold* ("stolen gold") describes the assets that the Nazis acquired from reserves of conquered territories, including annexed Austria, occupied Czechoslovakia, invaded Belgium, as well

percent to the New York Federal Reserve, and 1.2 percent to the South African Reserve Bank.[13] Upon the Nazi invasion, Belgian military forces were no match for the Germans, and King Leopold III capitulated to the German Wehrmacht on May 28, 1940.[14] The governor of the central bank, Hubert Ansiaux, entrusted British cruisers and French trains with his country's gold, believing it was safer in the possession of the Allies than that of the Axis Powers. However, upon the downfall of Paris on June 17, 1940, Germans forced the French to sign over their assets, including Belgian gold. By 1942, all the gold that was shipped from France had made its way into German territory.[15]

"[T]o procure gold at such high levels required the assistance of Swiss banks, both as a means of transportation and as a safety deposit box."

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the belongings of concentration camps' victims. The Germans directly violated the Hague Convention of 1907, which allowed them to only seize publicly held property, not private assets, of occupied countries.[10] During the invasions of neighboring countries, they prioritized the seizure of bank assets as part of their military campaign. While at the country's central banks, they demanded that the country's gold reserves be sent to the vaults of the German Reichsbank. As indicated, Hitler needed a continual line of reserves for the industrial complex of Nazi Germany. But to procure gold at such high levels required the assistance of Swiss banks, both as a means of transportation and as a safety deposit box.

While the armies of the Third Reich invaded countries through Europe, military officers acquired vast amounts of gold reserves from the Reich's rich neighbors to the west. Holland was one location of mass gold reserves. In Rotterdam, De Nederlandsche Bank attempted to send gold bars worth approximately 125 million Dutch guilders and gold coins worth 41 million to the Bank of England.[11] But while Dutch guards shifted their attention to helping Queen Wilhelmina and the royal family escape the onslaught, the Nazis moved forward with their invasion and seized the city in four days. The German offensive conducted an air bombardment of the city, leading to reports of around 30,000 deaths. Over the next three years, the Nazis consolidated and shipped 192.7 tons of gold back to the central bank in Berlin.[12]

Another one of the Low Countries, Belgium, had sent many of its reserves to southwest France, with around 178 tons of gold transported to Bordeaux and Libourne alone. The government wanted to prevent its fascist neighbors from acquiring mass gold reserves. The Banque Nationale de Belgique was able to evacuate its gold by sending 45.6 percent to the Bank of England, 31.3 percent to the Bank of France, 21.8

Other countries, such as Denmark and Norway, faced situations in which they attempted to evacuate all their gold reserves to the United States, United Kingdom, or Canada and withhold the highly valued commodity from Nazi leaders. Nicolai Rygg, the director of Norway's central bank, began organizing plans for transfers of gold to the Allies. But, similar to their French and Belgian counterparts, the Nordic countries faced a significant amount of losses from the German forces. This gold was transported to German vaults at the Reichsbank or to bank accounts at Bern and Zürich. As a trusted "gold-launderer" for the Nazis, the Swiss accepted truck convoys to deliver gold bars, charging their clients high unloading fees and storage costs.[16] In total, the Nazi initiative was estimated to have stolen $598 million in gold from European central banks, of which at least $200 million were transferred to Swiss banks.[17] In their endeavor to facilitate business operations in the uncertainty of war, the Swiss continued to act as financial instruments of power that contributed to and sustained the Nazi war effort.

Internally, the Nazi mechanisms which led and supported this transfer of wealth, and thereby power, surrounded a well developed plan of Nazi consolidation of gold reserves in the country. Because of its strong value on international markets and its overall universal acceptability, gold was a high agenda item for the Nazis. In order to secure this source, the *Devisenschutzkommando* (Foreign Exchange Protection Commando) operated under the Four-Year Plan to collect valuables throughout the Nazi-occupied neighborhoods, including gold, jewelry, currency, and diamonds. The commission led many "indirect and pseudo-legal expropriations" of Nazi currency reserves and rare art pieces.[18] In particular, the gold was of keen interest to Nazi officials because it could be melted down, sent to Swiss banks, and safeguarded in the deposits of falsified names which were nearly impossible to

trace back.[19] The hand-picked unit also held auxiliary teams who assisted with finding those who hid their valuable possessions, notably in France where the Nazis suspected vast levels of wealth.[20] German high officers saw great opportunities in obtaining other countries' reserves because of gold's global acceptability. These reserves played a key role in fueling the Nazi war machine, including the building of new factories and investment into future research for rockets. As such, Hermann Göring, a leading politician of the Nazi Party, was put in charge of the *Devisenschutzkommando*'s plan in 1936. His goal was to achieve economic self-sufficiency, or autarky, for the German war machine.[21] Since the infertile land of Germany could produce neither significant amounts of raw materials or agriculture, Göring was aware of the necessity of invading surrounding countries.[22] In order to finance these operations, gold was used as an international payment method. Unlike regular currency such as the American dollar, which was becoming increasingly unavailable, and German marks, which have infamously been unable to remain stable on world financial markets, gold maintained its high value throughout the war[23]

Strong relationships between the Swiss and Germans also forged a stable gold trade. By one estimate, about four-fifths of the Reichsbank shipments of gold were arranged with Swiss aid.[24] These personal relationships also existed among many Nazi officers. For example, Göring transferred his personal wealth into private Swiss bank accounts in Zürich and Bern for security and stability.[25] Richard Wendler, head of the Lublin concentration camp, also was reported to have deposited 23 crates of gold and silverware boxes in his own personal Swiss account. And Hitler himself held the royalty earnings from his autobiographical *Mein Kampf* ("My Struggle") in an account at UBS.[26] The influx of gold, along with other jewelry and bank notes, made its way across Germany's southern border via bank accounts for which safety was essentially guaranteed. "Max Heiliger" was the cover name for the account of the entire *Schutzstaffel*, the military organization that committed countless crimes against humanity.[27] Upon arrival, the Swiss occasionally sold the gold belongings to municipal pawnshops and profited from the cash they received in exchange.[28] Gold appeared to hold significant for the Nazi officials for both its value and its ability to allure the interests of individuals at this private level.

Swiss bank participation at both public and private levels was key to the Nazis' success in the initial years of the war. Germans affiliated with the Nazi Party had accounts at the Union Bank of Switzerland (UBS), Swiss Banking Corporation (SBC) and Credit Suisse. These private banks offered professional services to all who were credit worthy and had gold reserves to deposit. Derived from the original Swiss banking secrecy laws, the practice of safeguarding clients' gold became a priority among the major financial institutions. Beginning in 1939, surges of gold entered the bank vaults of Zürich, Basel, Bern, and Lugano.[29] These cities were the

headquarters of major banks and were seen as safe in neutral Switzerland. In 1940, the Germans, who had begun expanding their sphere of influence at an unprecedented rate, could no longer pay other countries in Reichsmarks. Payments to the banks of Spain, Portugal, and Romania had to be in an internationally accepted currency: Swiss Francs or gold.[30] This shift to a more recognized world currency marked a moment in which the Nazis were compelled to obtain even more gold. These could be used for purchasing strategic raw materials and furthering the Reich's balance sheet expenditures.

The Swiss National Bank (SNB), the country's central bank, acted as the main clearinghouse of the Third Reich's operations. About $400 million in looted gold between 1939 and 1945 was fenced, or held, in Swiss deposits at SNB.[31] Teeth fillings and wedding rings were also included in the mix. Mainly Nazi looting units brought in gold ingots and coins among their periodic deliveries. What further escalated the self-perpetuating lucrative trade network was that, the SNB not only assisted in the creation of the Nazi war machine, but also indirectly facilitated the invasions of other countries. The bank acted as an institution of financial dependence for the Nazis, aiding in a mutually beneficial relationship which relied on a stronger Germany. Furthermore, perhaps the very nature of banking secrecy provisions fostered an even stronger relationship between the Swiss bankers and their Nazi clients, wherein the gold reserves were often unidentifiable once deposited.[32] The flights of capital incentivized Swiss bankers to provide more and better services, and while the Germans acquired more capital, they required more custodial services. In turn, a vicious cycle of financial partnerships drove the continent deeper into war. By October 1941, the SNB wanted to centralize the gold trade by imposing exchange controls. This was a pivotal moment in which the Reichsbank no longer worked with small commercial banks, but rather the SNB itself at an even grander scale.[33] The consolidation of Nazi gold into one institution ensured the stability of a more centralized method of gold looting and safekeeping throughout the war.

BACKLASH FROM THE GLOBAL COMMUNITY

Yves Bréart de Boisanger, the governor of the Banque de France, stated that the Swiss had little choice in matters of financial compliance: "The Swiss National Bank accepts gold from all countries and transmits it to all countries. It would be impossible to refuse to accept gold from one particular country. That would conflict with Switzerland's neutrality."[34] Others who have also taken the side of Switzerland have stated that the Swiss were pressured to accept deposits for fear of a Nazi invasion, as was possible in the proposed Operation Tannenbaum. Switzerland, a country whose main export is financial services and capital loans, lacked natural resources that could have ensured self-sustainability; the Germans could have easily blockaded railways and starved the country if it had chosen to do so.[35] Yet, other scholars and historians have not been so understanding of Swiss cooperation with

"Europa Zukunfstkarte" (Future Map of Europe)
Source: Wikimedia Commons

the Nazis. They point to how bankers often enthusiastically accepted payments, and went out of their way to open Nazi deposits. By nature of the profession, bankers benefited from the more accounts and the more wealth deposited at their employer, so it seemed clear that there was some type of self-motivating aspect to the European gold trade. Credit Suisse and UBS, perhaps influenced by corporate greed or loyalty to their clients, were willing to help their neighboring partners.[36] The banks of Switzerland were motivated by the financial gains from the larger German client base.

These historians have also cited the instrumental importance in non-gold related trade in which Switzerland, acting as a nominally neutral nation, aided in the Nazi war effort. Switzerland engaged in other non-financial campaigns which further perpetuated the Europeans into war. In particular, once the Germans began Operation Barbarossa in June 1941, the Swiss government contributed to the wave of doctors sent to the eastern front.[37] Dr. Hans Heinz Arns from Berne was one of those physicians who aided the Swiss Red Cross personnel in Smolensk. The goal of the coalition of thirty doctors, forty nurses, and administrative staff was to "care

for German wounded at the front."[38] In addition, art houses in Switzerland were cooperative in smuggling stolen art into the country. Hans Wendland was a German lawyer and art agent who first moved to Basel in 1920, then later Lugano in 1926. He suggested a scheme in which the Nazis could bring their art to the German embassy in Bern, transported to local Swiss galleries, and from there they could be held. Along with other art collectors, Wendland was able to bypass strict Swiss custom laws and bring in the numerous works of art of Degas, Matisse, Picasso, Renoir, and Sisley.[39] By these factors, historians have argued that the Swiss were not simply complacent in being a neutral banker for gold-looters, but also sought to strengthen the German military offensive so as to keep the prospect of war, and thereby the influx of gold into their banks, stable.

After the European theater's major turning points, such as at the Battle of Kursk, German officials proceeded to evacuate gold and currency from Berlin in March 1945. Aware of General Patton's invading forces from the west, the Nazis had difficulty moving large amounts of gold quickly. Thus, they began to focus on moving approximately 450 sacks of pa-

per reichsmarks from the Reichsbank.[40] With the prospect of a losing war now inevitable, by late March the gold operation was accelerated. Gold was placed on a higher priority, as Jeeps with trailers were loaded with ingots previously hidden in the vaults of the banks. Convoys of trucks, machine-gun platoons, and infantrymen fled the city.[41] It was clear that after a war, national currencies could become volatile as they had during the hyperinflationary period of the prior Weimar Republic. Gold was seen as not only an item of luxury and fortune, but also one that could have retained its store of value beyond the war. Nearing the end of the war, the looted gold was sent to banks in Zurich, a centralized location for deposits and the SNB. Headed by Laughlin Currie, the SNB attempted to cease operations in March 1945 when Western Allies put pressure on Swiss government officials to stop their financial services. Although this blockade was enacted at the administration level, by April, gold still circulated the country via the "Puhl Agreement," named after the vice president of the Bank of International Settlements, which deemed that gold sales should be accepted to pay off insurance services that the Swiss provided.[42]

Swiss culpability may have been easy to assign, but were other countries as involved as well? Founded in 1930, the Bank of International Settlements (BIS) was a quasi-public institution designed to assist with German repayments from World War I. In its first annual report, it noted its heavy involvement with assistance for international financial operations and capital movement in "opportunities for constructive service."[43] Yet over time this role changed, and soon it acted more as a gentlemen's club for bankers. Key bankers met at monthly meetings to discuss the economic states of the member countries of the BIS. In attendance were both Allied and Axis Powers, including representatives from France, the United Kingdom, the United States, Japan, and Germany. According to one historian, the organization "was a central transmission place where deals were struck. And that is what kept money flowing into Nazi coffers."[44] Board members included major Reichsbank economists including president Walther Funk and vice president Emil Puhl, along with their foreign counterparts. In essence, the major world powers collaborated on business deals that promoted the flow of looted gold. Not only were the Swiss involved, but all central bankers in attendance directly or indirectly contributed to the Nazi cause.[45] But by the end of the war, the Swiss contributed heavily to the processing of looted gold, and they have faced considerable backlash from international communities and organizations, including the World Jewish Organization. Under geopolitical pressure, financial secrecy laws were under threat with the rise of numerous commissions which sought to delve deeper into Switzerland's dormant accounts. To this day, remnants of Nazi gold are continually found throughout Europe, showing the remnants of the Nazi regime's financial impact on Europe.[46]

Another organization that sought to uncover the volume and results of assets in Switzerland during the second World War is the Independent Commission of Experts (ICE). Also called the Bergier Commission and established by the Swiss Parliament on December 13, 1996, the investigative work of the group studied the behavior and actions of Swiss bankers during the war. Among other accusations, the group found that gold transactions during the war, from both Holocaust victims and stolen central bank reserves, reached close to two billion francs. Other parts of the report concentrated on dormant accounts of deceased victims, as well as other war crimes.[47] However, the gold seized by the Nazis contributed to the massive flow of capital that allowed them to finance their war efforts. The SNB alone contributed to $389 million in gold bars, while commercial banks provided services that was worth around an additional $61 million.[48] Melted gold bars, along with the secret agreements that existed in Zürich, make precise valuations impossible; yet it is clear that the Swiss had a substantial stake in the Nazi war machine, so substantial that it profited from it greatly for decades.

International organizations emerged to identify the role of banks in aiding the Nazi war effort, while also seeking to correct the injustices of illegal seizure of gold from both central banks and ordinary citizens. The Tripartite Commission for the Restitution of Monetary Gold was another post-war institution that sought to recover gold from Nazi Germany. Headquartered in Brussels, the Tripartite Gold Commission helped claimant countries file and process their gold demands. Switzerland alone was responsible for payments to the pool, with its first contribution in 1947 of some $58 million in gold (approximately 51.5 metric tons).[49] Defined as "all gold which, at time of its looting or wrongful removal, was carried as part of the claimant country's central bank or other monetary authority at home or abroad," the wealth that the Tripartite Commission sought to bring back to their rightful owners became part of the international efforts to restore the wealth back to pre-war levels.[50] Of course, other countries were also at fault for their acceptance of gold payments, including the United States and the United Kingdom, whose banks allegedly held a similar complacent role in transferring and safeguarding gold.[51] In the end, no country received all the gold it had claimed to have lost, and the maximum amount of reimbursement stood at 58 percent.[52] But the international backlash against banks branded an image of Switzerland as compliant in the Nazi war efforts and integral to the reshaping of the maps of Europe.

In 1995, President Kaspar Villiger stated that the Swiss felt "a considerable burden of guilt for the treatment of Jews by our country."[53] Both the loss of life and the loss of gold, he believed, were part of the terrible tragedy that befell the continent of Europe. The government of Switzerland took part in the creation of a new international monetary framework where its role was to continue as the home of financial institutions which supported the world's financial system. As part of this framework, Switzerland became a member of

Swiss National Bank headquarters in Bern
Source: Wikimedia Commons (2005)

CONCLUSION

Surrounded by the Bernese Alps to the West and Appenzell Alps to the East, the cantons of Switzerland, notably the major cities of Bern and Zürich, seemingly physically distant from the war, became entangled in a web of fraudulent financial crimes and Nazi cooperative operations. Since 1934, when banking secrecy laws were solidified, the Swiss were deeply involved with affairs of accepting and processing payments of plundered gold. Although some historians report that the Nazis did not need the Swiss, for any neutral country would have provided financial services to the hostile and demanding Nazis, the shadow banking centers in the major cities of Switzerland developed into a well-established safe hub for Nazi assets, contributing to the illegal flow of goods and services throughout central Europe.[56] Legal issues have continued to plague the Swiss Confederation, which has paid 250 million francs in restitution for gold transaction crimes, about half of which from the SNB, according to the Washington Agreement in 1999.[57] This figure may even be an underestimated value due to the inability to prove culpability among all banks and how much of the gold reserves can accurately be traced back to Nazi stolen gold directly beyond a shadow of a doubt. The amount of gold and wealth that was transferred from the German Reichsbank to the SNB may never be known with certainty. Yet through an in-depth analysis of the financial state of the pre- and post-war countries, it appears evident that the Germans and Swiss formed an ad hoc agreement to aid one another in their goals, thereby extending the length of the war through banking complacency. Throughout the war, the Third Reich financed its industrial war machine by taking advantage of the secrecy laws and close banker relations it held with its counterpart to the south. Notably, due to this compliance, the Reich was able to operate for as long as it had throughout World War II. In this endeavor, the Germans relied heavily on Switzerland for its secrecy laws, the opportunities for transporting and safeguarding wealth, and the integral importance of using gold as a means for perpetuating their war machine. 🏛

international groups, such as the International Monetary Fund, World Bank, and International Bank for Reconstruction and Development, as part of its initiative to obtain an improved public image. However, they were unable to escape the reality of their culpability in the war. One report by the Historical Commission estimated that some 76 percent of Nazi gold transactions went predominantly through Swiss private banks. International critics have accused Switzerland of accepting deposits of stolen gold coins and jewelry from Holocaust victims as well. These estimates believe that over $60 million in gold transactions passed through commercial banks, and over $380 million through the SNB alone, although estimates even by today's numbers have been difficult to verify.[54] Other evaluations have been even higher in recent years.[55] The context of understanding Swiss involvement in Nazi affairs has been part of new initiatives to retell the history of the twentieth century through the narrative of banks and financial institutions.

Endnotes

[1] Ed. Ernest Rhys, *The Aeneid of Virgil. Project Gutenberg*, May 28, 2006, http://www.gutenberg.org/files/18466/18466.txt.

[2] *Memorandum from Schacht to Hitler*, January 7, 1939; Jean Ziegler, *The Swiss, the Gold, and the Dead: How Swiss Bankers Helped Finance the Nazi War Machine* (Orlando, FL: Harcourt Brace & Company, 1997), 37.

[3] In 1939 US dollars; George M. Taber, *Chasing Gold: The Incredible Story of How the Nazis Stole Europe's Bullion* (New York, NY: Pegasus Books, 2014), 440.

[4] Taber, *Chasing Gold*, 376.

[5] Matthew Allen, "History bites back at Swiss private banking," *SwissInfo: Business*, 22 Feb 2013, www.swissinfo.ch/eng/roots-of-wealth_history-bites-back-at-swiss-private-banking/35033852

[6] Robert U. Vogler, "Swiss Banking Secrecy: Origins, Significance, Myth," *Association for Financial History*, 2006, 21-22 http://www.finanzgeschichte.ch/Vogler%20Swiss%20Banking%20Secrecy.pdf

[7] Ray Dutton, *Financial Meltdown* (Prenton, United Kingdom: InfoDial, 2009), 181, https://books.google.com/books?id=KEJeCQAAQBAJ

[8] Taber, *Chasing Gold*, 62.

[9] "Swiss Federal Law on Banks and Savings Banks," *KPMG: Audit Financial Services, Legislative Texts. Article 47*. http://www.kpmg.com/CH/de/Library/Legislative-Texts/Documents/pub_20090101-BankA.pdf

[10] Isabel Vincent, *Hitler's Silent Partners: Swiss Banks, Nazi Gold, and the Pursuit of Justice* (New York NY: William Morrow and Co., 1997), 104.

[11] Taber, *Chasing Gold*, 216.

[12] Ibid., 220-223; Often this gold was melted down and reshaped, thereby removing the traces of from which bank it came from. Such figures are difficult to estimate.

[13] Ibid., 231.

[14] Ibid., 235.

[15] Vincent, *Hitler's Silent Partners: Swiss Banks, Nazi Gold, and the Pursuit of Justice* (New York NY: William Morrow and Co., 1997), 107.

[16] Ibid., 69.

[17] Ibid., 431, 440.

[18] "Switzerland, National Socialism and the Second World War - Final Report," *Independent Commission of Experts Switzerland - Second World War* (2002), 348. www.swissbankclaims.com/Documents/DOC_40_Bergier%20Final.pdf; Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York, NY: Alfred A. Knopf, 1994), 107.

[19] Taber, *Chasing Gold*, 69.

[20] Adam Lebor, *Hitler's Secret Bankers: The Myth of Swiss Neutrality* (Secaucus, NJ: Carol Publishing Group, 1997), 35.

[21] "Hitler's Confidential Memo on Autarky (August 1936)," *GHDI: Nazi Germany (1933-1945), Documents - Economy and Labor*, 1.

http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=1551

[22] To pay for weapons and chemicals in the war, Germans demanded raw materials such as Romanian oil, Portuguese and Spanish tungsten, Turkish chromium, Swedish iron ore, and more; Taber, *Chasing Gold*, 376.

[23] Hans J. Mast, "Swiss banking in the Second World War," in *Credit Suisse Group Banks in the Second World War: A critical review*, ed. Joseph Jung (Zürich, Switzerland: Neue Zürcher Zeitung Publishing, 2002), 221.

[24] "Switzerland, National Socialism and the Second World War," *Independent Commission of Experts Switzerland*, 238.

[25] Ziegler, *The Swiss, the Gold, and the Dead*, 44.

[26] Vincent, *Hitler's Silent Partners*, 119.

[27] Lebor, *Hitler's Secret Bankers*, 43.

[28] William L. Shirer, *The Rise and Fall of the Third Reich: A History of Nazi Germany,* Fiftieth Anniversary Edition (New York, NY: Simon & Schuster, 2011), 973.

[29] In addition with the Nazis, Swiss bankers also began to accept deposits from clients including Mobutu, Ceausescu, Hassan II, Saddam Hussein, and other despotic rulers around the world; Ziegler, *The Swiss, the Gold, and the Dead*, 19.

[30] Ziegler, The Swiss, the Gold, and the Dead, 67; Robert Vogler, "The Swiss National Bank's gold transactions with the German Reichsbank from 1939 to 1945," *Swiss National Bank: Reference*, 3, http://www.snb.ch/en/mmr/reference/snb_gold_ww2_vogler/source/snb_gold_ww2_vogler.en.pdf

[31] Vincent, *Hitler's Silent Partners*, 105.

[32] Ibid., 109-110.

[33] "Switzerland, National Socialism and the Second World War," *Independent Commission of Experts Switzerland*, 239.

[34] Ziegler, *The Swiss, the Gold, and the Dead*, 76.

[35] Vincent, *Hitler's Silent Partners*, 114.

[36] Lebor, *Hitler's Secret Bankers*, 63.

[37] "Switzerland, National Socialism and the Second World War," *Independent Commission of Experts Switzerland*, 91.

[38] Laurie R. Cohen, *Smolensk Under the Nazis: Everyday Life in Occupied Russia* (Suffolk, United Kingdom: Boydell & Brewer, 2013), 108-109.

[39]"Post-War Reports: ALIU Detailed Interrogation Report: Hans Wendland," *Looted Art*, Sep 18, 1946, http://www.lootedart.com/MFV7J127611; Wendland was later arrested in April 1946; Nicholas, *The Rape of Europa*, 165-169.

[40 Nicholas, *The Rape of Europa*, 312.

[41] Ibid. 335.

[42] "Switzerland, National Socialism and the Second World War," *Independent Commission of Experts Switzerland*, 241.

[43]Adam Lebor, *Tower of Basel: The Shadowy History of the Secret Bank that Runs the World* (New York, NY: PublicAffairs Books, 2013), 25.

[44] "Swiss Gnomes and Global Investing," *Swiss Guard International: Swiss Annuity*, 17.

http://www.swiss-annuity.com/pdf/secrets_of_the_great_investors.pdf

[45] Ibid., 16.

[46] Annabelle Chapman, "Legend of the Nazi Gold Train," *The Daily Beast*, 23 Aug 2015. www.thedailybeast.com/articles/2015/08/23/legend-of-the-nazi-gold-train.html

[47] Other controversy involved the dormant accounts of Holocaust victims that were not allowed to be accessed unless a death certificate was provided. Of course, concentration camps did not provide such certificates for those they brutally murdered; "Switzerland, National Socialism and the Second World War," *Independent Commission of Experts Switzerland*, 241.

[48] Matthew Teller, *The Rough Guide to Switzerland* (New York, NY: Penguin Group, 2010).

[49] William Z. Slany, "U.S. and Allied Efforts To Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II: Preliminary Study", *Department of State*, May 1997, 181. https://fcit.usf.edu/holocaust/resource/gold/gold.pdf

[50] Ibid., 174.

[51] Stewart Ain, "US admits to melting gold of Nazi victims," *JWeekly*, December 5, 1997, www.jweekly.com/article/full/7177/u-s-admits-to-melting-gold-of-nazi-victims/

[52] James A. Leach, *The Eizenstat Report and Related Issues Concerning United States and Allied Efforts to Restore Gold and Other Assets Looted by Nazis During World War II* (Collingdale, PA: Diane Publishing, 1999), 224. https://books.google.com/books?id=k74tQLDlWgUC

[53] "The Role of Swiss Financial Institutions in the Plunder of European Jewry," *PBS: Frontline*, 1996, www.pbs.org/wgbh/pages/frontline/shows/nazis/readings/sinister.html

[54] "Swiss confirmed as main Nazi bankers," *BBC News: World*, December 1, 1997, http://news.bbc.co.uk/2/hi/35938.stm

[55] Vincent, *Hitler's Silent Partners*, 105.

[56] Hans J. Mast, "Swiss banking in the Second World War," in *Credit Suisse Group Banks in the Second World War: A critical review*, ed. Joseph Jung (Zürich, Switzerland: Neue Zürcher Zeitung Publishing, 2002), 217.

[57] "Switzerland, National Socialism and the Second World War," Independent Commission of Experts Switzerland, 241; This figure does not include jewelry and stolen property reparations.

THE MAKING OF A NATIONAL LIBRARY

The Library of Congress as a Cultural Product of the Late-Nineteenth Century

This paper explores the transformation of the Library of Congress from simply a reference library for the legislature into the national library of the United States. It argues that this process was the product of American culture in the late nineteenth century and analyzes the rhetoric and methods—particularly the passage of the Copyright Law of 1870 and the construction of a separate Library of Congress building—used to create the institution's status as a national library.

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"To refuse to our public an insight into the colossal array of knowledge which the human mind has accumulated and still gathers together… would not only be antagonistic to our free institutions, but directly in discord with the spirit of the age."
- John Smithmeyer, Architect of the Library of Congress Building, 1881

Today the Library of Congress serves as the de facto national library of the United States and a repository of American knowledge and culture. When it was founded in 1800, however, it was simply a library of Congress—a legislative reference library—and while it still retains that function, the scope of its collections and services have grown exponentially since its founding. This paper explores the transformation of the Library of Congress from simply a legislative library into the national library of the United States. This process occurred during Ainsworth Rand Spofford's tenure as Librarian of Congress from 1864 to 1897, and he was instrumental in establishing the institution's status as the national library. I argue that Spofford's key accomplishments, the Copyright Law of 1870 and the construction of a separate Library of Congress building between 1886 and 1896, were inextricably linked with the broader culture of late nineteenth century America. Without this cultural context, the Library would not have become the national library of the United States. The paper begins with an overview of the antebellum Library, which demonstrates its limited scope relative to the institution's later expansion while recognizing developments during the period that contributed to its national character. I then move to a discussion of the Library under Spofford's direction, examining the rhetoric used to promote and disseminate the idea of a national library to Congress and the nation. Next, I connect this rhetoric to the larger growth of public libraries in the United States, with both the Library of Congress and municipal libraries presented as instruments to provide "culture" to the American public. These establishments propagated a unified and homogenous defi-
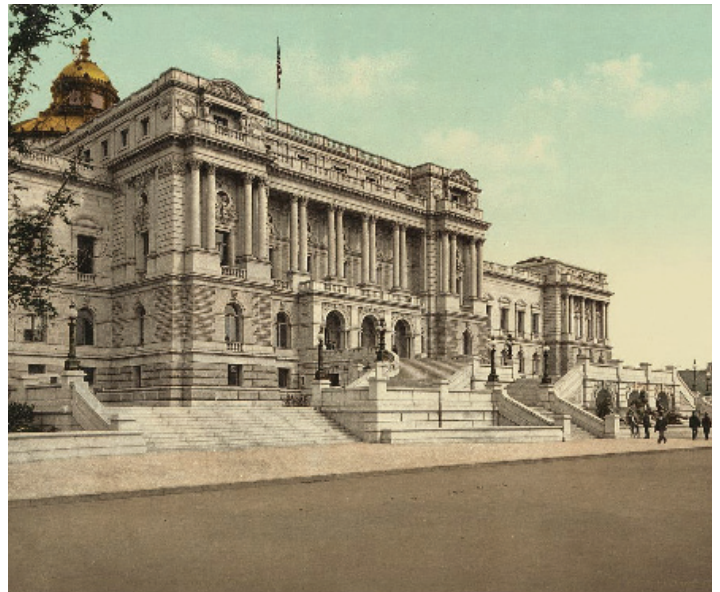
West façade Library of Congress (c. 1898)
Source: Library of Congress, Prints and Photographs Division

nition of American culture ordained by an intellectual elite, who hoped that doing so would firmly establish America as a western civilization. The final section of this paper analyzes the construction of a separate Library of Congress building, which was used—particularly through its interior decorations—as a pedagogical tool to further advance a westernized definition of American culture by giving the American public "an insight into the colossal array of knowledge which the human mind has accumulated and still gathers together."[1] Thus, the transformation of the Library of Congress into America's national library was a direct manifestation of the "spirit of the age," coupling the nation's nationalistic ambitions with its faith in the power of public institutions to cultivate learning and culture.[2]

THE ANTEBELLUM AND WARTIME LIBRARY
For the first decades of the Library of Congress's existence, it served solely as a legislative library with limited collections and scope. The Library of Congress was established on April 24, 1800, by an act signed by John Adams to provide "such books as may be necessary for the use of Congress"; reflecting this limited purpose, the Library was housed within the Capitol building in close proximity to the U.S. legislature.[3] John Cole, Historian of the Library of Congress, affirms that the Library was not extensively used in this period, but also argues that three developments in the antebellum period established the Library's national character. First, it was created and operated by the *national* legislature; secondly, it was the first library of the American government, which all branches of the federal government and the general public could access since 1812; third, its collection was widely expanded in 1815, when it bought Thomas Jefferson's 6,487 volume personal library.[4] The original collection, largely destroyed during the War of 1812, consisted exclusively of legal and historical works, but Jefferson's was far more expansive and provided "a most admirable substratum for a National Library."[5] The purchase underscored its proponents' desire for American cultural institutions separate from those of Europe, but it was not overwhelmingly supported, with the bill authorizing the purchase passing in the House of Representatives by a narrow margin of ten votes. Generally, congressmen during this period viewed the Library as an exclusively legislative library, not a separate institution operating as a national library for the people.[6] Attesting to this view, an 1817 proposal in Congress for a separate building for the Library was defeated in the House of Representatives, despite being supported by then-Librarian of Congress George Watterson.

In the early 1850s, there was a small movement to establish a national library at the Smithsonian Institution, led by its librarian Charles Jewett. However, the Smithsonian's secretary, Joseph Henry, opposed this movement--believing that the Institution should focus on research instead--and effectively ended it by firing Jewett in 1854. While unsuccessful in establishing a national library at the Smithsonian, Jewett's advocacy fostered a latent desire for such an institution in the United States. In the late 1850s, tensions over slavery superseded the nationalist sentiments which would later advance the creation of an American national library. Nonetheless, changes in the Library's administration during the Civil War provided a basis for its later growth. President Abraham Lincoln appointed John Stephenson as Librarian of Congress in 1861; Stephenson served as Librarian until 1864 and chose Ainsworth Rand Spofford as his assistant librarian. Spofford was chosen as Stephenson's replacement, and during his tenure from 1864 to 1897 he provided the impetus for transforming the Library of Congress into the national library of the United States. Spofford's first year was an auspicious start to this endeavor, with "the Library of Congress mov[ing] closer toward assuming the role of national library [in the first sixty-four days of 1865] than at any prior time,"

primarily through a bill passed on March 3, 1865 which afforded funds for the Library to enlarge its quarters within the Capitol building.[7] Another major development came in 1866, when Joseph Henry transferred the Smithsonian Institution's entire library to the Library of Congress. These expansionary endeavors would prove to be important precursors to Spofford's later accomplishments in establishing the Library of Congress as America's national library.

NATIONALIST AMBITIONS AND THE COPYRIGHT LAW OF 1870
Following the Civil War and Reconstruction, strained antebellum relations gave way to a sense of national prosperity and unity among politicians in Washington D.C. The development of the Library of Congress as a national library was part of a "distinctly American epoch in world history that emerged after the Civil War with the final declaration of economic and cultural independence from Europe," in which "westward expansion and its simultaneous industrialization would have been readily understood as evidence of national progress and social evolution."[8] During this period, the United States also witnessed a "shift in national ambitions from the settlement of new territories to the expansion of the mind," a concept of civilization that was furthered by the establishment of a de facto national library.[9] Spofford took advantage of the era's nationalist sentiments to advance his vision of the Library of Congress as a national library which would help the country gain intellectual and cultural preeminence in western culture. The cornerstone of this project was the Copyright Law passed on July 8, 1870, which centralized all copyright activities at the Library and required a copy of every copyrighted work in the United States to be deposited there. By passing this law, Spofford argued to Congress, the legislature would provide a repository of American culture which would be "an invaluable aid to thousands" because "the Public intelligence and welfare are promoted by every extension of the means of acquiring knowledge."[10] The Copyright Law consolidated the vast majority of material published in America into what Spofford called "one truly great and comprehensive library, worthy of Congress and the nation."[11] The law essentially resolved the debate over which institution would serve as America's national library, although earlier developments, like the Smithsonian's transfer of its collection to the Library of Congress, provided a firm foundation for the Library's de facto designation as the national library of the United States.

This status was not simply conferred on the Library by Congress; rather, newspapers and periodicals helped to propagate the concept of a national library to the nation it was intended to serve and established its legitimacy in the cultural imagination. Newspapers shared Spofford's views with a larger audience, disseminating the idea that "the Library of the Government must become, sooner or later, a universal one."[12] They published histories of the Library which discussed early developments in its history through the lens

"A drawing of the Library of Congress" (c. 1896)
Source: Library of Congress, Prints and Photographs Division

of its newfound status as the national library, describing the purchase of Jefferson's personal library as "a good basis for a public library which might become worthy of the country" and his reference to the Library "with a sort of prophetic instinct [as] the 'Library of the United States.'"[13] These histories implied that the national library status of the Library of Congress was envisioned by the nation's founding fathers, thereby giving it political legitimacy. Newspapers praised the accessibility of "a library rather for the masses than for students," which fulfilled Spofford's vision of the Library as "the intellectual centre of a great capital" where journalists, architects, scientists, lawyers, clergymen, poetry enthusiasts, and genealogists from across the country could use the Library alongside their legislative representatives.[14] Moreover, admission to the Library was not limited by race, as students of historically African American Howard University had access to "several large libraries…among them the Congressional Library of the Capitol" and access to the Library of Congress was promoted as an opportunity available to the whole of the American public.[15] Through these arguments, newspapers helped to change the cultural conception of the Library of Congress into that of a national library for the use of all Americans, rather than simply a legislative library used only by Congress.

In both Congressional acts and newspaper articles, the Library of Congress was linked to an intellectual literary tradition in western society which began with the libraries of ancient Greeks and Egyptians, extended through the national libraries of Europe, and would ideally culminate in the Library of Congress itself. The *Atlanta Constitution* argued that "in the progress of the world's civilization no one will

fail to admit that its greatest impetus has been in the circulation of literature," elevating libraries as a whole as paragons of culture and vehicles of its expansion.[16] The *Chicago Tribune* posited that "the British Museum is the model of all countries in respect to literature" and that the Library of Congress should model itself on the precedent set by Britain's national library.[17] During this period, however, the Library was "wofully [sic] inferior both in size and in character compared with the great National libraries abroad," and in 1884 it ranked fifth in size among national libraries worldwide.[18] While the Library of Congress was rhetorically elevated to a lofty position at the apex of western civilization, this position was conveyed as a goal rather than a well-established reality. The promotion of the Library of Congress, then, served both to construct a cultural image as the national library of the United States and to encourage the advancement of that role through an expansion in the Library's scope and scale.

## RISE OF PUBLIC LIBRARIES AND THE ROLE OF A NATIONAL LIBRARY

In the late nineteenth century, the profession of librarianship and public libraries emerged across the United States, a movement that both shaped and was shaped by the Library of Congress. The American Library Association (ALA), founded in 1876, was a professional organization which allowed its members to share ideas about the roles and methods of librarianship; its founding reflected the professionalization and growth of the field in the post-war era.[19] Members of the ALA were part of an intellectual elite who, "in their efforts to fashion the nation into a civilization, posited that freely accessible and ever-dynamic city libraries—and indeed, a great national library such as the Library of Congress—would,

along with the achievements of great poets, foster Culture."[20] Newspapers encouraged Americans to "take on stronger growth in knowledge and embrace better means of self-improvement [through] our libraries," encouraging individuals to use the resources afforded to them by public libraries and especially the Library of Congress, "our national center of accumulated literature [in which] is found to exist the means of applying the most useful knowledge."[21]

Like public libraries, the Library of Congress was viewed as a channel through which the American public could become educated and cultured in a manner befitting the ambitions of the nation's elite. The Joint Congressional Committee on the Library of Congress argued for an increase in the Library's scope because "in books alone can be found the history and the philosophy of national growth…to a people self-governed, culture is a prime necessity" and financing the Library's growth would expand the reach of "culture" on a national level.[22] Thus, as increasing numbers of professional librarians advocated for the dissemination of knowledge to Americans through public libraries, their arguments were also applied to the expansion of a national library at the Library of Congress.

Librarians did not believe, however, that the general public should be given unfettered access to cultural materials; instead, they thought reading should be a disciplined activity following the precepts outlined by librarians themselves. To this end, librarians published readers' guides—including Frederic Perkin's 1872 *The Best Reading* and Spofford's own *A Book for All Readers*, published in 1900—which included several key tenets for readers: "read with a purpose, read systematically and widely, digest what you read, and read with discrimination" and thus worked to shape the methods through which Americans consumed literature. Nineteenth century librarians also influenced Americans' choice of books; as apostles of culture, they helped the public "read with discrimination [by steering] readers away from morally questionable or aesthetically inferior books and toward other and improving reading, thus fulfilling the true function of the library as an educator."[23] Driven by a "pragmatic idealism in education and politics," America's librarians helped to establish "politico-cultural distinction as well as homogeneity over the subcontinent," hoping to ensure that American ideas about culture would be viewed through a single, librarian-sanctioned lens.[24] By defining which books constituted acceptable reading practices, these self-selected arbiters of culture worked to create a literary canon that would legitimize and elevate American intellectual achievements into a culture worthy of a great civilization.

Spofford's writing reflected this larger attitude, and he used his authority as Librarian of Congress to promulgate the merits of selectivity in library collections to a nationwide audience in his *A Book for All Readers*. Seemingly paradoxically, he simultaneously advocated for the Copyright Law of
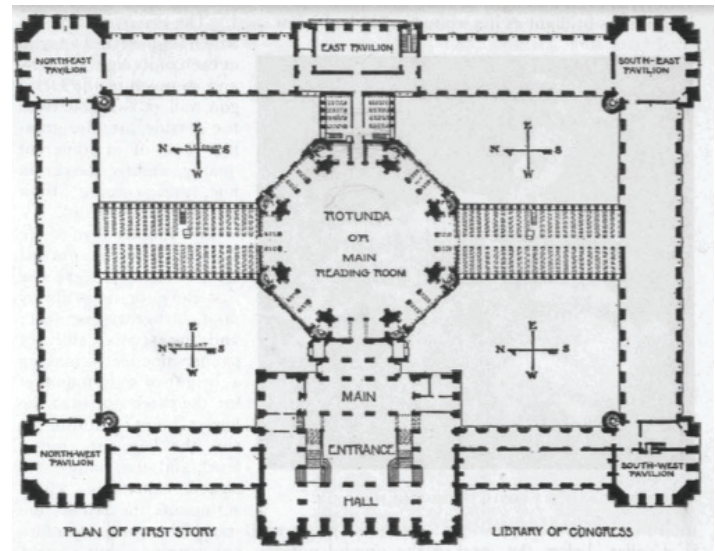
"Smithmeyer & Pelz, *Floor Plan of the Library of Congress*"
Source: Handbook of the New Library of Congress, 1897

1870, which created almost universal inclusion within the Library of Congress of every book published in the United States. Spofford argued that "one comprehensive library—inclusive and not exclusive—should exist, because all other libraries must be in a greater or less degree exclusive."[25] This argument placed the national library within the larger movement for public libraries as directors of their users' literary development, positing that the inclusion of "perpetual evidence of [the nation's] literary history and progress—or retrogression, as the case may be" should be the function of the national library, not of local public libraries.[26] By designating this responsibility to the Library of Congress, Spofford allowed public libraries to focus on shaping and refining the literary tastes of the American public. Therefore, his arguments for the creation of a comprehensive national library through the Copyright Law of 1870 were framed within the broader movement for public librarians to define the literary consumption of the nation.

THE NEW LIBRARY OF CONGRESS BUILDING AS A NATIONAL MONUMENT

After the passage of the Copyright Law of 1870, the Library of Congress amassed a volume of copyrighted material that far exceeded its quarters in the Capitol building. It quickly became evident that a separate library building—or a massive addition to the Capitol—was a spatial necessity, but Congress did not unanimously agree on the best way to provide new space for the Library. Spofford and the Joint Committee on the Library of Congress advocated for a separate building that would allow for the future expansion of an institution "which is fast becoming a just source of pride to American citizens."[27] A competition for the design of a new building was authorized by Congress in 1873 and won by architects John Smithmeyer and Paul Pelz. However, after visiting European national libraries in 1874, the chairman of the

Committee on the Library, Senator Timothy Howe, decided that the 1873 design was too small and plain and should be replaced by a design "more in keeping with the standing of our nation among the great powers."[28] While the Committee deliberated over the placement and design of the new building, other congressmen continued to advocate for an expansion of the Capitol rather than a separate building, causing the debate to stretch on for over a decade. Ultimately, after consulting architects and landscape architects, a separate library building was approved in 1880 for a site facing the east façade of the Capitol building, and debates narrowed to focus on the design of the new building.

The design of the new Library building was highly contested by professional librarians, architects, and congressmen, all of whom had strong opinions on the proper function of the building as the home of America's national library. Smithmeyer and Pelz's original Italian Renaissance plan was, per Spofford's specifications, modelled on the British Museum, with a domed central reading room surrounded by three main stack corridors and an entrance pavilion. The British Museum was a relatively recent precedent, with its reading room, a "supreme, and highly influential, public manifestation of this triumphant autarchy of the national research library" completed in 1857.[29] The façade of its design was modelled on the Garnier Opera House in Paris, completed from 1861 to 1875, and the choice of these two architectural precedents revealed the ambitions of the United States to establish a national culture comparable to those of Britain and France. The Committee on the Library supported this general symbolic purpose, but requested various alternate designs—French Renaissance, Romanesque, Gothic, German Renaissance—from Smithmeyer and Pelz, which, although drawing from a variety of sources, all revealed a desire to position the Library of Congress building within an architectural history that would symbolically connect it to its European predecessors. At the same time, many professional librarians—most notably Frederick William Poole, librarian of the Chicago Public Library—spurned monumental library architecture entirely, instead advocating for a functional design for the Library building with the "same secular common sense and the same adaption of means to ends which have built the modern grain elevator and reaper."[30] Spofford rejected this suggestion, arguing that the design of "a library building of national importance [should not be] dwarfed to the dimensions of a prolonged series of packing boxes."[31] Ultimately, the Committee decided that Smithmeyer and Pelz's Italian Renaissance design provided an ideal combination of extensive book storage, room for expansion, and monumental architecture befitting what they hoped would become the nation's preeminent cultural institution, and construction on the building began in 1886.

Along with the symbolic impact of its architecture, the design of the new Library of Congress building provided for its function as a center of public education, acting as a permanent counterpart to the cultural expositions of the late nineteenth century. As "a conspicuous symbol of the young nation's purpose, of its cultural and scientific achievements, and of the importance it placed on the free dissemination of knowledge and information," the new building provided a physical manifestation of America's commitment to its nation's culture.[32] Moreover, Smithmeyer and Pelz's design created exhibit halls in the building's four corner pavilions, which would provide "our public an insight into the colossal array of knowledge which the human mind has accumulated and still gathers together."[33] This function echoed that of contemporary fairs, like Philadelphia's 1876 Centennial Exhibition and the 1892 Columbian Exposition in Chicago, which literally exhibited various technological and cultural achievements to the general public. When the building opened in 1896, contemporary writers drew parallels between the painting, architecture, and sculptures found at these exhibitions and the "similarly comprehensive scheme of decoration" at the Library, which they referred to as "a national monument of art [that] marks an epoch in our history."[34] Furthermore, both these cultural exhibitions and the Library building demonstrated modern marvels of technology, most notably at the Library building in its innovative use of bookstacks (as opposed to bookshelves) and pneumatic tubes for carrying messages to Congress. Contemporary handbooks on the building described its decorations and functions for those who could not visit it in person, giving it a national influence far beyond its physical location in Washington.

The exhibitory nature of the new Library building was also reflected in its extensive and lavish interior, which was intended to glorify American cultural achievements and in doing so define which artists were legitimate representations of the nation's culture. The building's interior decoration scheme was coordinated by General Thomas Casey and his son Edward Casey, hired in 1888 to supervise the completion of the Library building after Smithmeyer was fired in a controversy over the architect's choice of a cement vendor. General Thomas Casey had finished the Washington Monument in 1885, and choosing him to finish the Library of Congress building associated it with one of the most prominent national emblems of the United States. Edward Casey "invited the cooperation of every capable sculptor and painter he could find in the United States" to execute the building's decorations and, in choosing these artists, he defined what constituted a "capable" artist and established a visual culture sanctioned by a national institution.[35] Furthermore, throughout the building are inscribed the names of preeminent authors, scientists, inventors, artists, and religious figures from throughout history; for example, the ceiling of the staircase hall includes the names of ten authors—Dante, Homer, Milton, Bacon, Aristotle, Goethe, Shakespeare, Moliere, Moses, and Herodotus—who, although from different civilizations and eras, were all males within the western tradition. The names were chosen primarily by Spofford and Charles Eliot, president of Harvard University. Paralleling contempo-

"Main Reading Room. Interior of dome displaying half of the Evolution of Civilizations mural in collar" (2007)
Source: Library of Congress, Prints and Photographs Division

rary views on the role of librarians as authorities on literary merit, these choices were made by members of a cultural aristocracy who intended to define a cultural canon by making use of the "pedagogical tenets of municipal art to enlighten, educate, and promote culture as a cohesive force."[36] The new Library building served as a monument to American—and by extension western—culture, but in choosing which aspects of that culture were glorified, Spofford and the building's architects created and promulgated a limited definition of American culture.

The sculptures, paintings, and mosaics within the Library of Congress building perpetuate this idealistic definition of American culture in racialized, gendered, and westernized terms. Highly symbolic, the decorations "assumed an evolutionary model and positioned American culture at the apex of the trajectory of western civilization" typified by Philip Martiny's two sculpture pairs halfway up the staircases in the entrance hall, which represent four continents—America, Africa, Asia, and Europe—as young boys clad in stereotypical garb.[37] Europe holds a lyre, a book, and a Doric column, symbolizing "specifically, Music, Literature, and Architecture, and more broadly, the pre-eminence of the Caucasian races in the arts of civilization generally…just as the wampum and

bow of the [American] Indian indicate his advance in culture over the stage of evolution typified by the rude war-club and savage necklace of the [African] negro."[38] The decorations presented a conception of civilization that was explicitly racialized and western-focused, dismissing all other cultural achievements as savage and inferior. Edwin Blashfield's *The Evolution of Civilization*, a mural cycle decorating the collar of the central reading room's dome, elevates this westernized conception of civilization at the highest point in the building. This apotheosis of American civilization was physically at the center of the Library building, paralleling its centrality to the mission of the institution as America's national library. The mural cycle shows twelve figures from western culture personifying successive societies, beginning with Egypt and culminating with America, representing "the American Renaissance ideal of America as the culmination of history and the heir of the sum total of human knowledge, achievements, and culture" which was "embodied in the robust masculinity of [the personified] America."[39] Thus, the artwork within the new Library building was a physical manifestation of the cultural ideal held by the the nation's intellectual readers, an ideal which was largely limited to white males within their concept of western civilization.

CONCLUSION

The late nineteenth century witnessed a desire to create a uniquely American culture and edify the nation's public on that culture. This desire was reflected in the transformation of the Library of Congress into America's national library, which functioned as a symbolic center of the nation's intellectual achievements. This function was promoted by the Librarian of Congress, Ainsworth Rand Spofford, in conjunction with periodicals and handbooks which advanced his vision nationwide. To accomplish this transformation, Spofford successfully advocated for the Copyright Law of 1870 and the construction of a separate Library building, completed in 1897. The Copyright Law allowed the Library to amass almost all material published by the American press, creating a repository of American culture, while the construction of the Library building itself served as a secular temple to American art. Spofford and other intellectual leaders hoped that the Library would be a resource for the entirety of the American people, not just its legislature, by providing comprehensive resources for research and education. At the same time, however, the Library was a result of the era's culture of exclusion in public libraries. The ideal municipal librarian would guide and direct the literary tastes of the public they served, a role which was facilitated by the comprehensive nature of the Library of Congress. By amassing a comprehensive central library, Spofford hoped, the Library of Congress would allow other public libraries to focus on literary merit in their collections rather than attempting to create their own comprehensive libraries. The idea of cultural exclusion

Personifications of Asia and Europe (2007)
Source: Photographer Andreas Praefcke, Library of Congress

was also echoed in the new Library building's decorations, which presented a conception of culture focused on western civilization and the achievements of white men. Nonetheless, through the efforts of Spofford and his contemporaries, the Library of Congress became a truly national library that embodied the ideal of a national culture, freely accessible to all Americans, and an indispensable proponent of knowledge in the United States. 🏛

Endnotes

[1] John L. Smithmeyer, cited in John Y. Cole, "Smithmeyer & Pelz: Embattled Architects of the Library of Congress," *The Quarterly Journal of the Library of Congress* 29, no. 4 (1972), 290.

[2] Ibid.

[3] John Adams, quoted in John Y. Cole, *Jefferson's Legacy: A Brief History of the Library of Congress* (Washington: Library of Congress, 1993), 12.

[4] John Y. Cole, "For Congress & the Nation: The Dual Nature of the Library of Congress," *The Quarterly Journal of the Library of Congress* 32, No. 2 (April 1975), 120.

[5] James Conaway, *America's Library: The Story of the Library of Congress, 1800-2000* (New Haven: Yale University Press in association with the Library of Congress, 2000), 30.

[6] John Y. Cole, "For Congress & the Nation," 121.

[7] James Conaway, *America's Library*, 368.

[8] Ian R. Willison, "The National Library in Historical Perspective," *Libraries & Culture*, 24, no. 1 (1989), 87; Sarah J. Moore, "Our National Monument of Art: Constructing and Debating the National Body at the Library of Congress," *The Library Quarterly: Information, Community, Policy* 80, no. 4 (2010), 344.

[9] Sally Webster, "Unitarianism and the Iconography of Democracy: Decorations for the Library of Congress," *The Library Quarterly: Information, Community, Policy* 80, no. 4 (2010), 370.

[10] Ainsworth Rand Spofford to T. A. Jenckes, April 9, 1870, *Librarian's Letterbook No. 8, Library of Congress*; Ainsworth Rand Spofford, *Report of the Librarian of Congress Showing the Progress of the Library During the Year Ending December 1, 1869*, S. Mis. Doc No. 41-11 (December 15, 1869), 3.

[11] Ibid, 5.

[12] *Chicago Tribune*, "Mr. Spofford's Addrean on the Public Libraries of the United States," October 31, 1869, *ProQuest Historical Newspapers*.

[13] Ainsworth Rand Spofford, "The Public Libraries of the United States," *Journal of Social Science*, 2 (1870), 2-24; Herbert Small, *Handbook of the New Library of Congress in Washington* (Boston: Curtis & Cameron, 1897), 2.

[14] *New York Times*, "Libraries at the Capital," December 28, 1890, *ProQuest*; Ainsworth Rand Spofford, "The Function of a National Library," in *Handbook of the New Library of Congress in Washington*, compiled by Herbert Small (Boston: Curtis & Cameron, 1897), 124.

[15] J.E. Rankin, "Howard University," *The Christian Recorder*, September 18, 1890, *African American Newspapers*.

[16] T.C. Tupper, "National Library—the New Library of Congress," The Atlanta Constitution, May 7, 1899, *ProQuest*.

[17] *Chicago Tribune*, "The Library of Congress," November 16, 1871, *ProQuest*.

[18] *New York Tribune*, "The Library of Congress: Qualifications for a National Librarian," January 30, 1899, *ProQuest*; *Washington Post*, "The Libraries of the World," July 13, 1884, *ProQuest*.

[19] Dennis Thomison, A *History of the American Library Association 1876-1971* (Chicago: American Library Association, 1978), 1.

[20] Alexis McCrosson, "'One Cathedral More' or 'Mere Lounging Places for Bummers'? The Cultural Politics of Leisure and the Public Library in Gilded Age America," *Libraries & Culture* 41, no. 2 (2006): 169-188.

[21] T.C. Tupper, "National Library."

[22] *Joint Committee on the Library of Congress, Building for the National Library*, S. Rep. No. 44-387 (June 8, 1876), 1-2.

[23] Carl Ostrowski, "'The Choice of Books': Ainsworth Rand Spofford, the Ideology of Reading, and Literary Collections at the Library of Congress in the 1870s," *Libraries & the Cultural Record* 45, no. 1 (2010): 71; Ainsworth R. Spofford, *A Book for All Readers* (New York: G. P. Putnam's Sons), 1900, cited in Carl Ostrowski, "'The Choice of Books,'" 419.

[24] Ian R. Willison, "The National Library in Historical Perspective," 75-95.

[25] Ainsworth Rand Spofford, "The Function of a National Library," 125-126.

[26] Ibid, 125.

[27] Ainsworth Rand Spofford, cited in John Y. Cole, "Smithmeyer & Pelz," 283.

[28] John L. Smithmeyer, *History of the Construction of the Library of Congress: Washington, D.C* (Washington: Beresford Printer, 1906), 22.

[29] Ian R. Willison, "The National Library in Historical Perspective," 81.

[30] William Poole, "The Construction of Library Buildings" (1881), cited in Thomas Augst, "Faith in Reading: Public Libraries, Liberalism, and the Civil Religion," *Institutions of Reading: The Social Life of Libraries in the United States*, eds. Thomas Augst and Kenneth Carpenter (Amherst and Boston: University of Massachusetts Press, 2007), 148.

[31] Ainsworth Rand Spofford, cited in John Y. Cole, "Smithmeyer & Pelz," 291.

[32] C. Ford Peatross, *Capital Drawings: Architectural Designs for Washington, D.C.* (Baltimore: Johns Hopkins University Press in association with the Library of Congress, 2005), 18.

[33] John L. Smithmeyer, cited in John Y. Cole, "Smithmeyer & Pelz," 290.

[34] Herbert Small, 8; Royal Cortissoz, "A National Monument of Art," *Harper's Weekly* 39, no. 2036 (1895), 1241.

[35] Royal Cortissoz, "A National Monument of Art," 1241.

[36] Sarah J. Moore, "Our National Monument of Art: Constructing and Debating the National Body at the Library of Congress," *The Library Quarterly: Information, Community, Policy* 80, no. 4 (2010), 339.

[37] Sarah J. Moore, *John White Alexander and the Construction of National Identity: Cosmopolitan American Art, 1880-1915* (Newark: University of Delaware Press, 2003), 55.

[38] Herbert Small, 2.

[39] Sarah J. Moore, "Our National Monument of Art," 344; Ibid., 347.

Fighting for Their Livelihood

The Distinctive Nature of American Privateering Culture During the War of 1812

During the War of 1812, the United States employed a variety of temporary military forces to supplement their regular troops. While many of these temporary forces were absorbed into the regular body of the United States military, privateers found themselves isolated from other types of service, by both physical distance and a lack of social cohesion. This paper examines the root causes of separable American privateering culture during the War of 1812, contrasting it with the experience of American militiamen during the same war.

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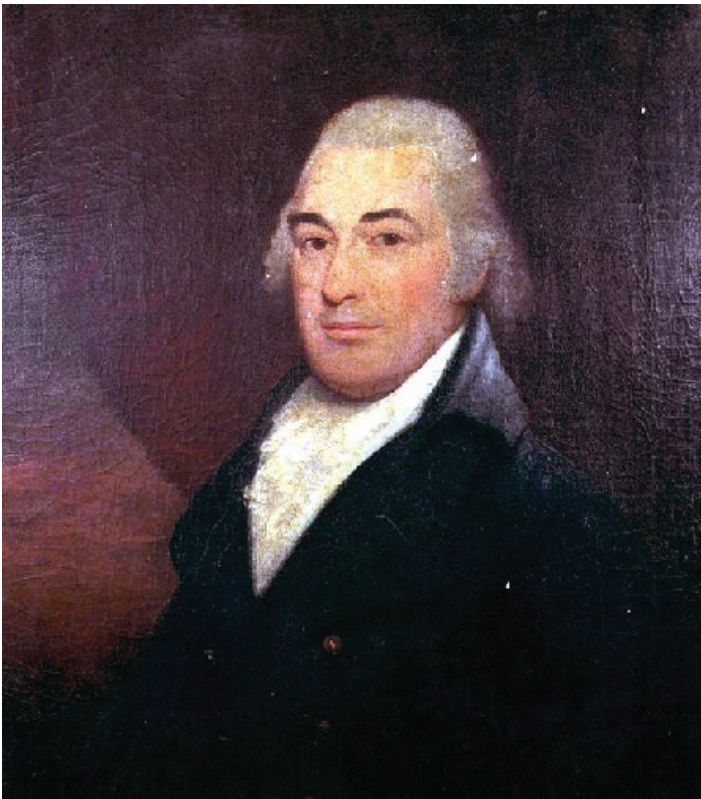
US Secretary of Navy William Jones (1813-1814)
Source: Wikimedia Commons

In August of 1813, the United States privateer schooner *Monkey* was captured by a British naval vessel, and its crew loaded onto a prison ship destined for the British Isles. Low on fresh water, food, and adequate living space, the prisoners were subject to conditions that left them on death's door. Joseph Valpey, a low-ranking sailor from the *Monkey*, remembered the ordeal as being on "the brink of my watery grave." Describing his living situation, Valpey opines that

> We had not enough Highth enough for to set on our Back sides but to eat Drink and Sleep we must lay too if I had been in this situation but a few days with my fellow prisoners who I was taken down sick with a slow fever and in the course of on week there was fifteen seven taken down with the same deseas and every day there was more or less paid the debt of nature no mother for to nurse them no Friends nor Relation to mourn for them

Wartime privateering was a risky business that exposed its participants to mortal risks. As a result, only those serious about the potential rewards were willing to put their lives on the line for its practice. In the early nineteenth century, American privateering became a speculative exercise, with the prospect of exorbitant profits as the main justification for its continuance.[1]

The business of privateering was not new to the United States during the War of 1812. American privateering extended well back into the early seventeenth century, when independently owned sloops were employed to augment the scant English navy in its various wars of North American colonialism against other European powers, and as escorts on merchant trading voyages.[2] As the practice became more regulated in the eighteenth century, legal and economic strictures on privateering came into force. The latter held far more weight, as government enforcement power was limited. While the Crown attempted to control colonial privateers for its own purposes, economic considerations frequently outweighed political ones. Wartime brought with it convergent interests for enterprising privateers and militant governments. For example, in the Seven Years' War, England hired privateers to harass French ships off the coast of Acadia, who were all too happy to reap the benefits of these valuable prizes. Privateering fulfilled the symbiotic objectives of abundant profit and supplementary military force, but was at its heart an economic institution.[3]

This paper will focus on how the organization, structure, and common practices of American privateers during the War of 1812 were distinct from the other temporary military force,

the militia, and how they speak to a separate wartime experience for privateer sailors. American coastal ports were well accustomed to wartime privateering, since they had operated as licensed military launching posts for decades. Merchants quickly mobilized their vessels for armed conflict as soon as war was declared in the Seven Years' War, the American Revolution, and with increased hostility in the Quasi-War with France. To the merchant communities of the American Atlantic, national loyalty mattered less than financial gain. The practices of privateering saw few consequential changes following the American Revolution; privateers continued to exercise effective control over their own affairs, with general directives provided by the American Department of the Navy.[4] In this capacity, American privateers were semi-official temporary military vessels for the depleted American navy. When the United States declared war in 1812, it had fewer than forty operational naval vessels in its fleet. Mostly, this was due to reluctant support for the American navy under former President Thomas Jefferson, who sought to reverse course from the expansionist military policy of his predecessor and political rival, John Adams. Privateers were therefore an indispensable component of any competent defense against the (by this time) vast number of British ships. Though they were not fully integrated into the American military complex, privateers were nonetheless vital to the overall American war strategy.[5]

Privateering was quite different from the American militia, an organization which was highly structured in its organization, but largely superfluous in its effects. Though the militia was similarly temporary, it was organized, regulated, and controlled by the regular body of the American army. In pursuit of superior troop strength against British armies in Canada, Congress authorized the War Department to enlist all able-bodied men into the militia, and to call them into service if circumstances required. Service in the militia, thereby, created a very different cultural atmosphere than that aboard privateers. Mainly, this split was based on attitudes toward service. The militia was a compulsory institution, but one in which militiamen were able to serve with their peers, and were not expected to create much change in the war's outcome. Conversely, privateering was elective, and bore real weight on American strategic objectives at sea.[6]

While both the land-based militia and seafaring privateers experienced the usual hardships of war, the necessity of extended periods away from land, self-motivated employment practices of contracted privateer military force, and the solitude of frequent changes in employment prevented these sailors from forming the social bonds that existed amongst the American militia during the War of 1812. Section II will examine differences in privateer and militia nutrition and health. Section III will look at their organization and leadership, with Section IV extending this study by focusing on employment practices. Section V will shift to looking at the friendships and personal bonds (or lack thereof) that re-

sulted from temporary military service. Section VI will look at differences in the practices of combat between the militia and privateers. Finally, Section VII will discuss how wartime culture impacted the institution of privateering after the war.

NUTRITION AND HEALTH
Privateer Nutrition and Health

Sailors aboard the dozens of American privateer vessels that littered the Atlantic Coast faced uniquely bleak health conditions which set their experience apart from other forms of military service. Chief among these concerns was the so called "sailor's sickness," or scurvy. Though by the early nineteenth century scurvy was widely known and its causes, effects, and remedies well-documented, fighting its consequences on privateering boats was still a significant obstacle to the regular operations of a privateer.[7] Particularly, the long distances away from fresh food, combined with the high population density, proved troublesome for maintaining sanitary living space, and made these small ships hotbeds for disease. As one privateer sailor put it, after four months at sea "our privateer [was] by this time getting foul" and that in order to mitigate the low levels of fresh food and swampy conditions, "we touched at Santa Crista for water and fresh provisions." Potatoes, as a recently discovered source of the potassium which prevented such disease, were a vital asset, the crew collecting "forty hogshead of water and sixty bushels of potatoes." These resupplying missions served the dual purpose of lifting sailor morale after long stretches away from land, and supplying resources that combated the unique health challenges of months at sea. However, the fact that they were necessary in the first place speaks to the unique stresses of everyday life aboard privateers.[8]

In contrast to the fresh rations normally available to regular American forces on military stipend, privateers were privately operated ventures by definition, and were forced to supply their own crew with provisions. Under pressure from investors and crew members to maximize prize winnings, profit was the main goal for any privateering crew, and so it stands to reason that both the quantity and quality of provisions for nutrition and health were secondary concerns. Often, these privateer vessels would sail for months on end with little recourse for the grueling conditions at sea, choosing instead to continue pursuing trading vessels that crossed their path off the coast of the United States, Africa, or South America. As a result, it was rare for vessels to have fewer than two men sick or injured at any one time, even on the best supplied and prepared ships. Sickness, whether manifested through minor concerns such as seasickness, or major ones such as scurvy or venereal disease, was endemic aboard privateer vessels throughout the War of 1812.[9]

Relatedly, of note are the injuries sustained by crew members. Whether acquired in battle or as an occupational hazard, privateer crew members often hurt themselves in the fulfillment of their duties. Sailing in the nineteenth century,

despite technological improvements, was still an unpredictable endeavor that required constant vigilance of weather conditions, infrastructural wear, and crew cooperation. Were any of these conditions to fail, it could result in disaster for any and all on board. On the privateer Schooner *Monkey*, which cruised the coast of North America for several months in the summer of 1813, sailors frequently forgot to warn each other of the boom when shifting it to come about, and suffered broken ribs on several occasions.[10] Similarly, though not accidental, the privateer *Yankee* was prone to a litany of sore thumbs from rigging the sails over and over again. Sore thumbs may seem like a minor concern, but journals from the *Yankee*'s voyage show that this condition bore serious weight on sailor morale and working capability.[11]

Less obvious from surgeons' logs, yet still important for understanding the particularisms of privateer experience, is the matter of sailors' mental health. It is clear from the journals of early nineteenth century privateer vessels that extended periods away from port made privateers in the War of 1812 susceptible to disease and malnutrition. An added factor, however, was the mental stresses of confined living space and non-varied human interaction. Living for months on end with the same crew of one hundred men, or in most cases far fewer, had pernicious effects on the cognitive and emotional stability of the crew. For example, the American privateer vessel *David Porter* was commissioned in October of 1812, under Captain George Coggeshall, to sail for Northern Europe and troll the Atlantic for British trading vessels. After several months in port, waiting on the boat for the arrival of British ships and pining for the comforts of home, Coggeshall grew increasingly more desperate for action. The situation came to a head in January 1813, when Coggeshall took drastic actions against his own crew. Though the weather conditions were horrid and embarking risked shipwreck, he insisted upon sailing for the United States. According to reports from the crew, "Captain Coggeshall seized a loaded pistol, held it to the pilot's head, and declared that he would shoot if the latter did not take the ship over the [sand] bar."[12] Although mental health was not as intensely scrutinized or treated as it is in the twenty-first century, privateers clearly suffered from the consequences of prolonged mental stress induced by lengthy trips at sea.

Militia Nutrition and Health

Though the American militia was hardly free of disease or injury during the War of 1812, the threat of constant illness did not weigh as heavily on militiamen as it did on privateers. Even when maladies did arise in camp, they had less of an impact on soldier experience. With more opportunities to seek out alternative treatment for nutrition-related disease (i.e. rapidly decreased threat of scurvy) and find new food sources, nutrition did not cause as many issues for the militia. In general, a relative bill of health fueled more optimistic viewpoints on military life.

The most oft-suffered conditions according to contemporary soldier accounts were temporary hunger, measles, dysentery, and the common cold. Though not trivial, their effects could be remedied or isolated much more easily than the diseases at sea. Asa Grant, a militiaman stationed in New York, explains in a letter to his parents that "We have a number of men unwell and excused from duty. They mostly go out and stay with the Inhabitants." Moving the sickly away from the main body of the company prevented or slowed the spread of disease, and provided a change of scenery, two advantages of militia life that were impossible within the confines of a privateer. As Grant writes in his correspondence, the men were "generally in good health and good spirits" for much of his time in the service, save for occasional bouts of upset stomach or cold-induced fever.[13] Further, the illness sustained in the armed service was not at unusual levels for the time period in general; illness and epidemic were routine for New Yorkers in the early nineteenth century, and militia service did little to magnify its impact. These conditions break sharply from privateer life, where simply stepping aboard brought with it inherent added risk of illness.[14]

Mental health also held up more consistently for militiamen than for privateers, which contributed to a more favorable and cohesive experience between them. As Col. George Hunt wrote in a letter to Gen. George Gibson from northern Ohio, the troops were frequently "in health and the highest of spirits" throughout the campaign.[15] The men in Hunt's company benefitted from good health in that they were able to create more cohesive social bonds. Without the added nagging stress of injury or sickness, militiamen had energy with which to interact with, and get to know each other. In the militia, even when health conditions were less than ideal, there was usually hope of a reversal in fortune. As Grant explained in a letter from camp, "the company are well, except for two or three, and they are getting better…spirits are high," a sentiment he frequently echoed. Holistically, health was among the most crucial components of military experience in the War of 1812, and the militia fared far better than privateers.[16]

ORGANIZATION AND LEADERSHIP
Privateer Organization and Leadership
Though privateering was by and large an independent venture, there was some degree of regulation and oversight by the U.S. Department of the Navy. Privateers acquired their license to conduct raids on enemy ships via a device called a *letter of marque*. In essence, these letters issued by the Navy Department (with tacit approval of the President) allowed for legal piracy against British vessels throughout the Atlantic basin. By hiring out private vessels to do the bidding of the American military, the federal government was able to extend its offensives to the outer reaches of British supply networks.[17]

Accordingly, the operations of privateering vessels were scrutinized from time to time by naval operations boards,

Artist's Conception of the *Liverpool Packet,* a British Privateer Schooner, which the *Commodore Hull* pursued
Source: "War of 1812 Liverpool Packet" by Thomas Hayhurst, Queens County Museum, Liverpool, Nova Scotia. c. 1930

especially in cases of disorderly conduct or insubordination. Privateering captains were in charge of enforcing the naval code of conduct set forth by the Department. Yet in practice, charges were not filed with the Navy except for the most egregious of offenses. In addition, the Navy was permitted to file charges against a privateer for disorderly conduct or insubordination if observed in person. A well-publicized example of this type of dispute took place between the U.S. Brig *Commodore Hull* and the privateer *Anaconda* in January of 1812. Though war had yet to be declared, the threat of British impressment and aggression on the seas put American ships on high alert. The commander of the vessel, Captain Nathan Shaler, was absent when the first lieutenant George Burbank encountered the U.S. Brig *Commodore Hull* off the coast of Massachusetts. After failing to determine the ship's country of loyalty, Burbank assumed it to be a British vessel and ordered a broadside shot. The cannon hit the *Commodore Hull* and injured three, including the commanding officer, Lieutenant Newcomb. Soon after, Commodore John Rodgers, the coordinating officer for Newcomb's vessel, wrote to the Secretary of the Navy requesting a court martial for Burbank. His purpose was to assess his Burbank's role in, and responsibility for the incident. According to Newcomb, Burbank "insult[ed] the Flag of the United States, and [intended] to wound and main her said officer and Seamen without any justifiable cause whatever…"[18]

Though an attack like this appears damning, there was a larger picture to consider in events such as these; frequently, missteps by privateer vessels were a result of miscommunication between the navy and their loosely affiliated privateer forces. As it turns out, both the *Commodore Hull* and the *Anaconda* were in hot pursuit of a third ship, since "the coasting Trade between [Boston] and Martha's Vineyard had of late sustained great injury by the depredations of a certain British privateer Schooner called the *Liverpool Packet*." Each ship not wanting to tip the hand of the other, both refused to identify themselves, leading to Burbank's order to fire.[19]

Privateers were given freedom to conduct raids on British ships, which offered more flexibility and independent action than was possible within the stolid naval structure. However, this also meant that privateer actions were obscured by opposing directives. On one hand, privateers could set their own terms of attack and plan out their own strategy for dealing with unknown ships. In the case of the *Monkey*, the captain frequently chose to fly the British colors when approaching a British vessel. Though it constituted a breach of typical wartime behavior between naval vessels, the *Monkey* could do so because it operated outside of the jurisdiction of a standing naval flotilla. Privateering offered flexibility, secrecy, and deniability in fulfilling federal strategy by any means necessary.[20]

On the other hand, naval supremacy over privateering, though muddled, was still in place; privateers were functionally independent, yet were technically required to uphold the same standards of conduct as naval vessels. If they failed to do so, they could be subjected to a court martial and sentenced to jail time or death. For officers like Burbank, this level of accountability was nefarious for a ship normally given so much discretion. Burbank knew little about the signaling practices of naval brigs, and so he attempted to communicate with the *Commander Hull* in the manner he would normally contact a ship of its kind. When the *Commander Hull* did not respond as expected, he assumed that it could not be an American ship since it did not follow the practices to which he was accustomed. The divergence in signaling shows that there was a larger epistemological issue between privateers and their naval superiors over customs of the sea.

Confusion over which standards and which commanders to follow inhibited the sailors on privateers from creating a cohesive social culture. When sailors were preoccupied with figuring out who to obey, they could not focus on getting to know their fellow sailors and forming social ties. Further, concentric obligations to different leaders meant that sailors owed different allegiances from ship to ship, and even on the same ship, depending on whom they pledged their terms of service; the privateer workforce was fluid, and so commanders were more invested in naval obedience than their transient and temporary subordinates. Divergent loyalty was rampant, and hierarchy jumbled.

Militia Organization and Leadership

In contrast to the foggy federal sovereignty over American privateering, the American militia was highly integrated into the national military structure. As per the Militia Act of 1792, in the event of war "it shall be lawful for the President of the United States, to call forth such number of the militia of the state or states most convenient to the place of danger or scene of action as he may judge necessary." In effect, the Militia Act gave the federal government strict control over state forces in wartime; though like privateers, these units were temporary employment of civilians for militant purposes, the Army more assertively brought these temporary vestiges of federal power into their organization structure. Militiamen reported directly up the chain of command to the regular commanders of the American army, and took orders from the general strategy of that branch. Additionally, their pay, uniforms, and conduct were in conformity with those of the army, and they were organized into regiments. There was no independent enterprise within the militia that resembled the cavalier privateering enterprises; commands were to be followed strictly to the letter, and largely by the means dictated by superiors.[21]

As a result, militia culture was predisposed to uniformity. The men of each regiment had similar stresses, similar fears, and similar duties. One such militiaman was John Pendleton Kennedy, stationed in Baltimore as an infantryman in the 5th Maryland Regiment. Kennedy had just recently graduated from law school, but his penchant for higher education and legal justice did little to blunt his enthusiasm for the war and the like companionship of his fellow soldiers. In his autobiography, Kennedy remembers Baltimore in the wartime:

> We had some five thousand volunteers and militia always on foot, and as the regular resources of the Federal Government were sadly deficient, the militia was called into service, or at least the volunteers offered themselves and were received to do garrison and other duties in the forts around us… to me it was a delightful stimulus to live in the midst of so many excitements…No one can adequately imagine the vividness and the pleasure of these excitements who has not experienced them. Baltimore, as in fact the whole country, became a camp.

Kennedy pays particular attention to the uniformity of experience between the citizens of Baltimore, and the need for every man to participate in the war effort. Whereas wartime privateering under the navy was an uneven, semi-regulated gamble for a select few men trained in seafaring, the temporary militia under the army was a structured, more predictable assignment. Accordingly, soldiers expressed more "excitements" and "delight" in their experience as militiamen than as privateers. Though war was never pleasant for any participant, the organizational structure of privateering made it much more difficult to find moments of levity amidst the turmoil.[22]

EMPLOYMENT PRACTICES
Privateer Employment Practices
The majority of American privateer sailors were men who already worked on merchant vessels along the Atlantic coast. At its root, the practices of privateering required the same skills as could be found on any ship of the day. For Atlantic seamen in the period, the acquisition of maritime skills was a function of experience. Any sailor who had a working knowledge of rigging, keeping watch, making repairs, and basic navigation skills could find a place on the numerous vessels that set sail from the United States. The theoretical (and largely class-dependent) knowledge of battle tactics obtained from a classical or military education held little practical value on a privateer. In most ways, privateering was more meritocratic than either the navy or the militia: those that could prove their worth were allowed to earn their keep.[23]

Sailors in the late eighteenth and early nineteenth century could develop these maritime skills on the hundreds of merchant vessels making transatlantic voyages to Britain, the West Indies, or to Africa. In some sense, Atlantic trading vessels were a career ladder to climb; with more voyages completed, a common man could rise from landsmen to the lower ranks of a petty officer and establish his value on the market.[24] Oftentimes, young men would also apprentice themselves out to an older sailor as a way to gain practical knowledge of the craft.

Drawing of the U.S. Capitol following British attempts to burn the building (1814)
Source: Artist George Munger, Library of Congress, Prints and Photographs division

Privateering, though a militant type of employment, was centrally focused on sailing skills, and not military skills. The perils of sea travel while conducting privateer raids brought with them an entirely unique set of requirements for its participants. Though knowing how to fire a weapon may have had practical use on a privateer, it was crucial to the very survival of everyone aboard that the common sailors were proficient and confident in the operations of the ship. Privateer cruises could take sailors away from port for several months. In order to cope with the frequent struggles of weather and deprivation, sailors had to have applicable familiarity with maritime practices. For instance, on the Yankee, though it engaged in hundreds of skirmishes with British ships, the elements themselves almost proved its undoing. As captain's clerk Noah Jones put it:

> There has been a continual succession of gales of wind from all parts of the compass, attended with torrents of rain, squalls, whirlwinds…a tremendous sea frequently breaking on board and occasioning considerable damage; carrying away several spars and staving the arm-chests. Indeed it may be said that our vessel has sailed thus far under but no over the Atlantic Ocean.

Without men aboard who could competently restore the *Yankee* to sailing shape, it very well may have sunk to the ocean floor. Prevention of disaster went hand-in-hand with relevant experience. Storms like the one the *Yankee* faced were frequent on the Atlantic, and hardened seamen were uniquely disposed to deal with its impact on the voyage.[25]

During the war, privateers frequently contracted out these trained sailors to man their private enterprises. Oftentimes,

a crew would be rapidly assembled at port, with any qualified and able-bodied sailor given the chance to share in the profits of the vessel. After a captain was issued a letter of marque by the federal government, he could choose to divvy up the ship's profits in whatever manner he saw fit, granted he drew up an agreement with his crew members. The *Yankee*'s records show that profits were shared fairly evenly, with relatively little inequality compared to American society at large. The ships contract states that the captain and lieutenants would receive sixteen and nine shares, respectively. As the men who assumed most of the financial risk for the voyage, it stands to reason that they received a larger share of the profits. From that point, wages steadily decreased down the organizational ladder, from masters who received six shares to the seamen and landsmen, who received one share each.[26] The distribution of incomes to different positions on privateers closely modeled the class-based income breakdown of the eastern states at that period of time, suggesting that privateering embraced the spirit of economic opportunity brought forth by the Revolution.[27] [28]

Valpey's account of the *Monkey* shows that in practice, the privateer workforce was fluid and prone to frequent shifts in both composition and structure. As he remembers about his own employment, he joined the crew of the *Monkey* on somewhat of a whim. Valpey had been employed as a deck hand in Salem, Massachusetts prior to his time on the *Monkey*, but it is clear from his writing that he both had a knowledge and a penchant for life at sea. Having spent several months away from the sea, he wrote in mid-February 1813 that "not wishing for to stay on shore any longer and eager to get to sea again and try my luck I went on Board and joined the ship's crew on Sunday morning it being on the twenty first at ten in the forenoon." Straight from the loading docks to a position on a privateer, Valpey's experience demonstrates the ease with which a sailor could find employment during this period of rapid militarization.[29] Though his experience cannot speak for every sailor seeking employment, it certainly falls in line with the sheer number of privateers that embarked during those years. The crews of these privateers, as a consequence, were not cogent groups of bonded men, but in reality more closely resembled a hodgepodge collection of semi-skilled laborers. If there was a common bond within the American privateer experience, it was that of thrill-seeking or relatively open economic opportunity. Such influences naturally made sailor experience more individualistic and motivated by profit, not friendship or common culture.[30]

Militia Employment Practices
Inversely, the pull of service in the American militia carried with it notions of patriotic grandeur and a thirst for glory. Though quickly transitioning culturally in the decades following the Revolution, the United States was still very much an "honor society" during the era of the War of 1812. American social and political culture emphasized the glory that could be won in battle as a way to prove social worth and

status. As the army had more ready-made opportunities for participation in armed conflict, the fervor for militia employment was much stronger.[31] As Kennedy writes in his memoir, "I had fully made up my mind, a year before the war was declared, that I would endeavor to get into the army, and in this hope had applied myself to all kinds of military studies." Though he had training as a lawyer and security in his profession as a well-connected gentleman, the pull of military service was strong. As Kennedy puts it, "Law and the Camp both [put] forth their attractions for a boy whose imagination was most susceptible to each—[tam] marte quam mercurio."[32] Military service was engrained in the male ethic of the early republic; young men like Kennedy were frequently and publically compelled to follow it.

In comparison to privateering, the infrastructure of the militia made opportunities for martial honor possible, if not compulsory. The Militia Acts of 1792 and 1795 made service

A young man like Pendleton could not simply step aboard a privateer and expect ready employment. These jobs required the knowledge that came with experience. Most privateer sailors were men that were invested in the maritime way of life. As Paul Gilje argues in *Liberty on the Waterfront*, there was more at stake for privateers than honor or patriotism— it some cases, men aboard privateering ships worked for the welfare, reputation, and existence of their profession as a whole. Such conditions were hardly hospitable to a quick boost in social status that was the objective of most of the men who would join the militia. In this way, privateer service was assortative. Only those with an appreciation, or at minimum a knowledge of the sea were inclined to participate in its institutions. Though there is room to consider these bonds as social bonds, because they were organized around interpersonal communication, it is more likely that the men aboard privateers considered their bonds to be occupation-based, and not socially based like in the militia.[36]

"Baltimoreans emphasized the 'value' of privateering, indicating it was a moneymaking venture above all else."

in the state militia obligatory for able bodied men, generally between the ages of sixteen and forty-five, for at least three months. Of course, men could also volunteer for service, as did Duncan McArthur, a local Ohio politician. As a civil government official, McArthur held immunity under the Acts from service in the militia. However, the forces of patriotism were strong in this period, and McArthur forwent a career in local politics to serve in the militia, citing a desire "to do a favor to the state" by serving his country.[33] Social pressures influenced young men to pursue glory in the armed service, and the militia empowered a manifestation of these desires.[34]

It is difficult to compare the romanticism of war that influenced men to join the American militia, to the economic pragmatism held by temporary seamen, who manned American privateers during the War of 1812. Certainly, these characteristics are broad and do not capture the entirety of sentiments expressed by the participants in these institutions. Yet, it appears that in general, there were more appeals to honor and glory by militiamen than the sailors aboard privateers. Due to the social underpinnings that promoted martial valor and defense of honor, the army was a much more obvious way to extend one's lust for fame than the relatively more obscure and specialized naval pursuits, particularly those aboard a disorganized and less publicized privateer vessel. The merchant maritime communities, while providing a relatively easy flow of labor, were specialized and largely insular. It was difficult for the outside world to participate in nautical institutions because a majority of those who held a vested interest were those who already worked at sea.[35]

FRATERNAL BONDS
Privateer Fraternity and Shipboard Culture

The employment of American privateers during the War of 1812 was not necessarily solitary, but it was certainly individual. Most privateers were opportunists over anything else, favoring wealth or sustenance over forming shipboard communities. For a large majority of sailors, privateering was a means to an end, or an easy way to convert maritime skills into quick payouts. Coastal ports along the Atlantic were accustomed to the escalation of privateering activity during wartime, and were well set up for a rapid employment of privateering vessels immediately after a declaration of war was made. In the minds of American coastal maritime seamen, a declaration of war went hand in hand with newfound profitability on the Atlantic.[37] For instance, Baltimore had a long tradition of profiting off wartime prizes, extending back to the Seven Years' War and the American Revolution. In some ways, privateering was the city's own cottage industry; during the War of 1812, up to 20% of its residents had some financial stake in the enterprise. A mere few days after war was declared in June 1812, the Baltimore-based newspaper American and Commercial Advertiser began openly calling for the employment of seamen as privateers that "preparations for privateering were progressing," and that "in a few days several clegant, valuable, and fast-sailing schooners will be ready for sea."[38] Baltimoreans emphasized the "value" of privateering, indicating that it was a moneymaking venture above all else.

Additionally, quick assembly of crews meant that most men were unlikely to know each other before signing on to a privateer, much less were they likely to find pre-existing friendships on the ship. What they shared in common was their similarly singular pursuit of financial gain. In fact, naval officers stationed in Baltimore during the early war had a hard time outfitting their crews, because privateering was so popular among the seamen at that port. One such captain, Charles Gordon, was instructed to purchase schooners for use as naval vessels, but found that local sailors were frequently uninterested in the restrictions of naval employment. As Johnson explained in a letter to naval command, "A great number of the sailors now in port are still attach'd to the Letters of Marque laying here with there Cargo's in which deprives us the use of those fine Schooners well fitted, and the series of those men; Still I hope, in a few days, we shall procure a sufficiency…"[39] Privateering was a way to escape the strict hierarchy of the American navy and still employ one's maritime skills in the pursuit of personal wealth. As an account of the *David Porter* notes, it was when "the men [were] well fed" and "with a prospect of large dividends" that they "worked with a will." Profits trumped motivation from the captain or a desire to promote the welfare of their fellow men.[40]

Accounts from sailors aboard privateers during the war seem to corroborate these sentiments. When captains attempted to implement restrictions on privateer activities, they were met with assertive resistance. Joseph Valpey, in a journal entry from November of 1813, records an instance when he and a fellow sailor rebelled against the strictures of their captain. Though the schooner *Monkey* had not yet set sail from Salem, Captain John Groves wanted to keep all of his men on board the ship so the ship could to quickly sail when conditions were more favorable. Valpey, a Salem native, had no such intentions; he and his fellow crew were restless after weeks aboard the ship. As he recalls:

> We asked permission from our Captain…to which he refused to do replying that if favorable wind we should start in the afternoon. [On his] answer we made ourselves contented that high on the next morning it being pleasant we made ourselves…until after dinner when John Williams of Abbot and myself took over bags and beading up on with the intention to leave the Monkey… and Captain upon hearing this he enquiring what we was going to do, we answered him that we was going to leave the schooner if would not have the Liberty to [leave].

In due course, both men did leave the ship, returning a few days later without punishment. Though sailors who signed on to privateering voyages were nominally under the control of their captains, accounts like these show that insubordination was if not accepted, at least tolerated in a system of looser governance over sailor conduct.[41]

The hierarchal structure of the militia encouraged like experience and community between the men it employed, but

aboard a ship where money was the object, little time was spent on enriching sailor experience. There were few opportunities to relax and enjoy each other's company; partly because vessels were perpetually chasing their next prize. Exceptions, of course did exist, such as when the *Monkey* took time off the celebrate American Independence, taking "all sail for to celebrate the day at eleven in the fore noon all hands was called for to split the main brace at Noon we fixed a salute of seventeen guns and then we went to drinking the Remainder of the Day…" However, the next day, the crew was right back to work, in quick pursuit of a British privateer. Other occasions for celebration included Christmas, such as when the Yankee "Killed the fatted calf, or more properly the fatted goat, gave the crew a pudding with extra allowance of grog, to keep a Merry Christmas." In addition, the *Yankee* also practiced some more frivolous activities, like a tribute to the rites of King Neptune. Jones relates a remembrance of the festivities:

> At 1pm the crew of the Yankee preparing to celebrate Old Neptune's ceremonies on passing the Tropics. The Old Sea God…dressed in the most fantastic manner…came on board, were received with a salute and three cheers… After which Neptune and his companions went forward and regularly initiated about one fourth of our crew into all the curious forms requisite to make them sure sons of the ocean…The remainder of the day and evening were devoted to fencing, boxing, wrestling, singing, drinking, laughing, and every species of mirth and fun.

Though it is clear there were celebrations, drinking, merriment, and moments of fraternity on privateers, these celebrations are quite evidently the exception rather than the rule. Most of Jones's journal speaks of "low spirits" and discord between the men. On one occasion, Jones mentions that the *Yankee* came across another privateer, the *Ariadne*, that was forced to return to port when the crew mutinied over the difficulties in having a short-handed crew. Collective association aboard privateers was focused on occupational objectives, not on community bonds.[42] As a result, sailors rarely expressed common cause or like experience with their fellow crewmembers. Most of the journals left by American privateers emphasize their prizes and hardships, not the bonds that they formed with other men aboard the ship.

Militia Fraternal Bonds and Camp Culture
While accounts from the American militia during the war likely overstate the communal bonds that these men formed during their service, they nonetheless give a general picture of the relationships that were formed between temporary servicemen under the Army's jurisdiction. Many personal diaries from militiamen serving on the American side speak effusively of the comforts of companionship in the American militia. What shines through in their accounts is the notion that militia service not only encouraged collective association tacitly, but that some men actually signed up for military service *because* of these bonds. Unlike privateering, militiamen describe military service as a fraternity of sorts, a place

where young men of a similar background could come together in common pursuit of patriotic ideals and a defense of their country.

Kennedy's memoir certainly speaks to this factor in lavish detail. As a recent law graduate, it is possible that he was seeking a new community of young men with which to associate, and believed that the militia would meet those desires. Speaking of his time in camp just outside Baltimore in mid-1812, Kennedy remembers that "to tell stories and laugh as healthy and light-hearted boys only can laugh in such scenes, were to me enjoyments that never waned in interest and never lost their zest in repetition." Militia camps concentrated men who were in similar life circumstances and from a similar region into one central locality, while giving them little in the way of actual responsibility. These conditions were conducive to the bonds that Kennedy describes.[43] [44]

Militia life was an especially enticing proposition for those living on the western frontier. For Duncan McArthur, a militia commander in Ohio as a part of the North West Army, service in the militia afforded him a chance for community in an otherwise lonely quarter of the United States. As he explained in a letter to his superior officer from Upper Sandusky in January 1813, he "disliked a solitary life" that he found at home in civilian life, and "I have none but austerity to it. You will be assured anything that will give me a trifling competency at [solitude] will not only at this time not be acknowledged, but now be mediated from my memory." To McArthur, the militia was not only an occupation, but also a form of fraternity. Community with his adoptive brothers in the militia offered an escape from the solitude of life on the frontier, and the cutthroat nature of early political association. Militia life promoted the closest living quarters and most human contact that one could expect in the Northwest Territory, where population density paled in comparison to the urban localities of privateer sailors on the Eastern Seaboard.[45]

Militia life offered community that otherwise may not have been available to young men who were eager to form social bonds with others. This type of community ethic differed widely from that found on privateers. Privateering, in contrast, was occupational and individualistic. Its practices occupied a very different niche within the lives of its participants than the encompassing sociality of the similarly temporary militia.

COMBAT
Privateer Combat
Combat at sea, on the whole, differed widely from that on land. Where the armies of the United States and Britain typically engaged in monolithic campaigns over the same small stretches of territory, naval battles could span one bay, a large lake, or the entire Atlantic basin. Battle tactics were also less regulated; though many American captains followed the na-

val strategies exemplified by Admiral Nelson of the British Royal Navy at Trafalgar in 1805, norms about naval warfare were shifting at the time, and were not as predetermined as for the army.[46] On a structural level, the American Navy was rethinking best practices for taking on the British Navy in the Atlantic. Instead of taking on the full force of the British fleet in direct confrontation, the Navy Department intended to pick off British brigs one by one, in lightning attacks that minimized risk and maximized impact. As Secretary of the Navy William Jones wrote to Congressmen Burwell Bassett on the future strategy of the Navy, the naval objectives of the United States relied on a "species of force of vast importance for short Coasting Convoys as well as for the annoyance of the enemy. I mean Corvettes such as the *Hornet*… of this valuable class of vessels we are almost destitute." Conversations between high-ranking officials in the Department of the Navy indicate that small, quick-moving vessels which could attack independently were integral to the American strategy, but were lacking in sufficient numbers to adequately accomplish these tasks.[47]

As a way cover the deficit between naval goals and naval realities, privateers were an efficient way to carry out these short, quick attacks on British ships. A privateer did not require extensive strategizing, supply lines, reinforcements, or auxiliary support: these were all the responsibility of the privateer captain, who incurred every risk that similarly constructed vessels would have had to take on as regular naval ships. In return, privateers were promised the profits from their British prizes. Privateers essentially worked as temporary navy, but unlike the militia, was not involved in the directly coordinated strategy of the federal military establishment. Instead, these vessels were generally tasked with the harassment of British naval vessels, and only required to uphold a few stipulations. In "An Act Concerning Letters of Marque, Prizes, and Prize Goods," the U.S. Congress outlined the regulation of privateer engagements with British ships. It merely requires that captains "state in writing the force and tonnage of the vessel," submit a bond to the United States Congress as collateral (along with other nominal licensing fees), and keep a journal of all prizes taken. In regards to naval oversight, it only remarks that "all offences committed by Offences on any officer or seaman on board any such vessel, having letters of marque…shall be tried and punished in such manner as the like offences are or may be tried and punished when committed by any person belonging to the public ships of war of the United States." While the navy had control over privateer discipline, it in reality had little control over privateer military actions, which were coordinated privately.[48]

The journals kept by these privateers shows that engagement with the British was frequent and fast-paced. Oftentimes, situations for battle would arise without warning, save a lookout who would catch sight of a sail on the horizon. In an entry from August 15, 1813, Valpey remembers that

at day light in the morning we discovered two frigates

The Signing of the Treaty of Ghent, Christmas Eve (1814)
Source: Smithsonian American Art Museum

within three gunshots of us we soon had all hands up and crowded all sail but our enemy was in a cloud of sail in a few minuets and soon Commenced firing with there bow chasers upon us but to no purpose until on of them out sailing the other came up with us so that her shot reached then we began for to play upon her with our stern chasers until she came with in musquet shot.

Given no advance warning, the men quickly scrambled into place. The most often repeated phrase in Valpey's journal is "all hands were called," a command from the captain uttered at least once a week in response to a sail on the horizon. Privateers, as a private enterprise, did have the option whether or not to engage with an opposing vessel; as Valpey explains on one instance, "all hands was then called aft for to see if they were willing for to go in chase but we being eager for to Improve our opportunity not knowing how soon that we might have our Liberty taken from us we replied that we would see her by all means in a few minuets."[49] Battles were usually elective, though many privateers were willing to take on bodily or financial risk in pursuit of the riches gained in capturing prizes. Engagements typically lasted the balance of two or more days, in which privateers were, according to accounts, inordinately successful in capturing British vessels of greater size. The tactics used by privateers more closely resembles guerilla warfare than the staid tactics of the American army as practiced on the Canadian fronts.

Militia Combat
The combative portions of militia life, while crucial to the service by definition, actually held less bearing on militia experience than most other segments of the service. Rather far from it, combat was not even the most discussed topic in the personal accounts of militiamen. Mentions of combat pale

in comparison to those of disease and malnutrition, of the desire for a return home, and of the longing for female company. In reality, military life for American militiamen was less defined by combat than by other stresses. This left plenty of time for more fraternal pursuits.

When the militia was called into service, it had far fewer successes than privateers in defeating British forces. The militia was usually used as a "first line" of sorts, clearing the way for more incisive and specific action by regular military forces. Military leadership did not typically depend on the performance of the militia, considering its commitment and skill to be unreliable.[50] Accordingly, some militia accounts take on the role of spectator, like Joseph Kennedy's description of the hostilities near Baltimore. Prone to excitement over any connection to glory, Kennedy gushingly describes the battles around him as "constant exhilaration" in the period prior to battle outside of Baltimore. When it came to actual combat, however, he recalled that "The drafted militia ran away at the first fire, and the Fifth Regiment was driven off the field with the bayonet. We made a fine scamper of it. I lost my musket in the melee while bearing off a comrade, James W. McCulloch…"[51] When the militia did fight against British regulars, it usually amounted to a rout. In a report from the North West Campaign near Detroit on May 5, 1813, McArthur relays

another disaster to the Kentucky troops, not need bearing any comparison to that of the River raisin in [number] of killed and wounded, but exceeding it as to the number of prisoners…the British troops seized this place…On the succeeding night they broke ground [on the camp]…the following morning our batteries arrived upon them, and continued a partial siege the following day.

Militia combat was, from soldier accounts, usually nothing more than a show of force coordinated by the army infrastructure, which even when engaged in battle, resulted in several casualties with no territory gained. Militia combat was largely dependent and coordinated, while privateers frequently acted independently with little naval coordination. The result was that militiamen were bonded together by common circumstances of sedentary life, while privateers were isolated in their singular pursuit of individual profits and limited in their contact with the outside world. Though they fought together, privateer sailors fought for their own individual purposes.[52]

CONCLUSIONS AND EXTENSIONS
American privateers occupied a similar category of employment as the militia, yet had unique experiences among combative military employees during the War of 1812. Inspired less by patriotism and more so by profits, the culture aboard privateering vessels diverged from other branches of the service. Instead of perpetuating a stable military institution, privateering more accurately sprung up as an opportunistic business opportunity, and quickly faded from the Atlantic maritime landscape with the Treaty of Ghent in 1814.[53] By the late 1810s, privateering had faded to the background of

the seaside culture, to return only briefly during the American Civil War.

In the absence of bonding culture between the men, there was little other reason for privateer crews to remain together postwar. Consequently, ships such as the Yankee quickly disbanded after their letters of marque expired. Instances of these privateers continuing on as merchant vessels or otherwise sticking together are few and far between. Instead, privateering crews often show that they were nothing more than business arrangements of convenience.[54] The militia, conversely, encountered some restructuring following the War, but by and large remained an ever-present component of the army well in the first half of the nineteenth century. Privateering, in contrast, faded into the background of maritime employment, because it could not maintain relevance in an open economic market unrestricted by war.[55]

American privateering during the early nineteenth century hardly embodied the romanticism of life at sea anachronistically applied in popular representations today. Instead, privateering culture was highly centered on profit and, most crucially, on survival. The practice of privateering was laborious, and every advantage had to be earned. As Noah Jones quotes in the conclusion of his journal from the *Yankee*, "Honor and shame from no condition rise/ Act well your part, there all the Honor lies." With each man "acting the part" in the sober fulfillment of duties, the men aboard privateers shared in the honors of profit. Though privateering was not a unifying mode of service, its sailors temporarily shared common purpose.[56] 🏛

Endnotes

[1] Joseph Valpey, *Journal of Joseph Valpey Jr. of Salem, Mass., on board the Letter of Marque Schooner Monkey, and While in Dartmouth Prison, 1813-1815*, Burton Historical Collection, Detroit Public Library, Detroit, Michigan, 37-38.

[2] Jerome Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, Connecticut: Wesleyan University Press, 1929), 5-8.

[3] Ibid.

[4] Ibid., 10.

[5] William S. Dudley, *The Naval War of 1812: A Documentary History, vol. II* (Washington, D.C.: Government Printing Office, 1992), 19.

[6] U.S.C. 2 Chapter 28, *An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections and repel invasion*, 2 May 1792, sec. 4.

[7] Kenneth J. Carpenter, *The History of Scurvy and Vitamin C* (New York: Cambridge University Press, 1986), 100-102.

[8] Valpey, *Journal*, 28.

[9] Noah Jones, *Journal of the Private Armed Brigantine Yankee, Oliver Wilson Commander*, in Wilfred Harold Munro, "The Most Successful American Privateer," (American Antiquarian Society, Apr. 1913), 24-42.

[10] Valpey, *Journal*, 4-5.

[11] Jones, *Yankee*, 21.

[12] Edgar Stanton Maclay, *A History of American Privateers* (New York: D. Appleton and Co., 1899), 343.

[13] Asa Grant, Sacketts Harbor, New York to Parents, 10 Nov. 1812. Asa Grant Letters 1812-1813, Small Collections: Box 48, Folder 4-10, William L. Clements Library, University of Michigan, Ann Arbor.

[14] Gretchen A. Condran, "Changing Patterns of Epidemic Disease in New York City, 1625-1990," in *Hives of Sickness*, New York: Rutgers University Press, 1995.

[15] George Hunt, Des Moines to Gen. Gibson, Fort Wayne. 17 Feb. 1813, Burton Historical Collection, Detroit Public Library, Detroit, Michigan.

[16] Asa Grant, Sacketts Harbor to Parents, 2 Oct. 1812, Grant Papers, Clements Library.

[17] William S. Dudley, *The Naval War of 1812: A Documentary History, vol. II* (Washington, D.C.: Government Printing Office, 1992), 27.

[18] Commodore John Rodgers, Boston to Secretary of the Navy Hamilton, Washington, D.C. 19 Jan 1813, in *The Naval War of 1812*, 31.

[19] Testimony of George W. Burbank at his Court Martial, Marine Barracks Charlestown Navy Yard, 6 March 1813, in *The Naval War of 1812*, 33-34.

[20] Valpey, *Journal*, 32.

[21] U.S.C. 2 Chapter 28, *Militia Act*, sec. 6.

[22] John Pendleton Kennedy, *The Life of John Pendleton Kennedy*, ed. Henry T. Tuckerman (New York: J.P. Putnam and Sons, 1871), 65.

[23] Peter Earle, *Sailors: English Merchant Seamen 1650-1775* (London: Methuen, 1998), 26-27.

[24] Ibid.

[25] Jones, *Yankee*, 23.

[26] Munro, "Successful American Privateer," 14.

[27] Peter Lindert and Jeffrey Williamson, "American Incomes 1774-1860," in *NBER Working Paper Series*, Cambridge, MA: National Bureau of Economic Research, Sept. 2012.

[28] To be sure, the American Revolution brought forth very little in the way of socioeconomic levelling. However, it did constitute a difference in how citizens conceived of their own role in a democratic. There has been plenty of scholarship on this shift, including Gordon Wood's *The Radicalism of the American Revolution*.

[29] Valpey, *Journal*, 9.

[30] Privateering success was also dependent on the equipment that a captain had at his disposal, which varied from ship to ship. Sometimes, superior navigational tools could compensate for ineffectual leadership. For more on this see "Aftermath," in Garitee, *The Republic's Private Navy*.

[31] Harry S. Laver, *Citizens More Than Soldiers, The Kentucky Militia and Society in the Early Republic* (Lincoln: University of Nebraska Press, 2007), 99-101.

[32] Or, "equally qualified for militancy and diplomacy," after the Latin proverb. Kennedy use of this phrase in and of itself shows that he holds a classical education, but yet sheds his social advantage in a lust for glory on the battlefield. Instances like this point to the divergence between the egalitarian but solidary privateering culture, and the bonded men seeking glory in the militia. Kennedy, *Life*, 63.

[33] McArthur would, as it happens, resume his political career after the war, serving as a U.S. Representative from 1823-25 and the 11th Governor or Ohio from 1830-1832.

[34] Laver, *Citizens*, 102.

[35] Ibid.

[36] Paul Gilje, *Liberty on the Waterfront* (Philadelphia: University of Pennsylvania Press, 2004), xiii.

[37] Jerome Garitee, *The Republic's Private Navy* (Middletown, Connecticut: Wesleyan University Press, 1929), 14.

[38] "Noble Youth," in *American Commercial and Daily Advertiser*, Baltimore, Maryland, 24 Jun 1812.

[39] Charles Gordon, Baltimore to Secretary of the Navy Jones, Washington, D.C. 15 Apr 1813, in *The Naval War of 1812*.

[40] Maclay, *Privateers*, 338.

[41] Valpey, *Journal*, 1-2.

[42] Jones, *Yankee*, 22.

[43] Kennedy, *Life*, 65.

[44] Partially, the fact that the militia was stagnant was because the War Department did not trust the militia to carry out its objectives. The militia frequently ran from battle, and left the standing army to clean up the damage or otherwise to suffer routs at the hands of the British Army. More on this in the next section. For more on the employment history of the American militia see Edward Skeen, *Citizen Soldiers in the War of 1812* (Lexington: Kentucky University Press, 1998).

[45] Duncan McArthur, Upper Sandusky to R. Forsythe, Chillicothe, 11 Jan. 1813, in Duncan McArthur Correspondence, Burton Historical Collection, Detroit Public Library, Detroit, Michigan. Skeen, *Citizen Soldiers*, 40.

[46] William S. Dudley, *The Naval War of 1812: A Documentary History, vol. II* (Washington, D.C.: Government Printing Office, 1992), 4.

[47] Secretary of the Navy William Jones, Washington, D.C. to Congressman Burwell Bassett, Washington, D.C., 2 Feb 1813, in *The Naval War of 1812*.

[48] 12 U.S. Chapter 107, *An Act Concerning Letters of Marque, Prizes, and Prize Goods*, 26 Jun. 1812.

[49] Valpey, *Journal*, 17.

[50] Skeen, *Citizen Soldiers*, 41.

[51] Kennedy, *Life*, 79-80.

[52] Duncan McArthur, Upper Sandusky to R. Forsyth, Camp Meigs, 5 May 1813, in McArthur Correspondence, Burton Historical Collection.

[53] Garitee, *Private Navy*, 243.

[54] Munro, "Successful American Privateer," 6.

[55] Garitee, *Private Navy*, 243-244.

[56] Jones, *Journal…Yankee*, 60.

'History in Bronze'

Reshaping National Narratives of Civil War Memory through Confederate Memorial at Arlington National Cemetery, 1868-1914

This paper explores the history of Confederate memorial at Arlington National Cemetery from 1868 to 1914 and its role in sectional reconciliation in the half century following the Civil War. It argues that Arlington served as a symbolic arena in which former Unionists and Confederates negotiated their postbellum political relationship through acts of Confederate memorial, beginning with the conduct of Decoration Days and culminating in the construction of the Confederate Monument at Arlington in 1914. It further argues that this process of negotiation had implications for national narratives surrounding reconciliation that developed in the early nineteenth century.

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"On fame's eternal camping ground their silent tents are spread, And glory guards with solemn round, the bivouac of the dead."[1] So reads the inscription over the McClellan Gate, the original entrance to Arlington National Cemetery.[2] Remembered today as a "hallowed ground" and "a national shrine," Arlington's Civil War origins could hardly be characterized as dignified or respectful; in reality, the cemetery was a bitterly politicized arena during and after the war.[3] Beginning in 1868, Arlington's inherent symbolism and the cemetery's growing national prominence positioned it as a microcosm of bitter sectionalism, and later, of reconciliation; in a sense, it began to hold not just the bodies of the war's dead, but the political sentiments of its survivors.

Within Arlington's grounds, former adversaries negotiated their postbellum relationship and advanced their respective narratives of the war through burial and memorial. From 1868 to 1898, commemoration through Decoration Days would reflect the sectionalism besetting the nation and its slow cession to the beginnings of reconciliation. From 1898 to 1914, the construction of the Confederate section and Confederate Monument at Arlington would transform the cemetery into a nationally significant arena for grappling with reconciliation. Rather than just mirroring national debates, as in the case of pre-1898 Decoration Days, negotiating the terms of Confederate memorial at Arlington would shape, reflect, and legitimize emerging political, racial, and historical narratives of the Civil War. This process of narrative creation would culminate with the construction in 1914 of a Confederate Monument at Arlington—"a pro-southern textbook illustrated in bronze"—at the heart of a Union cemetery, in an event at which the country's first Southern-born president since the Civil War would "declare this chapter in the history of the United States closed and ended."[4]

This paper seeks to analyze how former Confederates and Unionists negotiated sectional reconciliation through the

Unveiling of Confederate Monument, Arlington Cemetery, VA (June 4, 1914)
Source: Library of Congress, National Photo Company Collection

arena of Confederate memorial at Arlington from 1868 to 1914, and how those negotiations reflected and legitimized new narratives of Civil War memory. It will argue that white former Confederates and Unionists alike accepted the Confederate Monument at Arlington because it provided an arena in which both sides could advance their postbellum narrative of choice: for the Union, that of a country reunited and moving forward, and for the Confederacy, that the Civil

NEWCONFEDERATE DEAD SECTION
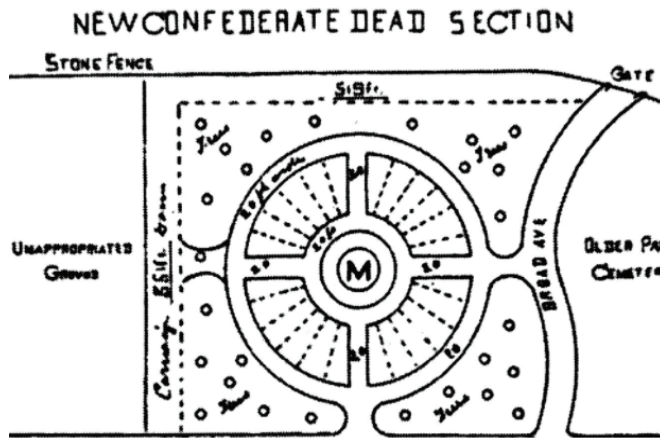
Layout of Confederate Section
Source: Monuments to the Lost Cause, 151.

War had been a noble cause, fought for conviction in the Constitution and not over the right to own slaves. Because the focus of this paper is public memory of the Civil War as constructed through public events, its analysis will primarily utilize press coverage in major newspapers of the time from both the North and South, as well as the *Confederate Veteran* and *National Tribune*, the most prominent Confederate and Union publications, respectively, in the nation. This approach differs from previous scholarship, which has disproportionately concerned itself with the Confederate perspective on memorial at Arlington and focused more on the Monument itself than the events surrounding its creation. The paper will begin with relevant background on Arlington and explain why Civil War veterans ascribed such significance to it, discuss Decoration Days from 1868 to 1898 and sectionalism at the cemetery, and conclude with a discussion of the development of the Confederate Monument at Arlington from 1898 to 1914 and its role in shaping national memory of the Civil War.

THE HISTORY OF ARLINGTON: OWNERSHIP AND SYMBOLISM

The emotion surrounding death naturally makes any cemetery significant to the relations of those buried in it, but Arlington, even in its early years, was differentiated from other national cemeteries by the significance former Union and Confederate soldiers ascribed to it. While Arlington would become emotionally meaningful with time, given the large number of soldiers buried there, its initial significance at the war's end and even prior was symbolic and rooted in the estate's history and location. Arlington was originally developed into an estate by George Washington Parke Custis, George Washington's adopted son, and in 1857 was inherited by the wife of Robert E. Lee and became his home.[5] The estate sits on elevated ground overlooking the Potomac River and, by extension, Washington, D.C.; in the modern landscape, it lies directly across the Potomac from the Lincoln Memorial.[6] The symbolism of the estate's location on the line dividing the United States and the Confederacy, its proximity to the national (federal) capital, and its association with the Lee family, and by default, the Confederacy, would affect conceptualizations of Arlington after the war—including, eventually, perceptions of the importance of a Confederate monument at Arlington. For these reasons, the new cemetery "served as a symbolic battlefield" after the war.[7]

In practical terms, Arlington's location was also important to federal forces during the war. Arlington was "not only a choice piece of real estate but also one essential to Washington's defenses"; its proximity and elevation endangered the capital, including the White House.[8] Consequently, Virginia's secession was immediately followed by federal seizure of Arlington, from which the Lees had already fled.[9] Three years into its occupation, Arlington began serving as a cemetery, at first unofficially as Brig. Gen. Montgomery Meigs buried dead Union soldiers at Arlington without authorization, and continuing after Secretary of War Edwin Stanton accepted Meigs' proposal that Arlington serve as a national military cemetery.[10] This arrangement served the Union's need for burial space and satisfied Meigs' "personal spite" toward Robert E. Lee for his choice to side with the Confederacy.[11] Meigs' tactic—burying as many enemy dead as possible on beloved family grounds, some literally in the garden—was effective.[12] The Lees, despite their best efforts, would never return to Arlington.[13] Their continuing claims to ownership were, however, vindicated by the Supreme Court in 1882, when the Court ruled that the federal government's seizure had been illegal and the Lees were the rightful owners of the estate.[14] Though Arlington's use as a cemetery did not change—the Lee heirs agreed to sell the property to the federal government, securing its ownership—it is worth noting that "the debate [over Arlington's legal ownership] helped to elevate Arlington's status" to "a ground hallowed in the national imagination."[15]

DECORATION DAYS AND SECTIONALISM, 1868-1898

After the war, honoring the dead logically followed burying them. The first "Decoration Day" (the precursor to Memorial Day) was celebrated on May 1, 1865, by newly-freed blacks in South Carolina.[16] Beginning in 1868, Union veterans who were members of the Grand Army of the Republic (G.A.R.) followed suit and began honoring their dead at Decoration Days, on which veterans held ceremonies and decorated the dead's graves, usually with flowers, in late May.[17] Confederate Memorial Day, a separate event initially held more disparately throughout the South between late April and early June, began in 1866.[18] Though a seemingly innocuous act, for both sides, grave decoration was a deeply emotional act of mourning, made political by the nature of death in a civil war.[19] As *The New York Times* put it in 1875, "[Decoration Day] ceremonies [were] intended not simply to denote the admiration which the survivors cherish…but also to denote attachment and affection for the cause in which they laid down their lives."[20]

Confederate monument "The New South" in Arlington
Source: Library of Congress, c. 1912-1930

Sectionalism and Decoration Days at Arlington

Unsurprisingly, Decoration Days at Arlington initially served as an instrument of Union exclusion of Confederates. Though most of the dead at Arlington were Union soldiers, a small number of Confederate dead had been buried there in graves marked only by wooden headboards reading "rebel."[21] The federal government, supported by the G.A.R., initially prohibited any decoration of these graves, before deciding several years later to allow Confederates to decorate their graves on a different day than Unionists.[22] Contemporary press coverage in the first decade following the war makes clear that former Confederates not only resented the prohibition on decoration, but regarded it as a proxy for more general Union attitudes toward, and rejection of, reconciliation. Indeed, Louisville's *Courier-Journal* was forced to make a habit of decrying former Unionists on Decoration Days, often on its front page, repetitively describing the prohibition as "something more than human malignity...absolutely devilish," "an opportunity for the usual display of malignity," a "petty piece of malignity," and indicative of "who it is that wants to bury the bitter memories of the war."[23] Nashville's

Republican Banner similarly denounced the Unionists as "mean-spirited scoundrels who war only with the dead" in 1870.[24] G.A.R. members gained coverage throughout the South in that year for removing decorations that had been placed on Confederate graves at Arlington by Confederate women and threatening to arrest the women for any further attempts at decoration.[25]

This treatment was intentional, and Unionists loathed Confederates in equal measure. David Blight has written that "Memorial Day rituals did their part in helping many Northerners become early believers in reunion, at least its ultimate necessity," but in their early years, Decoration Days at Arlington were bitterly sectionalist and actively conducted to exclude Confederates.[26] The G.A.R. members who made headlines in 1870, for example, could hardly have accidentally removed the decorations honoring Confederates. In 1869, The *New York Times* provided an illustrative example of the animosity felt in the North:

> Considerable bitter feeling and animosity appears to have been aroused by the distinction made between the Union dead and the rebel dead in the solemnities of yesterday and to-day. . . Rev. Mr. NEWMAN, Chaplain of the Senate, in his oration yesterday, held that the representatives of this nation could never sanction the decoration of the Confederate soldiers' graves until it had been first decided by the Christian Church to pay honors to Judas Iscariot, and until we had ourselves agreed to commemorate BENEDICT ARNOLD…at Arlington yesterday a few flowers were thrown on rebel graves. In more than one instance the military interfered and ordered them to be removed.[27]

The comparison between the Confederacy and some of history's great traitors—Judas and Benedict Arnold—speaks to the venom that remained between the former adversaries.

Even after Confederate grave decoration was permitted, Unionists resented the notion that Confederates would be allowed to decorate their graves on the same day, describing it as "an insult…too gross to be quietly overlooked."[28] In short, Decoration Day was a tense event. But by the 1880s, "[t]he fervor with which Americans practiced the rituals of Memorial Day began to fade."[29] At Arlington, even though Decoration Day was no less passionate, sectionalism was giving way to displays of reconciliation as the focus of commemoration shifted to "the realm of sentiment" and "the soldier and his sacrifice" rather than the causes of the Civil War.[30] An early indicator of this was the G.A.R's decision in 1883 to begin to decorate Confederate graves on Decoration Day, a practice news coverage "believed [would] not be abandoned."[31]

The Role of the Spanish-American War in National Reconciliation

Though many historians attribute reconciliation to the Spanish-American War in 1898, David Blight more accurately captures the relationship: the war "solidif[ied]" but did not

create the reconciliationist sentiments that already existed.[32] Press coverage in the decade prior to the war was already singing the praises of reconciliation. In 1887, *The Washington Post*'s Decoration Day coverage reported that "Past animosities were forgotten, and where they lay side by side, the grave of the soldier who wore the gray was decked with flowers no less beautiful than those placed by the hands of the comrades on the grave of him who wore the blue."[33] Such sentiments would be common throughout the 1890s. By 1894, the *Courier-Journal*'s front page coverage of Decoration Day noted that "Whatever of bitterness may have been the inheritance from the war seemed to have been forgotten."[34] An 1895 article in the *Journal* on national cemeteries noted that nationally, the "custom of the joint decoration of Union and Confederate soldiers' graves [was] growing more frequent every year."[35] In 1897, a year before the Spanish-American War, the focus and title of *The Washington Post*'s article on Decoration Day was "Bitterness Engendered by the War Has Passed Away."[36] And most tellingly, in 1900, two years after the war, coverage in the Unionist *National Tribune*

'HISTORY IN BRONZE': CREATING THE CONFEDERATE SECTION AND MONUMENT, 1898 TO 1914

Compared to the period from 1898 to 1914, the pre-1898 era of memorial at Arlington was simple: it was limited largely to Decoration Days and reflected a broader national shift away from sectionalism rooted in lingering resentments. In contrast, as the nation began to move toward reconciliation and the South in particular generated new narratives of the Civil War's causes, the creation of the Confederate section and Confederate Monument at Arlington would both reflect and legitimize emergent narratives of the war and reconciliation. Ultimately, the Confederate Monument at Arlington would embody the South's new narrative of the Civil War as a brave battle for constitutional and states' rights, rather than slavery. In permitting the Monument to be placed at Arlington, former Unionists tacitly accepted this narrative and assured it a physical and symbolic place in the national landscape, in exchange for which they could advance their own narrative of complete national reconciliation.

"The Confederate Monument itself would reflect how reconciliation was 'achievable in the end only through new regimes of racial subjugation.'"

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described the Spanish-American War's role in reconciliation as destroying "a remnant of sectional bitterness."[37] Thus, the war could more accurately be described as an event whose significance for reconciliation was providing a political stage for proponents to argue the nation was reunited and take steps to make that claim a reality, as, most significantly, William McKinley would.

On the whole, the press offered positive commentary on Decoration Day events that clearly viewed mutual decoration as an important step in reconciling North and South, in contrast to the resentful commentary of the 1870s that perpetuated sectionalism. However, it is important to note that while Arlington was a particularly significant burial ground to both sides and often the focus of national attention on Decoration Day, it was not unique in its commemorative practices, except perhaps for the passion with which they continued to be held for decades. Nashville's *Daily American*, for example, describes similar commemorative practices across the country in 1884.[38] But in contrast to post-1898 memorialization at Arlington, which was nationally covered and more politically complex, Arlington's Decoration Days, though conducted in a nationally prominent setting, were typical acts of national memorialization.

Reconciliation, Arlington, and the McKinley Presidency

William McKinley's presidency would prove to be a turning point in the treatment of Confederate memorial at Arlington and national reconciliation more broadly. Elected in 1896 on an "economic and emotional appeal for reconciliation as protection against the [populist] 'mob,'" McKinley's interest in reconciliation was rooted in political necessity and his own personal convictions.[39] A Civil War veteran himself, "[h]e had experienced war and never wanted to see it again."[40] As a result, "the furthering of sectional reconciliation was one of the President's explicit war aims."[41] More broadly, and of consequence for Confederate memorial at Arlington, McKinley served at a time when it was becoming clear that postbellum memory would take the form of "white supremacist memory combine[d] with reconciliation."[42] The Confederate Monument itself would reflect how reconciliation was "achievable in the end only through new regimes of racial subjugation."[43]

Whereas before memorial had been limited to individual and transient acts of commemoration on Decoration Days, McKinley's actions would lead to the creation of a permanent Confederate section within the cemetery and subsequently, the development of the section's Confederate monument. This process began in 1898 not with the Spanish-American War itself, but with McKinley's post-war Peace Jubilee speech in Atlanta in December. The message was oversimplified, but direct: "Sectional lines no longer mar the map of the United

States. Sectional feeling no longer holds back the love we bear each other."[44] In turn, McKinley called for the federal government, "in the spirit of fraternity," to bear responsibility "in the care of the graves of the Confederate soldiers."[45] The sentiment was widely lauded by Confederate veterans and in the Northern press.[46] *The Los Angeles Times* went so far as to title its coverage of the speech "The Death of Sectionalism."[47] Within a year, the process of reinterring every dead Confederate in the Washington, D.C. area began.[48] Testifying to Arlington's national status, this process would pave the way for "a national effort to identify and appropriately mark the graves of [all] Confederates buried in the North."[49] In June 1900 Congress passed a bill to authorize and fund reinterment, and by October 1901 the Confederate section, the new resting place of 264 Confederate soldiers, was complete.[50]

The creation of a Confederate section was undoubtedly a weightier act of memorialization than Decoration Days had been. The section was naturally permanent, and Southern opponents' reactions to the proposal suggests that the prospect of the Unionist federal government handling Confederate corpses was still emotionally fraught.[51] As a consequence, the section's creation was politically contentious among Confederates and exposed the remaining vestiges of sectionalism in public debate, though notably, the G.A.R. did not object to the section's creation.[52] Central to the debate was whether allowing Confederates to be buried in this manner—in Arlington, but in their own section—was, from different perspectives, too sectionalist, or too reconciliationist. While some, like McKinley, viewed reinterment as an act of reconciliation, others disagreed. *The Washington Post*, for example, wrote that while it generally thought Confederates should be buried in the South, the Arlington proposal was unobjectionable and "contain[ed] no hint of that ridiculous and offensive 'reconciliation' with which the professionals of both sides continually vex the ears of serious men."[53]

Some simply didn't wish to compromise; several women's monuments associations opposed the section.[54] These women, representing the Daughters of the Confederacy and a memorial association in Richmond, apparently regarded the Confederate Veterans as "too accommodationist" of Republicans and feared that the G.A.R. wanted to reinter the Confederate dead in order to defile their graves.[55] More pragmatically, they were also concerned for their own continuing relevance.[56] These concerns speak to the degree of emotion that remained in remembering the war and the ways memorial could be leveraged to suit personal needs and ideologies—in this case, as a political outlet for Confederate women. In contrast, pragmatism also motivated some supporters of the section more than concerns for reconciliation. These supporters argued that gathering these dead in one place would make their graves more accessible, presumably for honoring them.[57] Others noted the resources at the federal government's disposal to care for the graves.[58] Supporters would win the day, and the section was completed.

Creating the Confederate Monument

The section itself carried political and symbolic significance as a location for Confederate dead in a historically Union cemetery, but Confederate memorialists were not yet finished. The graves of the new Confederate section had been arranged in concentric circles around an empty center, and within several years of the section's completion former Confederates would seek to erect a monument in this space.[59] Secretary of War William H. Taft approved the United Daughters of the Confederacy's request to do so in 1906.[60] The Daughters would undertake extensive fundraising efforts that underscored the importance of the monument to them, making appeals that explicitly addressed the attractive symbolism of placing a monument at Arlington.[61] Appeals in the papers often noted Arlington's proximity to the national capital, the visiting tourists the monument could reach, and Arlington's history as Robert E. Lee's home.[62] Underscoring the monument's importance, fundraising reports were regularly published in the *Confederate Veteran* for years, reporting to all subscribers who had donated and how much.[63]

Fundraising proceeded steadily, and the United Daughters of the Confederacy would hold their 1912 convention in Washington specifically for the laying of the Confederate Monument's cornerstone; in the spirit of reconciliation, perhaps, this event was advertised as their first convention outside the South, even though this was not the case.[64] The complete monument would be unveiled on June 4, 1914.[65] These events themselves, as well as the press coverage of them, reflected and advanced new narratives about the war. Beyond lauding reconciliation, the "perpetual national unity" that had been achieved, and the Monument's role as "emblematic" of that unity, these events publicized new and nobler narratives about the causes of the Civil War.[66] In this sanitized and deracialized retelling, the South had fought not for slavery but for the just cause of sovereignty; it had stood for "constitutional rights that had been conceded by the fathers," testing the legal right of secession.[67] Southerners had fought not as "rebels" but as patriots, "who fell in defense of what they felt was right, and in defense of their homes."[68] Consequently, the laying of the cornerstone and unveiling of the Confederate Monument reflected narratives of the war in which "white supremacist memory [had] combine[d] with reconciliation" and legitimized them by serving as occasions to proffer these narratives at an important national event and symbolically, entrench them at the heart of Arlington—which Confederates now focused on not as a Union cemetery, but as the former home of Robert E. Lee.[69]

Given the narratives surrounding the Monument and Confederate excitement for its unveiling, its design should come as no surprise. Titled "New South," the thirty-two foot bronze monument presents a visual narrative that lauds Southern agriculture in a context that ignores slavery and celebrates the Confederate dead.[70] It is topped by the figure of a woman meant to represent the South and its agricultural history,

The Southeast Corner of the Frieze on the Confederate Monument (2011)
Source: Wikimedia Commons

with one hand offering a wreath and the other touching a plow; the press covered it as a symbol of peace.[71] Below this figure is a frieze with Minerva at its center, holding a shield inscribed with "The Constitution."[72] Confederate soldiers, bold, heroic, their chests outthrust, "walk determinedly toward the front lines of battle."[73] Though honoring Southern agriculture, the only slaves depicted are a "body servant" and "black mammy," both "faithful" and unharmed by slavery.[74] Both are examples of a central element of the Lost Cause narrative, "the image of the faithful slave," and thus represent the warped version of racial history the monument presented.[75] The monument has two inscriptions of note that directly express its version of history: the first, "They have beat their swords into plowshares and their spears into pruning hooks," and the second, "Not for fame; not for place, or for rank; not lured by ambition or goaded by necessity; but in simple obedience to duty as they understood it, these men suffered all, sacrificed all, dared all—and died."[76] In every regard, the monument thus inaccurately portrays the antebellum South and the nature of the Civil War, but perfectly captures the new narrative of Confederates as courageous constitutionalists to whom slavery was unimportant beyond the legal questions it raised.

The Confederate Monument's Implications for Civil War Memory

"[N]o less than a pro-southern textbook illustrated in bronze," the Confederate Monument's design obviously reflected the new narratives Southerners were generating of legal and deracialized causes of war.[77] But it also legitimized them by placing them at the heart of Arlington—and by allowing the Monument to be constructed in Arlington, the federal government, still associated with the North, tacitly condoned those narratives. Technically, on a ceremonial and symbolic level, the United Daughters of the Confederacy had

presented the Arlington monument to the American government, and the president had accepted it.[78] In exchange, former Unionists gained their own opportunity to advance the politically-advantageous narrative of reconciliation that remained as useful as it was during McKinley's time. To quote David Blight, in the years it took to create the monument, "[i]nvoking images of the Blue and Gray [reuniting] provided a kind of mantra for anyone who needed to serve the political or business interests of sectional comity and social cohesion."[79] Wilson's proclamation at the Monument's unveiling that "this chapter in the history of the United States [is] closed and ended" was hardly true; he was, after all the same man who just days earlier had sparked outrage by initially refusing the G.A.R.'s invitation to speak at its Memorial Day ceremony but accepting the Confederates Veterans' invitation to speak at theirs.[80] Indeed, though G.A.R. leaders attended the Monument's unveiling and engaged in reconciliationist rhetoric, the *National Tribune* had curtly noted just five years earlier that "There is no monument in Arlington to the Union dead."[81] What the G.A.R.'s attendance and federal approval for the Monument did signal, if not true reconciliation, was the willingness of former Unionists to accept the South's narrative of constitutionalism because politically placating and cooperating with the South fit the Union's narrative of a reunited nation.

Wilson could thus use the unveiling to wax poetic about the virtues of democracy and a united nation even as Southerners celebrated the sanitized monument as "history in bronze," as he himself engaged in an "increasingly aggressive program of racial segregation in federal agencies," and as black Americans across the South continued to be subjected to racial violence and political and social oppression.[82] More accurately, then, the Confederate Monument served the political needs of both white sides. As much as it symbolized white former Union and Confederate adversaries reconciling to their mutual political advantage, the Monument also symbolized that the nation's reconciliation had been "achiev[ed]…through new regimes of racial subjugation."[83] It is small wonder that the process of creating the Monument, an enterprise stretching across nearly a decade, was rarely, if ever, covered in the black press; the *Afro American Ledger* of Baltimore, for example, so close to Washington, made no mention of the monument's unveiling in its pages.[84] Two days after President Wilson lauded the monument's unveiling as a pivotal moment in American history, the *Washington Bee* broke its pattern of silence and published a scathing op-ed that made no mention of the monument, but was a clear reaction to it, asking directly: "Has It Come To This?"[85] Striking at the discordance between the Civil War's true origins and the version of history offered by political leaders, and between the war's promise for African Americans' rights and the continued denial of them half a century later, the writers stripped bare the reconciliationist rhetoric of the new white narrative of the Civil War: "There may be unity on the subject of physical bravery, but we seriously question the unity of the 'spirits

of men."[86] Ultimately, of course, they would have to wait half a century more for the federal government to defend their rights.

CONCLUSION

First through Decoration Days and later through Confederate memorial, Arlington National Cemetery would provide an arena unique by virtue of its history and symbolism in which former Unionists and Confederates could grapple with remembering and memorializing the Civil War. Decoration Days would prove an effective instrument of sectionalism, but by the 1880s practices at Arlington and around the country hinted at the weakening sectionalist fervor throughout the nation. By 1898, reconciliationist rhetoric was sufficiently powerful and Arlington so nationally significant that there national leaders could publicly and symbolically legitimize new narratives of the war. Though the Confederate Monument itself is undeniably pro-Confederate and ahistorical, simultaneously accepting its narrative of the war in Arlington's physical landscape and in the national political landscape suited a reconciliationist Northern narrative that could coexist with new Southern narratives of the war. The price, of course, was the white North's forfeiture of the fight for racial equality and national normalization of a false narrative, the consequences of which would reverberate far beyond the hills of Arlington. 🏛

Endnotes

[1] "McClellan Gate," *Arlington National Cemetery*, accessed November 13, 2016, http://www.arlingtoncemetery.mil/Explore/Monuments-and-Memorials/McClellan-Gate.

[2] Ibid.

[3] Robert M. Poole, *On Hallowed Ground: The Story of Arlington National Cemetery* (New York: Walker & Company, 2009), 5; "Mission and Vision," *Arlington National Cemetery*, accessed November 13, 2016, http://www.arlingtoncemetery.mil/About/Mission-Vision; Laurie Burgess, "Buried in the Rose Garden: Levels of Meaning at Arlington National Cemetery and the Robert E. Lee Memorial," in *Myth, Memory, and the Making of the American Landscape*, ed. Paul A. Shackel (Gainesville: University Press of Florida, 2001), 160.

[4] Cynthia Mills and Pamela H. Simpson, *Monuments to the Lost Cause: Women, Art, and the Landscapes of Southern Memory* (Knoxville: University of Tennessee Press, 2003), 158; Woodrow Wilson, *The New Democracy: Presidential Messages, Addresses and Other Papers (1913-1917)* (New York: Harper & Brothers Publishers, 1926), 124.

[5] Poole, *On Hallowed Ground*, 11.

[6] Ibid., 22.

[7] Burgess, "Buried in the Rose Garden," 160.

[8] Poole, *On Hallowed Ground*, 22.

[9] Ibid., 25-26.

[10] Ibid., 58-61.

[11] Michael B. Chornesky, "Confederate Island Upon the Union's 'Most Hallowed Ground': The Battle to Interpret Arlington House, 1921-1937," *Washington History* 27, no. 1 (2015): 24.

[12] Burgess, "Buried in the Rose Garden," 162.

[13] Poole, *On Hallowed Ground*, 81-83.

[14] Ibid., 92-93.

[15] Ibid., 82-83, 92-93.

[16] David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of Harvard University Press, 2001), 65.

[17] Ibid., 71-73.

[18] Ibid., 77.

[19] Ibid., 78.

[20] "Decoration Day," *New York Times*, May 25, 1875.

[21] "The Confederate Dead: A Simple Memorial Service at Arlington—The Floral Offerings," *Washington Post*, June 14, 1878.

[22] William A. Blair, *Cities of the Dead: Contesting the Memory of the Civil War in the South, 1865-1914* (Chapel Hill: The University of North Carolina Press, 2004), 177-78.

[23] "Desecration," Courier-Journal (Louisville, KY), June 1, 1869; "Decoration of the Confederate Graves at Arlington Today Forbidden," *Courier-Journal* (Louisville, KY), May 21, 1873; "Front Page 4 – No Title," *Courier-Journal* (Louisville, KY), May 21, 1873.

[24] "Editorial Article 2 – No Title," *Republican Banner* (Nashville, TN), June 1, 1870.

[25] "Decoration Day," *Atlanta Constitution*, June 4, 1870; "Washington: Yesterday in the National Capital," Courier-Journal

(Louisville, KY), May 31, 1870.

[26] Blight, *Race and Reunion*, 73.

[27] "Decoration Day—The Erlanger-Armand Suit—Cuban Matters," *New York Times*, May 31, 1869.

[28] "Decoration Day at Arlington—The Back-Pay Congress Allowing Indians to Starve—The Vienna Commission," *New York Times*, May 20, 1873.

[29] Blight, *Race and Reunion*, 94.

[30] Ibid., 95.

[31] "Rebel' Graves to Be Decorated," *New York Times*, May 21, 1883.

[32] Blight, *Race and Reunion*, 291.

[33] "Tributes to the Dead: Memorial Day Exercises at Arlington and Elsewhere," *Washington Post*, May 31, 1887.

[34] "At Arlington: Memorial Services On the Historic Heights Above the Potomac," *Courier-Journal* (Louisville, KY), May 31, 1894.

[35] "Federal Cemeteries," *Courier-Journal* (Louisville, KY), September 11, 1895.

[36] "Arms are Stacked: Bitterness Engendered by the War Has Passed Away," *Washington Post*, May 31, 1897.

[37] Mary S. Lockwood, "Through the Gates of Arlington," *National Tribune* (Washington, D.C.), June 7, 1900.

[38] "In Memoriam: Decoration Day More Generally Observed Than Usual," *Daily American* (Nashville, TN), May 31, 1884.

[39] Blight, *Race and Reunion*, 346.

[40] Ibid.

[41] Ibid., 351.

[42] Ibid., 389-90.

[43] Ibid., 139.

[44] William McKinley, *Speeches and Addresses of William McKinley, from March 1, 1897 to May 30, 1900* (New York: Doubleday & McClure Co., 1900), 158.

[45] Ibid., 159.

[46] "The Eastern Press," *Atlanta Constitution*, December 18, 1898; "Ex-Confederates Thank M'Kinley," *Atlanta Constitution*, December 20, 1898.

[47] "The Death of Sectionalism," *Los Angeles Time*s, December 25, 1898.

[48] Michelle A. Krowl, "In the Spirit of Fraternity': The United States Government and the Burial of Confederate Dead at Arlington National Cemetery, 1864-1914," *The Virginia Magazine of History and Biography* 111, no. 2 (2003): 162.

[49] Ibid., 153.

[50] Ibid., 163-65.

[51] Blair, *Cities of the Dead*, 189.

[52] "Blue and Gray Rest Together," *Atlanta Constitution*, May 2, 1901.

[53] "Confederates at Arlington," *Washington Post*, May 29, 1901.

[54] "Dead Who Wore Gray: Ex-Confederate Protest on Reinterment at Arlington," *Washington Post*, May 26, 1901.

[55] "Reburial of Confederates," *New York Times*, May 2, 1901;

Blair, *Cities of the Dead*, 189.

[56] Ibid.

[57] "Dead Who Wore Gray: Ex-Confederate Protest on Reinterment at Arlington," *Washington Post*, May 26, 1901.

[58] "Care of Federal Graves and Soforth," *Nashville American*, May 27, 1900.

[59] Mary Wright Johnson, "To Reclaim Confederate Graves in the Old Arlington Grounds," *Washington Post*, January 14, 1906; "Editorial Article 1 – No Title," *Courier-Journal* (Louisville, KY), November 17, 1905.

[60] Krowl, "In the Spirit of Fraternity," 179-80.

[61] Mills and Simpson, *Monuments to the Lost Cause*, 152.

[62] "Funds Needed For Shaft," Washington Post, November 19, 1906; "Appeal Made For Monument," *Atlanta Constitution*, September 27, 1908.

[63] "Arlington Confederate Monument," *Confederate Veteran*, 1908, 297, 437, 489; "Arlington Confederate Monument," *Confederate Veteran* 17, 1909, 40, 52, 181, 204, 267, 353, 408, 473, 570-71, 618; "Arlington Confederate Monument," *Confederate Veteran*, 1910, 54, 151, 197, 297, 430, 500; "Arlington Confederate Monument," *Confederate Veteran*, 1911, 54, 109, 213, 543; "Arlington Confederate Monument," *Confederate Veteran*, 1912, 62-63, 118, 153, 265, 311, 365, 455, 501; "Arlington Confederate Monument," *Confederate Veteran*, 1913, 148, 208, 409, 543.

[64] Mills and Simpson, *Monuments to the Lost Cause*, 155.

[65] Wilson, *The New Democracy*, 123.

[66] "Begin U.C.V. Shaft.: Daughters of the Confederacy Hosts to Blue and Gray as They Mingle at Arlington," *Washington Post*, November 13, 1912; "Rebel Yell for Corp Tanner," *Boston Daily Globe*, November 13, 1912.

[67] "Confederates Honor Dead Comrades in Arlington," *Washington Post*, June 4, 1906.

[68] Ibid.; "Given Honored Burial: Final Report of Committee on Confederate Dead," *Washington Post*, February 16, 1902.

[69] Blight, Race and Reunion, 389-90; Anna Bland, "U.D.C. Convention At Washington: Great Gathering To Be Held In The Capital This Week Starts Confederate Monument," *Nashville Tennessean and the Nashville American*, November 10, 1912; "Confederates Honor Dead Comrades in Arlington," *Washington Post*, June 4, 1906.

[70] Mills and Simpson, *Monuments to the Lost Cause*, 158-60; Krowl, "In the Spirit of Fraternity," 183.

[71] Poole, *On Hallowed Ground,* 136; "Arrive for Unveiling: Veterans of Southern States Come to See Monument," *Washington Post*, June 4, 1914; Mills and Simpson, *Monuments to the Lost Cause*, 154.

[72] Krowl, "In the Spirit of Fraternity," 183.

[73] Mills and Simpson, *Monuments to the Lost Cause*, 158.

[74] Ibid.

[75] Blight, *Race and Reunion*, 284.

[76] E. Dorothy B. Lanier, "Unveiling of Confederate Monument at Arlington," *Atlanta Constitution*, June 14, 1914.

[77] Mills and Simpson, *Monuments to the Lost Cause*, 158.

[78] Wilson, *The New Democracy*, 123.

[79] Blight, *Race and Reunion*, 356.

[80] Wilson, The New Democracy, 124; "Wilson Speaks at Reunion of G.A.R.," *Nashville Tennessean and the Nashville American*, May 31, 1914; "Clark and President Meet in Contrast at Arlington," *Washington Post*, May 31, 1914.

[81] Hilary A. Herbert, *History of the Arlington Confederate Monument* (Washington, D.C.: B.S. Adams, 1914), 54-62; "Washington News," *National Tribune* (Washington, D.C.), June 24, 1909.

[82] Mills and Simpson, *Monuments to the Lost Cause*, 158; Wilson, *The New Democracy*, 123-24; Blight, *Race and Reunion*, 349, 390; "Has It Come To This?," *Washington Bee*, June 6, 1914.

[83] Blight, *Race and Reunion*, 139.

[84] *Afro American Ledger* (Baltimore, MD), June 6, 1914.

[85] "Has It Come To This?," *Washington Bee*, June 6, 1914.

[86] Ibid.

From Locke to Louboutin

Justifying Fashion Legal Protection with Philosophical Property Theories

Court opinions regarding fashion copyright and trademark cases often depend on John Locke's labor theory, Georg Wilhelm Friedrich Hegel's personality theory, and Michael Foucault's author theory to justify legal protection. This paper argues that the courts first applied the labor and personality theories to emphasize the importance of the designers. Then, the courts applied an author theory to focus on the perception of the consumer. Finally, the courts used the personality theory to allude to the personality of the consumer, implying that consumers, like designers, express themselves through the vocabulary of designs and styles available to them.

By Camille Edwards
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Christian Louboutin's famous red heels
Source: Wikimedia Commons (2011)

In 2011, Christian Louboutin, a famous designer of luxury shoes, sued Yves Saint Laurent, another high-end French couture brand. Christian Louboutin claimed that Yves Saint Laurent infringed on his trademark, which protected the use of the color red on the bottom of heels. A "battle over suede stilettos," *Christian Louboutin v Yves Saint Laurent* considered a profound legal question of whether a color can be trademarked in the fashion industry, galvanizing international attention.[1] Questions regarding the realm of attributes that trademark law protects began percolating throughout the entire fashion community, including fashion lawyers. "Can you trademark the color red?" asked fashion lawyer Jeannie Suk.[2] The whole fashion community watched to see how the court would rule on this peculiar and highly-publicized case. The Court of Appeals for the Third Circuit shocked the fashion world with its opinion by ruling in favor of Louboutin.

However, the court only granted protection of the red sole when it contrasted against a non-red shoe body. The court's decision that color can be trademarked and owned by an individual designer inflamed what was already a heated controversy over how fashion designs should be protected. While many fashion lawyers recognized that consumers depend on the red shoe sole to identify the shoe as a Louboutin, others highlighted the obvious: "But red; it's a color."[3] The court's opinion in *Christian Louboutin* both placed intellectual property law at the forefront of the fashion community as well as intensified an already tense debate amongst intellectual property lawyers.

Many fashion lawyers consider the functional and artistic aspects of fashion to argue in favor or against legal protection in the fashion industry.[4] Some fashion lawyers privilege the aesthetic over the functional and contend that fashion is an art, deserving of the same legal protections as paintings and sculptures.[5] Those lawyers contend that fashion should receive copyright protection, which "extends to original works of authorship fixed in any tangible medium."[6] Some lawyers counter that fashion is a functional good and should not benefit from the copyright protection that paintings and music receive.[7] Others recognize how fashion can be artistic as well as functional.[8] Because fashion bears artistic elements as well as serves a functional purpose, it often fails to receive copyright or patent protection, as the former protects artistic expressions and the latter protects functional innovations.[9] As the current intellectual property legislation provides no specific instruction for the fashion industry, the courts have been empowered to determine where fashion falls on the spectrum of legal protection.[10]

While many lawyers focus on how fashion illustrates the personality and originality of the designer, others recognize how consumers also depend on fashion as a vocabulary for self-expression.[11] When designers express originality in their

designs, they create a vocabulary, or instrument, through which consumers can express their own identities.[12]

Separate from the lawyers who narrate the legal protections afforded to fashion exists a discourse amongst scholars concerning the philosophical implications webbed throughout current intellectual property laws. Scholars identify John Locke's labor theory, George Friedrich Hegel's personality theory, and Michael Foucault's author theory in the intellectual property law cases.[13] The labor theory, introduced by John Locke, offers a theory of justification rooted in labor. Locke's theory articulates that when people cultivate land through their own personal labor, they become entitled to that land as their property.[14] Scholars draw a parallel between the Lockean theory of physical property ownership of land to intellectual property ownership of ideas, arguing that "we own our ideas because we create them," the same way that we cultivate land through our labor.[15]

The personality theory, attributed to Georg Wilhelm Friedrich Hegel, offers a different justification organized around identity and personality.[16] Hegel argues that because our creations are extensions of ourselves, we must have legal protection over them.[17] Rather than argue that one's individual labor constitutes property ownership, the personality theory argues that if someone infuses her will into a physical object, she then owns that object, as it now encapsulates a piece of her identity.

Although cited less frequently than the labor and personality theories, Michael Foucault's author theory has also been used to justify intellectual property law.[18] Foucault's author theory, which allows "society [to define] what intellectual property is," can determine the legal owner of intellectual property.[19] If society recognizes a particular designer or author as the creator of a particular work, then that designer possesses legal ownership of that item.[20]

While connections between philosophical property theories have been drawn to intellectual property law in general, no scholars have related them specifically to fashion intellectual property law.[21] The current debate on how legal protections should consider the functionality, artistic, and expressive nature of fashion and the conversation that ties philosophical property theories with intellectual property law exist completely separate from one another, creating a gaping divide.[22] This is the gap I bridge with my research by answering the following question: How have court justifications in fashion cases evolved from 1954 to 2011 to illustrate different philosophical property theories? In my research, I directly examine the protections offered in fashion copyright and trademark cases from mid-twentieth to the early twenty-first century to illuminate Lockean, Hegelian, and Foucauldian property theories in the legal protections for fashion.

In the narrative and analysis section, I first provide a short overview of what Hegelian, Lockean, and Foucauldian property theories argue. Then, I evaluate fashion copyright and trademark cases that exemplify property theories. I pull from some of the analyses provided by other scholars to illustrate how these philosophical property theories connect to intellectual property law.[23] I then examine the fashion case law history from 1954 to 2011. I first detail the developments in copyright law for fashion protection. Then, I explore how trademark protections have expanded on the precedent of copyright case law as well as evolved on their own.

Through my analyses of these cases, I illuminate how the courts illustrate the philosophical property theories authored by Hegel, Locke, and Foucault in order to justify fashion protection. In my analysis, I identify three phases in the courts' justifications for protection: the first phase considers the personality and labor of the designer, the second phase emphasizes the recognition and perception of the consumer, and the third phase focuses on the interests and personality of the consumer. Following my analysis and narrative, I consider what implications and conclusions my research has for the other scholars exploring similar areas.

NARRATIVE AND ANALYSIS
Locke's Labor Theory
John Locke's labor theory acts as one of the first to justify the origins of property ownership. In his chapter on "Property" in his larger work, *The Second Treatise of Civil Government,* Locke offers a theory of property ownership anchored in the belief that through labor, one can appropriate something into her private domain. According to Locke, everything originally existed "in common," meaning that, in the state of nature, no one inherently owned anything.[24] Locke describes how "once an individual removes out of the state that what nature hath provided [he] mixed his labor with it and enjoined to it something that is his own, and thereby makes it his property."[25] Because Locke believes that each individual is entitled to the fruits of her labor, by mixing what is held in common with her own labor, one appropriates what was once in "common" into her own private property.

Because Locke's theory is so centered around physical property, many philosophers have criticized those who connect it to intellectual property theory.[26] Others, however, have departed from the physical examples that Locke offers and have applied his argument that one should receive the fruits of her labor to intellectual property.[27] The concept that one must receive the rewards for her labor can apply to non-physical forms of property as well. If someone labors and cultivates the idea for a necklace, for example, one could argue that because of her labor, she should own that design. Using Locke's line of reasoning, one could also argue that permitting one to claim ownership and legal protection of her work will encourage others to create their own unique ideas and benefit everyone by creating diversity and innovation in the market.[28]

Hegel's Personality Theory

Many scholars highlight the presence of a personality theory of property in the justifications and rationale for intellectual property law, which they commonly attribute to Georg Wilhelm Friedrich Hegel. In *The Outline of the Philosophy of Right*, Hegel advances a personality theory to describe how humans appropriate, or acquire, property. Hegel anchors his theory of property ownership around the "concepts of human will, personality, and freedom."[29] Hegel writes that "Personality is that which struggles to lift itself above this restriction and to give itself reality, or in other words, to claim that external world as its own."[30] According to Hegel, the will constantly seeks to "actualize," or manifest itself through ideas.[31] When the will of a person manifests itself in ideas, her personality is unveiled.[32]

duces a theory that partly considers a process for determining the author of a creative work.[38] In his essay, Foucault argues that the author label is constructed through public recognition.[39] In Daniel Stengel's article "Intellectual Property in Philosophy," he elaborates on Foucault's theory to illustrate how Foucault's method of determining the author of a work can be used to determine the legal owner. Building off of Foucault's theory, Stengel argues that "it is not the author who creates his own work, but [rather] the society."[40] Stengel interprets Foucault's theory to mean that if the public associates a specific person or, in the context of fashion, a particular designer, with a writing or creative expression, then that person owns that particular work. If the public does not attribute a specific person to the work, then the creator does not own it as her property. Unlike the labor theory that

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"Because fashion bears artistic elements as well as serves a functional purpose, it often fails to receive copyright or patent protection.'"

Hegel uses this concept of personality expression to outline the process of acquiring property. Hegel writes that "by expressing" an art, talent, or erudition, one may "embody them in something external and alienate them and in this way they are put into the category of 'things.'"[33] Because talents, arts, and eruditions are part of one's personality, if a person can express those talents into something physical, e.g. a clothing design, she can claim ownership over that physical object. Hegel continues to write that by "putting [one's] will into any and every thing," one can make something her own.[34] Be it a song or an article of clothing, if one's physical creation is expressive of her personality, that creation becomes hers.

After describing the process of expressing one's personality so that it can be legally owned, Hegel considers how one should protect her property.[35] Hegel writes that if "[one has] an idea of a thing and mean[s] that the thing as a whole is [hers]," then one has to "[mark] it as [hers]."[36] In order to protect her property, one should mark her work so that the public recognizes that it belongs to her. The personality theory's consideration for marking one's work distinguishes it from the labor theory, which does not consider this aspect. Political philosophers who examine intellectual property law frequently reference Hegel's theory of property ownership, to which they commonly refer as a personality theory. While scholars have yet to apply Hegel's theory specifically to fashion case law, some have conceded that "the personality justification is best applied to the arts" and other creative industries.[37]

Foucault's Author Theory

In his essay "What is an Author?" Michael Foucault intro-

focuses exclusively on physical property, Foucault's author theory is designed for intellectual and intangible forms of property, strengthening its relevancy to fashion intellectual property law.

According to the author theory, in order for one to have property ownership of an expression or a concept, society must recognize that that expression belongs to that individual. For example, if the public sees two overlapping G's and recognizes it as the mark of the Gucci brand, then Gucci can claim ownership of that mark. However, if the public sees the overlapping G's and the identity of the Gucci brand does not come to mind, then Gucci cannot claim legal possession of that mark.

COPYRIGHT HISTORY

Mazer v Stein, 1954

The Supreme Court opinion in *Mazer v Stein* set the stage for how the courts justify protection in fashion copyright cases. Stein sued Mazer for copyright infringement of lamps and was successful in the lower courts, causing Mazer to appeal to the Supreme Court to reverse that decision.[41] These lamps, while serving a utilitarian purpose of producing light, contained mini sculptures "in the form of human figures" at the base.[42] In *Mazer*, the Court answered the following question: can copyright laws protect the unique and original designs of a functional product, such as a lamp? While this case involved copyright infringement for lamps, the arguments in this case have surfaced in future cases that involve fashion products. Clothing, like a lamp, is functional but also has artistic, maybe even copyrightable, elements. The decision of the Court in Mazer to grant or deny protection on a product

French luxury footwear designer Christian Louboutin
Source: Claudio Conti, Wikimedia Commons (2011)

that is partially artistic, partially functional directly affected copyright protection in the fashion industry.

Before answering the primary question presented in the case, the Court contextualized its opinion with a brief history of copyright legislation. After describing the Copyright Act of 1909, the Court wrote that:

> The legislative history of the 1909 Act and the practice of the Copyright Office unite to show that 'works of art' and 'reproductions of works of art' are terms that were intended by Congress to include the authority to copyright these statuettes. Individual perception of the beautiful is too varied a power to permit a narrow or rigid concept of art.[43]

The Court's loose interpretation of the act to include the base of lamps as a "work of art" significantly expanded copyright protection, which became relevant to later courts that ruled on cases involving fashion. As it placed no specific limits on what is considered to be art and therefore what copyright laws can protect, this decision implied that the aesthetic and artistic elements of clothing can also benefit from copyright protection even if they also serve a functional purpose.

After expressing a loose interpretation of what constitutes art that carved space for items such as lamps and clothing, the Court offered an opinion strongly infused with a Hegelian personality theory. First, the Court wrote that "copyright […] protection is given […] to the expression of an idea."[44] Referencing the opinion in a past case, the Court writes:

> By writings in that clause is meant the literary productions of those authors, and Congress very properly has declared these to include all forms of writing, printing, engraving, etching, &c., by which the ideas in the mind of the author are given visible expression."[45]

By stating that copyrights protect the expression of an idea that is originally formed in the mind, the Court's opinion invoked strong Hegelian language.

The Court's opinion even more explicitly illustrated a per-

sonality theory when it wrote that "personality always contains something unique. It expresses its singularity even in handwriting, and a very modest grade of art has in it something irreducible, which is one man's alone."[46] By arguing that one's personality is illustrated in her work, the Court's justification for protection profoundly illustrated a Hegelian personality property theory. To say that the statuettes expressed the personality of the creator and therefore should receive protection, whether intentionally or not, the Court drew its justification from various portions of a personality theory.

The Court complimented its strong invocation of a Hegelian justification with pieces of a Lockean labor theory. After defining "writings" to include "writing, printing, engraving, etching, &c.," the Court wrote that "the writings which are to be protected are *the fruits of intellectual labor*, embodied in the form of books, prints, engravings, and the like."[47] This phrase reflected one of Locke's core arguments that one should always receive the fruits, or profits, of her own labor and toil.[48] While other scholars have connected the *Mazer* opinion to a Lockean property theory, none have referenced this specific language to illustrate the connection.[49] By writing that legal copyright protection is justified because it protects "the fruits of intellectual labor," the Court clearly invoked Lockean language to justify copyright protection. While other political philosophers have incorporated this phrase into their own theories, "fruits of our labor" first emerged in Locke's *Second Treatise of Civil Government*.

In its *Mazer* opinion, the Supreme Court used language that exemplified both Hegelian and Lockean property theories in its justification for granting copyright protection. The opinion anchored more of its justification around Hegel's theory as well as illustrated aspects of a labor theory attributable to Locke. While these theories are distinct from one another, they are not necessarily mutually exclusive. The Court's use of both theories attested to their compatibility. In fact, many of the opinions that follow have pulled from both theories to justify granting or denying protection.

The Court's opinion interlaced a personality and labor theory, in order to emphasize the designer's role in determining if protection should be granted. The Court demonstrated how the designer infused her personality into the lamps as well as the labor she exerted. Rarely, if at all, did the Court consider how protection of the design would impact the market for consumers. The Court's emphasis on the labor and personality of the designer in order to justify protection represented the first of three phases in the legal history of fashion, which privileged the designer over the consumer. In this phase, the courts argued for protection through claims that consider the labor and personality of the consumer. Because subsequent fashion copyright cases frequently Shepardized the Court's opinion in *Mazer*, the justifications for granting fashion copyright protection have expanded on the language from this case. Consequently, both Hegelian and Lockean prop-

erty theories as well as a focus on the designer will surface in following court opinions that consider copyright protection for fashion.

Peter Pan Fabrics v Puritan Dress Co, 1962

A few years after the Supreme Court issued its *Mazer* ruling, a copyright case involving fabric designs arose in the lower courts.[50] In *Peter Pan Fabrics v Puritan Dress Co.*, plaintiff Peter Pan Fabrics copyrighted a design inspired by Byzantium patterns observed on a trip to Istanbul.[51] In this case, the court answered the following question: Can designs inspired by other works receive copyright protection?

The court ruled that the copyright was valid. In the opinion, the Southern District Court of New York ruled that:

> While the basis of the sketches appears to have been suggested by or perhaps taken faithfully from ancient art forms, their incorporation into a combined design by the Parisian designer is clearly and sufficiently original to satisfy the originality requirement of copyright law.[52]

The court held that one can reinterpret a previous design in order to express her own original idea. Similar to *Mazer*, this opinion illustrated aspects of Hegel's personality theory. In a personal interview, fashion lawyer Christopher Sprigman explained how Hegel's personality theory allows for one to reinterpret a previously created work in order to express her own identity.[53] If someone infuses her will into a craving for Star Trek, for example, Sprigman explains that Hegel's theory would permit her to own her particular expression or characterization of Star Trek.[54] Although she drew her inspiration from a previously created work, *her* interpretation is an expression of *her* personality, and therefore is her own.[55] While Sprigman illustrates Hegel's argument through a Star Trek example, the same principle applies to fashion. While everything in fashion recycles the same vocabulary of colors, prints, patterns, and themes, each designer expresses her own personality through her own designs that draw inspiration from previous ones.

The Southern District Court of New York, by declaring the plaintiff's reinterpreted design as original and therefore copyrightable, illustrated Sprigman's interpretation of Hegel's theory. Although the plaintiff reworked a previously created design, the plaintiff properly infused "her will" into that design so that it was expressive of her personality, allowing it to receive copyright protection. Despite the prevalence of imitation amongst artists and designers, the court held that, if a certain level of originality is present, one can own her expressive interpretations. Similar to *Mazer*, the court's ruling in *Peter Pan Fabrics* reaffirmed a focus on the designer and how an expression of the designer's personality merits copyright protection without placing significant emphasis on the consumer and market competition.

Knitwaves v Lollytogs, 1995

In the 1995 copyright case *Knitwaves v Lollytogs*, the court's justification depended partly on a labor theory, new aspects of the Hegelian property theory, as well as unveiled a third property theory – the Foucauldian author theory. In *Knitwaves*, plaintiff Knitwaves sued Lollytogs for infringement of a design copyright on children's sweaters.[56] The court began the opinion by detailing the amount of money that Knitwaves spent on its designs.[57] The court also described the resulting lost profits for Knitwaves because of the design confusion between the two companies.[58] After focusing on the labor and lost capital Knitwaves endured, the court argued that, as a result of Knitwaves' extensive designs sales, the brand became very recognized.[59] The court then pointed to testimony that proved a likelihood of confusion between each company's sweater designs amongst shoppers.[60]

The court's emphasis on the time and money the designer has placed into the sweaters represented part of a labor theory to justify the validity of the copyrights. The court's reference to the amount of labor exuded by the plaintiff in order to assess the amount of damages that should be returned to the plaintiff paralleled Locke's argument that one deserves compensation for her efforts and exertion, be it physical or monetary. [61] As Locke claims that the mixture of labor and a resource appropriates that resource from "the common" to a private possession, the court's justification illustrated Lockean language.

Complimenting its reference to a labor theory, the court's opinion illustrated a new piece of Hegel's personality theory not yet revealed in prior opinions. After detailing the process through which one appropriates the expressions of her personality, Hegel writes that if "[one has] an idea of a thing and mean[s] that the thing as a whole is [hers]," then one has to "[mark] it as [hers]."[62] Hegel urges creators – in order to ensure that an expression of one's personality is protected – to signal that ownership through a mark. Once the expression is marked, society will begin to recognize that that particular expression belongs to someone and society will depend on that mark to identify the owner of the expression. The court's opinion, which specifically referred to the public's recognition and association of the sweater designs with the Knitwaves brand, exemplified this piece of the personality theory. Because the court's process for justifying copyright protection considered how the public understands or recognizes the product, the court justified protection through Hegelian language.

In addition to the labor and personality justifications, the court offered a new theory: the author theory. In its analysis, the court considered the "substantial recognition" that Knitwaves has established in the market.[63] By highlighting this point, the court illustrated pieces of Hegel's personality theory, however, it more clearly demonstrated aspects of Foucault's author theory, which ties property ownership exclusively to societal recognition. As the author theory depends exclusively on the consumer's perception to determine

the author or owner of a work, the court's justification, which considered the public recognition of the design, appealed to the same reasoning. By allowing consumer recognition to play a central role in justifying property ownership, the court's emphasis on how the public identifies the sweater with the Knitwaves brand strongly reflected the author theory. From *Mazer* to *Knitwaves*, the courts' rulings on fashion copyright protection illustrated a constellation of different theories in their opinions in order to justify fashion copyright protection.

While the court's opinion in *Knitwaves* reflected a diverse set of philosophical property theories, it also marked the transition from the first to the second phase of justification in the legal history. The court began to turn away from the personality and labor of the designer to the recognition and perception of the consumer. In doing so, the justification in *Knitwaves* shifted from the first phase of the legal history, which privileged the efforts of the designer, to the second phase of the legal history, which privileged the recognition of the consumer.

TRADEMARK HISTORY
Qualitex v Jacobson Products, 1995
Just as the ruling in *Mazer* significantly shaped the landscape for copyright protection in the fashion industry, a handful of trademark cases have carved out the foundation to justify fashion trademark protection as well. One of those cases is the 1995 Supreme Court case *Qualitex v Jacobson Products*. In this case, petitioner *Qualitex* sought trademark infringement claims against defendant Jacobson over cleaning products.[64] The trade dress, or brand identifying mark, was a "green gold color on the pads that [*Qualitex*] made and sol[d] to dry cleaning firms for use on dry cleaning presses."[65] In this case, the Court answered a new question: can a color be trademarked? The Court's answer to this question has significantly impacted subsequent fashion cases. While *Qualitex* involved trademarking a color on cleaning products, its precedent has spilled over into the fashion industry, as illustrated by following fashion cases that have cited this opinion when seeking trade dress protection, especially when the protection was for a color.[66] Understanding the Court's ruling in Qualitex will be imperative when interpreting those subsequent fashion cases.

In *Qualitex*, the Court opened its opinion by stating what qualifies for trademark protection under the Lanham Act, or The Trademark Act of 1946. The Court concluded that "the language of the Lanham Act describes [the] universe [of protection] in the broadest of terms. It says that trademark 'include[s] any word, name, symbol, or device, or any combination thereof.'"[67] Due to the unspecific and broad language of the Lanham Act, the Court found no reason not to grant protection for the specific use of a color if it serves to identify the brand.[68] Because the green gold pads "developed secondary meaning," which means that consumers depend on the

green gold color to identify the brand, the Court declared the trade dress to be valid.[69]

The court's consideration of secondary meaning departed from the personality theory illustrated in past copyright cases. Hegel does write that one should mark her work and that society should recognize that mark. However, Hegel only argues this so that the expression is protected, the *expression* which belongs to a larger identity, a larger personality. For example, the symbol of overlapping C's marks a product as Chanel's. According to the personality theory, in order for Chanel to legally own the mark, the mark (and the expression that bears it) must exhibit aspects of the personality, or aesthetic of Chanel: Paris sidewalks, luxury French couture, pastels and neutral color palettes. The personality theory permits ownership of the item branded with the Chanel mark because Chanel has infused her personality into that branded item.

With secondary meaning, however, society determines the owner of a trademark or trade design. For example, if one sees the overlapping C's and does not associate the mark with the Chanel brand—Paris sidewalks, luxury French couture, and pastel color palettes—Chanel cannot claim ownership of the mark. With secondary meaning, it does not matter if Chanel believes that she willed her personality into the product: only when *society* recognizes the connection can she claim protection. With secondary meaning, the designer only has ownership because the consumer uses that mark or design to identify the creator of the product.

Although secondary meaning does not neatly parallel a personality theory, it is very reflective of an author theory, as it places in the hands of the public the power to determine who owns a particular design or mark. With the author theory, a designer's personal attachment to a product is irrelevant if the public does not recognize the connection. Recalling the two Chanel examples outlined above, the author theory supports the second theory, wherein Chanel can only legally own the overlapping C's as a trademark if society thinks of Paris sidewalks, luxury French couture, and pastel color palettes, i.e. the Chanel brand, upon seeing it. An author theory justification requires the consumer to play an active role in constructing the creator of a work. Thus, with its consideration of secondary meaning, the Court's ruling in *Qualitex* illustrated how the courts' continued to depart from the precedent set by *Mazer*, which focused on the personality of the designer, and moved toward a justification that focused more heavily on the recognition and interest of the consumer.

Walmart v Samara Brothers, 2000
Similar to *Qualitex*, the Supreme Court ruling in *Walmart v Samara Brothers* involved non-fashion parties but significantly impacted fashion trademark protection. Additionally, *Walmart* illustrated how the justifications that focus on the designer continued to fade and those that focus on the con-

Abercrombie & Fitch store in New York City
Source: Wikimedia Commons (2011)

sumer developed to constitute the core of the courts' justifications. In this case, Samara Brothers sought trademark infringement claims against Walmart over children's sweaters.[70] In a unanimous decision, the Court ruled that "design, like color, is not inherently distinctive" and thereby requires secondary meaning in order to be protected under trademark laws.[71] While the courts were already considering secondary meaning in preceding cases such as *Qualitex*, in *Walmart*, the Court declared that secondary meaning was now a necessary factor in order to receive protection.

The Court's ruling further emphasized the role that the *consumer* plays in determining trademark ownership and protection. By chaining trademark protection to secondary meaning, the Court's opinion, like *Qualitex*, resembled parts of Hegel's personality theory that considers marking one's work, but even more strongly illustrated Foucault's author theory. The Court's decision that designs cannot be inherently distinctive by their uniqueness and originality but must instead establish secondary meaning altered the justifications for fashion protection. Departing even further from past cases such as *Mazer*, that emphasized the originality and uniqueness expressed by the designer, the Court's ruling in *Walmart* concentrated almost exclusively on the consumer. The public's perception, not the designer's craftsmanship, now determined whether or not trademark protection was granted. The language of this case will reappear in subsequent cases that considered trademark protection for fashion, previewing the shift in focus from the designer to the consumer, which progressed in following cases.

Abercrombie and Fitch v American Eagle Outfitters, 2002

Expanding on the precedent set by the Supreme Court in *Walmart*, Court of Appeals for the Sixth Circuit's ruling in *Abercrombie and Fitch Stores v American Eagle Outfitters* further emphasized the courts' focus on the consumer when justifying whether to grant protection. While the case echoed the pattern established by prior cases, it presented a new consideration regarding how the consumer relates to clothing that had not previously been unveiled.

In *Abercrombie*, plaintiff Abercrombie and Fitch claimed that the defendant infringed upon three aspects of trade design from its company catalog.[72] The court decided not to grant protection on those three elements of trade dress on an unfair competition argument. However, the court's opinion focused not on how competition impacts designers, but rather how competition affects *consumers*. The court argued that "the lack of comparable alternatives to pleasing design features means that granting an injunction would deny *consumers* the benefits of a competitive market."[73] The court's emphasis on the consumer and how the consumer benefits from a diversity of designs illuminated a new thought: could it be that the court was implying that consumers require a diversity of styles and designs in order to express their *own* personalities? The courts have already declared in *Cynthia Designs* that designers can draw inspiration from past designs and patterns in order to express their own identities.[74] Cannot consumers also pair their clothing in such a way that visualizes their own personalities as well?

If a consumer wills a taste for preppy clothing and recycles pieces from Abercrombie, American Eagle, and other brands to create her own preppy look that illustrates her personality, then she, too, is creating her own unique expression through a collection of designs created by someone else. By focusing on how competition in the market benefits consumers, the court's justification for denying protection alluded to the idea that consumers select designs authored by someone else to express their own identities.

Christian Louboutin v Yves Saint Laurent, 2011

The most notorious illustration of fashion protection manifested in the 2011 *Christian Louboutin v Yves Saint Laurent* trademark case. In this case, plaintiff Christian Louboutin trademarked the color of red on the bottom of shoes, which he claimed acted as a brand signifier.[75] Defendant Yves Saint Laurent argued that allowing such a trademark would create unfair competition, as the free use of color is essential to the fashion industry. The court ruled, however, that the trademark was valid – only when the red is *in contrast* to a non-red shoe body.[76]

The court granted protection for three reasons. First, the court highlighted how "Louboutin [had] invested substantial amounts of capital building a reputation and good will" and that Louboutin has a right "to enjoy the benefits of its ef-

fort."[77] Second, the court argued that the single color red acted as an "expressive and defining quality."[78] Third, the court cited how consumers depended on the color arrangement in question to identify the shoe as a Louboutin. All three arguments illustrated the pluralistic nature of fashion protection as well as reaffirmed the centrality of the consumer.

First, by emphasizing the labor, time, and capital that Louboutin has invested in the development of his signature brand shoe, the Court alludes to elements of a Lockean justification. Second, the court argued that the color red in contrast with a non-red shoe is expressive, or illustrative, of the artist's personality, which resembled parts of a Hegelian personality theory. Third, the court emphasized how the color red was a defining element that consumers use to identify the shoe as belonging to Louboutin, pulling in a Foucauldian author theory.[79] The rationale the court used for granting protection reflected a patchwork of reasoning woven from three different property theories.

After providing these three justifications, the court concluded by considering how its ruling would affect competition.[80] The court contemplated whether granting protection for this particular use of red would decrease the diversity of styles in the shoe market.[81] By focusing on how it will affect variation in the market, the Court again demonstrated that its concern is not for the amount of creative instruments that will remain accessible to designers, but rather how granting protection over certain instruments will impact the market for consumers.[82] In its opinion, the court not only paralleled the pluralistic justifications offered in earlier fashion protection cases, it also illustrated the arching shift of focus from the expression of the designer to the expression of the consumer. The opinion of *Christian Louboutin* bore the same implications as *Abercrombie and Fitch*: that competition is required in order for consumers to express their own identities through fashion.

CONCLUSIONS AND IMPLICATIONS

After examining the recent history of copyright and trademark protection for fashion designs in the United States, I argue that the justifications that courts used in order to grant or deny protection from 1954 to 2011 illustrated of a variety of philosophical property theories, including Locke's labor theory, Hegel's personality theory, and Foucault's author theory.

While these theories often appeared together in opinions, the courts applied the theories to advance different justifications. In earlier cases, the courts drew upon a Lockean labor theory and Hegelian personality theory to emphasize the importance of the designer when determining if protection should be granted. Then, the courts depended on a Foucauldian author theory to stress the recognition and perception of the consumer. Finally, the courts returned to the personality theory to argue that the consumer too, expresses her personality through fashion. While the labor, personality, and au-

thor theories persisted throughout the fashion legal history from 1954 to 2011, the way in which the courts apply them evolved. In other words, while the same palette of property theories resurfaced throughout each opinion, the application of those theories developed to paint three different phases of justification.

Although the courts have shifted their focus from the designer to the consumer, I do not think that the expression of the designer and the expression of the consumer are mutually exclusive. I believe that both the designer can express her personality into her designs just as the consumer expresses herself through the designs available to her. While most of the courts highlight these processes individually and at different times, I believe that the court's ruling in *Christian Louboutin* illustrated the simultaneous nature of expression on part of both the designer and the consumer. Ultimately, I argue that expression, like the culture of copying, has no beginning and certainly no end.

My analysis confirms the analysis of other fashion lawyers who argue that fashion acts as an information technology, a creative language for self-expression.[83] Whether the parallel I have identified between court justifications and arguments of fashion lawyers should impact the level of protection designers receive is another debate. However, it is important to recognize that the impact of protection on consumer expression has risen frequently in recent court opinions to determine the validity of fashion protection.

While I have examined these cases through various philosophical property lenses, I am not arguing that these theories can nor should be used to create a contemporary legal system of intellectual property law for fashion, or any other sector. Instead, I intend to highlight that snippets and inklings of them are webbed throughout the collage of cases that constitute fashion intellectual property law. Whether the courts intended to allude to these theorists or properly interpreted them is a conversation left for other scholars. Instead, I intend to illuminate how the justifications used in fashion cases pull from a broad variety of concepts and theories conceived long before the contemporary legal debates in the fashion industry even existed.

The tracings of Lockean, Hegelian, and Foucauldian theories that I have identified in the fashion industry may also exist in other American legal histories, such as entertainment, music, or art law. Perhaps identifying the pluralistic nature of the justifications used in fashion cases reaffirms the contradictions and inconsistencies in the law that other scholars have already unveiled.[84] Consequently, recognizing the vast philosophical terrain that these legal justifications expand might encourage policymakers to formulate a more uniform legal system that seeks *not* to echo all these abstract and theoretical concepts but instead to reflect the legal needs of the twenty-first century. 🏛

Endnotes

[1] Katherine Boyle, "Christian Louboutin sues Yves Saint Laurent Over Red Soles on Heels," *Washington Post* (Washingon, D.C.); April 14th, 2011.

[2] Jeannie Suk, "Little Red (Litigious Shoes)," *New York Times,* January 21st, 2011.

[3] Ibid.

[4] Julie Tsai, "Fashioning Protection: A Note on the Protection of Fashion Designs in the United States," *Lewis and Clark Law Review* 9, no. 2 (2005), 447-468; MC Miller. "Copyrighting the 'Useful Art' of Couture: Expanding Intellectual Property Protection for Fashion Designers," 1633-1634; Scott Hemphill and Jeannie Suk. "The Law, Culture and Economics of Fashion"; Kal Raustiala and Christopher Sprigman, "The Piracy Paradox: Innovation and Intellectual Property in Fashion Design," *Virginia Law Review* 92, no. 8 (2006).

[5] Tsai, "Fashioning Protection."

[6] Copyright Act of 1976, 17 U.S. Code § 101-122 (1976), qtd. in Miller, "Copyrighting the 'Useful Art' of Couture."

[7] Raustiala and Sprigman, "The Piracy Paradox."

[8] Miller, "Copyrighting the 'Useful Art' of Couture."

[9] One functional purpose of clothing, for example, is keeping people warm. For more description, see Miller, "Copyrighting the 'Useful Art' of Couture, 1633-1634.

[10] For details on the splits and conflicts happening between courts, see Brandon Scruggs. "Should Fashion Design Be Copyrightable?" *Northwestern Journal of Technology and Intellectual Property* 6, no. 1 (Fall 2007); Mitchell Wong, "The Aesthetic Functionality Doctrine and The Law of Trade-Dress Protection," *Cornell Law Review* 83, (1998), 1116-1167; Ingrida Berzins. "The Emerging Circuit Split over Secondary Meaning in Trade Dress Law," *University of Pennsylvania Law Review* 152, no. 5 (May 2004), 1661-1695.

[11] Scott Hemphill and Jeannie Suk, "The Law, Culture and Economics of Fashion," *Stanford Law Review* 61, No. 5 (March 2009), 1151.

[12] Ibid.; Susan Scafidi. "F.I.T.: Fashion As Information Technology," *Syracuse Law Review* 59, (2008), 69-90

[13] Bianka Kadian-Dodov, "Fashion Police: Intellectual Property in the Fashion Industry," *Seton Hall Law* 5, no. 1 (2013), 12; Daniel Stengel, "Intellectual Property in Philosophy," *Archives for Philosophy of Law and Social Philosophy* 90, no. 1 (2004); Robert Merges, *Justifying Intellectual Property* (Cambridge, Massachusetts: Harvard University Press, 2011).

[14] Bianka Kadian-Dodov. "Fashion Police: Intellectual Property in the Fashion Industry," *Property, Law and Society*, Paper 252.

[15] Ibid.; For more on Locke's labor theory in intellectual property law, see Daniel Stengel,"Intellectual Property in Philosophy," *ARSP: Archiv für Rechts- und Sozialphilosophie* 90, No. 1 (2004); Justin Hughes, "The Philosophy of Intellectual Property," *Georgetown University Law Center and Law Journal* 77, no. 2 (1988); Merges, *Justifying Intellectual Property*.

[16] Ibid.

[17] Supra Note 18; Lawrence Becker, "Deserving to Own Intellectual Property," *Chicago-Kent Law Review* 68, no. 2 (1993), 610, 623.

[18] Stengel, "Intellectual Property in Philosophy."

[19] Ibid., 47.

[20] Ibid.

[21] There are a few scholars who have introduced fashion law to Locke's labor theory and Hegel's personality theory. See Kadian-Dodov, "Fashion Police"; Elizabeth Rosenblatt, "Intellectual Property's Negative Space: Beyond the Utilitarian," *Florida State University Law Review* 40, (2013), 441-486.

[22] Ibid.

[23] Stengel, "Intellectual Property in Philosophy"; Hughes, "The Philosophy of Intellectual Property"; Merges *Justifying Intellectual Property*.

[24] John Locke, *Second Treatise of Government*.

[25] Ibid., 70.

[26] Christopher Sprigman, interview by Camille Edwards, October 17th, 2016; Lawrence Becker, "Deserving to Own Intellectual Property."

[27] Ibid.; Stengel, "Intellectual Property in Philosophy"; Hughes, "The Philosophy of Intellectual Property"; Merges *Justifying Intellectual Property*.

[28] "Furthermore, intellectual property may be a liberal influence on society […]inasmuch as coming to own intellectual property is often tied to being well-educated. If people become increasingly progressive with increasing education, intellectual property confers economic power on men and women of talent who generally tend to reform society," qtd. in Justin Hughes. "The Philosophy of Intellectual Property," 3-4.

[29] Hughes, "The Philosophy of Intellectual Property," 28.

[30] Ibid., 29.

[31] Ibid., 28.

[32] Ibid.

[33] Georg Wilhelm Friedrich Hegel, *Outlines of the Philosophy of Right,* 59.

[34] Ibid., 60.

[35] Ibid., 59, 67.

[36] Ibid., 67.

[37] Hughes, "The Philosophy of Intellectual Property," 28.

[38] Michael Foucault, "What is an Author?," 209.

[39] Ibid., 213.

[40] Stengel, "Intellectual Property in Philosophy," 47.

[41] *Mazer v. Stein*, 347 U.S. 201 (1954)

[42] See Figure 2; *Mazer v. Stein*, 347 U.S. 201 (1954), appears in Adam Garson, "Lamps, Belt Buckles, and Hookas – The Limits of Copyright Protection," Lipton, Wienberger, and Husick: Pennsylvania, January 21st, 2014. Web.

[43] *Copyright Act of 1909*, 17 U.S. Code § 501-513 (1909)

[44] Ibid.

[45] Ibid.

[46] Ibid.

[47] Ibid.

[48] Locke, *Second Treatise of Government.*

[49] Hughes, "The Philosophy of Intellectual Property."

[50] *Peter Pan Fabrics, Inc. v. Puritan Dress Co. Inc.*, 207 F. Supp. 563 (S.D.N.Y. 1962)

[51] Ibid.

[52] Ibid.

[53] Christopher Sprigman, interview by Camille Edwards, October 17th, 2016.

[54] Ibid.

[55] Ibid.

[56] *Knitwaves Inc v Lollytogs Ltd* 71 F.3d 996 (2nd Cir. 1995)

[57] "Over $1 million a year," qtd. in Ibid.

[58] $12,000, qtd. in Ibid.

[59] "Knitwaves' designs have resulted in substantial recognition in the clothing trade," qtd. in ibid.

[60] Ibid.

[61] Additionally, by using lost profits to calculate damages, the court adopts Locke's idea that one should always receive the profits, or fruits, of her labor. See "We hold […] [the] award of $12,000 in lost profits," qtd. in Knitwaves v Lollytogs

[62] Hegel, *Outlines of the Philosophy of Right*, 67.

[63] Ibid.

[64] *Qualitex Co v Jacobson Products Co., 514 US. 159* (1995).

[65] Ibid.

[66] *Christian Louboutin S.A., et. al v Yves Saint Laurent America Holding, Inc., et al,* 11-3303-cv (September 5 2012), US Court of Appeals for the Second Circuit.

[67] *Lanham Act of 1946*, 15 U.S. Code § 1091-1129 (1946), qtd. in *Qualitex Co v Jacobson Products Co.*, 514 US. 159 (1995)

[68] "It would seem then, that color alone, at least sometimes, can meet the basic legal requirements for use as a trademark" Qtd. in Ibid.

[69] *Qualitex Co v Jacobson Products Co.*, 514 US. 159 (1995)

[70] *Walmart Stores Inc. v Samara Brothers, Inc.* 529 U.S. 205 (2000)

[71] Ibid.

[72] "1) The designs of the goods themselves, 2) the design of the catalog created to sell its products by, […] and 3) features of its in-store presentation associated with the sale of its products," qtd. in *Abercrombie & Fitch Stores, Inc. v American Eagle Outfitters, Inc.*, 280 F.3d 619 U.S. App. (2002)

[73] Ibid.

[74] *Cynthia Designs Inc. v SJM Jewelry Corp.*, 416 F. Supp. 510 (US Dist. 1976)

[75] *Christian Louboutin S.A., et. al v Yves Saint Laurent America Holding, Inc.*

[76] Ibid. "Trademark protection to Louboutin's use of contrasting red lacquered outsoles."

[77] Ibid.

[78] Ibid.

[79] "As the District Court observed, "[w]hen Hollywood starlets cross red carpets and high fashion models strut down runways, and heads turn and eyes drop to the celebrities' feet, lacquered red outsoles on high-heeled, black shoes flaunt a glamorous statement that pops out at once" as a Louboutin signature shoe" qtd. in Ibid.

[80] "Would put competitors at a significant non-reputation related disadvantage," qtd. in Ibid.

[81] "Distinctive and arbitrary arrangements of predominately ornamental features that do not hinder potential competitors from entering the same market with differently dressed versions of the same product are non-functional[,] and [are] hence eligible for [trademark protection]" qtd. from Fabrication Enters. Inc, 64 F. 3d. at 59), qtd. in Ibid.

[82] Ibid.

[83] Scruggs, "Should Fashion Design Be Copyrightable?"; Miller, "Copyrighting the 'Useful Art' of Couture"; Susan Scafidi, "F.I.T.: Fashion As Information Technology; Susan Scafidi, "Intellectual Property and Fashion Design,"; Scott Hemphill and Jeannie Suk, "The Law, Culture and Economics of Fashion."

[84] Ingrida Berzins, "The Emerging Circuit Split over Secondary Meaning in Trade Dress Law," *University of Pennsylvania Law Review* (2004); Mitchell Wong. "The Aesthetic Functionality Doctrine and The Law of Trade-Dress Protection.," *Cornell Law Review* 82 (1998).