

CRESCAT SCIENTIA

UTAH VALLEY STATE COLLEGE
JOURNAL OF HISTORY



VOLUME I
SPRING 2003

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DEPARTMENT OF HISTORY AND POLITICAL SCIENCE

The Department of History and Political Science encompasses the disciplines of archaeology (the study of human behavior for the last two million years), geography (the study of earth and its life), history (the study of the record of humankind), economics (the study of the theory and evolution of different economic institutions), and political science (the study of political institutions and their impact on the life-style of human beings). In keeping with the College mission, the History and Political Science department is dedicated to providing students with a broad range of opportunities and experiences. Classes are taught in ways that foster critical thinking and analysis of complex issues and materials through lecture, reading, class discussion, and the development of written- and oral-presentation skills. The department strives to provide a reflective, multicultural and international perspective.

The Department of History and Political Science is currently under the direction of Department Chair, Keith Snedegar. The department is undergoing a tremendous growth spurt and is pleased to welcome new faculty Dr. Kathren Brown and Dr. Jonathon Moore to the already in place faculty of Dr. Masoud Kazemzadeh, Dr. David Wilson, Dr. Alex Stecker, Dr. Lyn Bennet, Oscar Jespersen, Dennis Farnsworth, JaNae Brown Haas, and Lyndon Cook. The department is also excited to be in the process of searching for new faculty, and is awaiting a new home in the Liberal Arts Building, currently under construction.

SCHOOL OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

The School of Humanities, Arts, and Social Sciences (HASS) is currently under the direction of Dean William W. Cobb, Jr. and offers a variety of programs and courses of study to help students increase their understanding and appreciation of life.

Graduates from the School of HASS gain knowledge and skills that prepare them well for entry into the workplaces of the 21st century or for transfer to other institutions of higher learning. HASS majors may pursue successful careers in their specific disciplines or may use their degrees to enter such professional fields as law, business, medicine, or government.

There are many Bachelor's and Associates degrees, as well as certificates offered to achieve the mission of Utah Valley State College. There are currently twelve Bachelor of Arts/Sciences degrees offered in the school of HASS. They include: Behavioral Science, Psychology Emphasis, Sociology

Emphasis, Social Work, English, History, Philosophy, English Education, History Education, Integrated Studies, Philosophy, and Art & Visual Communications. Additionally, there are five Baccalaureate programs under development. These programs are Dance, Music Performance, Political Science, Spanish, and Theatre. The school offers ten Associate of Arts/Science emphases, as well as 5 Associate of Applied Science Degrees, three minors, and two certificates.

UTAH VALLEY STATE COLLEGE

The year was 1941 and the nation was slowly recovering from the depression of the 1930s. The shadow of war was creeping closer and the need for arms and ammunition by the allied forces demanded skilled craftsmen. Many citizens had benefited from the federal work programs during the depression but needed more training to qualify for better jobs. Vocational classes were taught at various shops and business throughout Utah and Heber Valleys under the direction of the State Vocational Office.

In the fall of 1941, under the direction of Hyrum E. Johnson, the vocational training courses from Utah and Heber Valleys were moved to a central location in south Provo. The College was located at 1101 South University Avenue, the former Utah County Fairgrounds and present-day East Bay Business Park. The county commissioners agreed to allow the school to occupy several buildings and the Rock Canyon Civilian Conservation Corps buildings that the federal government had turned over to the county.

After World War II, 90 percent of the school's budget was lost with the cancellation of the war production training funds. A bill was introduced in the 1943 Utah Legislature in an attempt to make the school a state-supported, two-year vocational school. The bill was approved in the House but defeated in the Senate. Cutbacks occurred and fewer classes were offered until the College received a \$50,000 operation costs appropriation for 1945-47. The appropriation had been strongly opposed by the two-year colleges and the two universities because it posed a threat to the money they received from the legislature. In 1947, the school received funding as a permanent state institution.

During the summer of 1945, Hyrum Johnson was given a leave of absence and following a short transitional period, Wilson W. Sorensen, former College purchasing agent, was appointed acting director, and in 1946 as director. Sorensen was instrumental in obtaining a new site at 1300 North University Avenue. The site was purchased by Provo City, Utah

County, and Provo, Nebo, Alpine, and Wasatch school districts with the understanding that the state would finance the building of the college facilities. In 1952, the state appropriated \$4,000,000 for the first phase of the Provo Campus. The complete facility was built in three phases and not complete until 1963. The campus was designed for 1,200 students. In 1961, enrollment was nearing 1,000 students; however, by 1971, enrollment had ballooned to nearly 2,000.

Growth brought many changes to the College. During the Sorensen years, the name of the college changed several times to reflect its changing role. In 1963, the name was changed from Central Utah Vocational School to Utah Trade Technical Institute. In 1967, the name became Utah Technical College at Provo, as the College was first given the authority to confer associate degrees.

Demand for more space sent college officials searching for more land. One Hundred and eighty-five acres of farmland were purchased in southwest Orem adjacent to the then new Interstate 15. State funds built the Business and Auto Trades Buildings, while student funds were used to build the Student Center. To complete the first phase of the campus a \$1.5 million federal grant was secured to landscape the grounds. The buildings were dedicated in March 1977. A Learning Resource Center and Trades Building were soon added to the campus as soon as the State made funds available.

In 1982, Wilson W. Sorensen retired after 41 years of service, 37 years as president of the College. J. Marvin Higbee, former president of Snow College, was named to be the third president of the College. President Higbee took the challenge of broadening the image and scope of the College. Primarily he worked to broaden the primary vocational role to the community college concept. During Higbee's five years as president, he and his staff reached out to all facets of the community by offering many educational opportunities. In 1987, the name was changed by the legislature to Utah Valley Community College to reflect the broadened scope of the College.

The campus continued to expand under the direction of President Higbee. Not only were there major building projects, which included the Administration Building, Science Building, and the Activity Center, but also many educational programs were added to help the College keep pace with the local demand. President Higbee also emphasized the need for community support of the institution by focusing the efforts of the Development Office, Utah Valley Community College Foundation, and the Alumni Association on community involvement.

Kerry D. Romesburg was appointed president in 1988. President Romesburg spent much time analyzing the needs of the students and

directed his efforts toward filling those needs. With the student in mind, President Romesburg initiated the conversion of the College to a semester calendar, the first state school to do so. In addition, under Romesburg's direction, emphasis on international education, arts and humanities, and short-term training was instilled throughout the curriculum. Romesburg retired at the beginning of the 2002-2003 school year. Dr. Lucille Stoddard will be Interim President until May of 2003. Dr. William Sederburg will become President of Utah Valley State College in May of 2003. Campus expansion includes the completion of the Administration Building, additions to the Library and Student Center, Liberal Arts Building, and voter-approved funding for a special events center on the Orem campus.

Utah Valley State College is a state college comprised of two interdependent divisions. The lower division embraces and preserves the philosophy and mission of a comprehensive community college, while the upper division consists of programs leading to baccalaureate degrees in areas of high community demand and interest. Utah Valley State College is dedicated to providing a broad range of quality academic, vocational, technical, cultural, and social opportunities designed to encourage students in attaining their goals and realizing their talents and potential, personally and professionally. The College is committed to meeting student and community lower division and upper division needs for occupational training; providing developmental, general, and transfer education; meeting the needs for continuing education for personal enrichment and career enhancement; and providing diverse social, cultural, and international opportunities, and student support services.

ACKNOWLEDGMENTS

Initiating a publication with the magnitude such as this, has been an extraordinary effort in many ways. When first approached about the project, Dr. William W. Cobb Jr., the Dean of Humanities, Arts, and Social Sciences, offered encouragement and wise counsel. Since that time, financial support has come from Dr. Cobb, Dr. Elaine Englehardt, Interim President Lucille Stoddard, and Dr. Keith Snedegar the Department Chair of History and Political Science. To the many other faculty members, students, and departments delivering the support and means to make this publication possible.

Thank you.



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Indeed, whenever our exacting Western society...begins to doubt itself, it asks whether it has done well in trying to learn from the past, and whether it has learned rightly.¹

~ Marc Bloch

Across several centuries the human story has captivated the attention and interest of millions. Evidence in grand scale tells the stories of those who have spent lifetimes pursuing the study of history. In fifth century BC, Aristotle was engaged in the study of social structures and formation of governments. Petroglyphs carry the tales of ancient historians recording small fragments of an extinguished local culture. And tiny pieces of turtle shell bear inscriptions of a vibrant, but primitive China. Methods of doing history have changed over time, and modern philosophies have nudged the discipline toward a more professionalized effort than in previous decades. Yet it still holds the firm attention of many willing pupils.

In its contemporary application, the historical method presents the historian with difficult questions. Why study history? Can we really learn from history? Do people even need history? And if so, whose history should be written and for what purposes? Is history a science? Is it merely propaganda?² Still, amid the debated tenets, the observant and determined historian will find that the study of history also offers abundant insight and knowledge.

In the twenty-first century, communities both domestic and foreign, are interacting with each other as never before. This interaction brings both advantage and inevitable conflict. But history, fraught with the gems of knowledge, provides valuable perspective and understanding. It is in this sense that the study of history is essential. Bringing individuals, even entire communities, to an appreciation of difference, is merely one of history's many virtues. In the words of the noted historian Marc Bloch; "Misunderstanding of the present is the inevitable consequence of ignorance of the past."³

The title of this publication is *Crescat Scientia*. Translated from Latin, it is an imperative which means, 'may knowledge increase.' As the founding editor, it is my expectation that this scholarly venue will provide just such an increase. A perpetual outlet for students and faculty to contribute insight, discernment, and understanding, for our collective benefit. Simply, *Crescat Scientia* is a concerted effort to increase knowledge and solidify the academic process of understanding. Indeed, through the continual study of history, our knowledge will increase.

Jacob N. Sommer
Editor-in-Chief

1 Marc Bloch, *The Historian's Craft* (Toronto: Alfred A. Knopf Inc. 1953), 6.

2 Joyce Appleby, Lynn Hunt, and Margaret Jacob, *Telling the Truth About History* (New York: W.W. Norton & Company Inc., 1994), 4.

3 Bloch, 43.



PROPERTY RIGHTS, CONSTITUTIONS, AND CORPORATE LAW IN ECONOMIC DEVELOPMENT

BY: DR. KATHREN BROWN

In any comparative study it is important that the author avoid superficial similarities and differences. This is especially true when comparing Russia, the Soviet Union, and the United States due to the large number of differences among these nation-states. Poor comparisons may lead readers to believe that a particular factor warrants more attention than another, possibly more vital, factor. Furthermore, investigating several major differences would be a multi-volume work. Differences among Russia, the Soviet Union, and the United States are many and noted. To reduce confusion and present the most fundamental differences, this comparison focuses upon three political factors that also affected the economies: private property, constitutional systems, and laws regarding corporations. These political differences contributed to the economically distinctive ways that the nation-states developed.

I chose to focus on these after looking at the literature on politics and economic growth. Major differences among the three nation-states are traceable to basic political conditions that reflect the interactions between society and government and among individuals. Private property rights affected how economic and social transactions occurred. They allowed people to become involved in the economy. They determined wealth and defined who could participate in the political process.

Constitutions, written or unwritten, outlined roles that governments played in their societies and politics. Furthermore, they defined social, economic, and political relationships, by defining and guaranteeing the rights and obligations of individuals and the government. Constitutions came out of legal traditions and enforced rules regarding private property and organization. They usually determined how the government or individuals could act in politics, society, and the economy. Local, provincial, and national governments created corporate laws to further refine the rules of the market. Laws on corporations determined how entrepreneurs

could interact with the government and each other. The laws also demonstrated the roles that the governments assumed within the economies. The governments often altered corporate laws more easily than they changed constitutions. Modifications to accept changes in property rights often evolved due to industrialization and modernization.¹

This article concerns each nation-state's concept and systems of property rights, constitutions, and corporate laws. I discuss them in descending order, beginning with property rights and ending with corporate law. Property rights, being the most basic rights determined in a nation-state, are difficult to alter, while corporate laws are relatively easy to change. I will show that these political factors have economic effects, including influences on tariff policies. By delineating the rules of economic behavior, property rights, constitutions, and corporate laws determine the roles of the government and private sector in the economy and, therefore, how the creation of tariffs can proceed. By outlining these factors, I will demonstrate that these three political conditions influenced economic modernization.

Private Property

Private property rights, one of the most significant conditions for the creation of a stable capitalist system, allow individuals to own and use their property in ways benefiting them.² Individuals often assume property rights over the goods and services that they possess.³ As individuals, they cannot protect their property from confiscation. Poorly defined or unenforced property rights can create expensive transaction costs. Thus, individuals may band together, pooling their property, to reduce their risks.⁴ Thus, they often establish governments to define and enforce property right structures.⁵ Governments enforce differing property rights systems, however, and this affects economic conditions in their nation-states long before their economies modernize.⁶ For individuals or corporations to have the security to take the risks necessary for investment and economic growth, government must assure them that their property is safe

1 Douglass C. North, *Institutions, Institutional Change, and Economic Performance* (New York: Cambridge University Press, 1990), 52.

2 Armen Alchian and Harold Demsetz, "The Property Rights Paradigm," *Journal of Economic History* 33 (March 1973), 16.

3 North, *Institutions*, 33.

4 *Ibid.*, 33-34.

5 Douglass C. North, *Structure and Change in Economic History* (New York: W.W. Norton & Company, 1981), 17.

6 Thomas C. Schelling, *Micromotives and Macrobehavior* (W.W. Norton & Company, 1978), 29.

from arbitrary confiscation and other expensive transaction costs.⁷ As economic historian Douglass North points out, nation-states having arbitrary governments often have poorly developed property rights and, therefore, inefficient economies.⁸ A well-defined system of property rights developed early in the United States, but never fully matured in Russia or the Soviet Union.

Furthermore, well-defined property rights allow owners to engage in economic specialization.⁹ Private property rights, with their inherent conditions for technological change, can increase opportunities for economic specialization.¹⁰ For example, a farmer may focus his land, labor, and other resources on a highly demanded crop or animal, earning him more income than if he grew a diverse number of subsistence crops or animals.¹¹ The profits the farmer receives from selling his specialized crops may buy necessities and luxuries that he does not produce. He could also reinvest profits into the farmstead or save for future improvements.

Having secured possession rights, in conjunction with other conditions, such as decentralized decision-making, a large internal market, and a large production potential, Americans pursued a capitalist course.¹² Pluralistic societies—societies having several and diverse economic, social, and political groups such as America—can encourage economic development more easily than restrictive societies.¹³ The United States had a long tradition of stable, well-defined property rights. Before independence, colonial property rights were similar to English property rights; the monarch or local governments could confiscate property only by using the law.¹⁴ These laws also extended to movable and urban property. The Constitution of 1787, the Bill of Rights, and the Fourteenth Amendment recognized the right of individuals, and later organizations, to own and use property that could only be confiscated under certain legally defined conditions.

Nonetheless, at times the United States government and those of the states ignored property rights. After the Civil War (1861-65), not only did Congress disenfranchise those who had taken up arms against Washington,

7 North, *Structure and Change*, 6.

8 North, *Institutions*, 52.

9 *Ibid.*, 34.

10 North, *Structure and Change*, 164.

11 James M. Buchanan, *Property as a Guarantor of Liberty* (Cambridge: The University Press, 1993), 19.

12 Martin J. Sklar, *The United States as a Developing Country: Studies in U. S. History in the Progressive Era and the 1920s* (New York: Cambridge University Press, 1992), 48.

13 Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge: The MIT Press, 1995), 346.

14 Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence, KS: University Press of Kansas, 1985), 11, 12.

but it also expropriated their lands and businesses. In the following decades, these practices expanded to include non-belligerents. In *Munn versus Illinois* (1877), the Supreme Court decided that if the public had a “definite and positive” interest in an enterprise, the government had the right to regulate the enterprise. Chief Justice Waite opined that, “When . . . one devotes his property to a use in which the public has an interest, he, . . . grants to the public an interest in the use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created.”¹⁵ In the late nineteenth century, local, state, and national government used and expanded this decision to expropriate lands from individuals so that businesses could construct railroads, mills, and other enterprises that served the public good.¹⁶ State legislatures, Congress, and the courts argued that expropriating land could increase the wealth of the original owner by giving him access to better transportation or cheaper food prices.¹⁷ After 1910, however, Congress less frequently expropriated property, though state governments continued to condemn properties necessary for public projects, such as building roads.¹⁸

As the Industrial Revolution gained strength, markets expanded and technology advanced. Factory owners found it easier to specialize production and built their industries upon particular items: steel, textiles, luxury goods, and other goods.¹⁹ Instead of catering to general needs, such as a blacksmith who produced nails, horseshoes, and repaired metal objects for a local market, entrepreneurs with advanced technology began to produce a large amount of one item for a larger market, such as nails, providing the market demanded their goods.²⁰ Though retaining their foundation in earlier property rights, new property rights evolved, involving not only land and immovable goods, but also movable goods such as income and stocks.²¹

Russians did not have the same private property rights as Americans. Furthermore, peasants, making up more than eighty percent of the population,²² did not hold land in similar patterns throughout Imperial Russia. Independent peasants farmed in the Baltic region and Poland while communal land-holdings dominated in Russia. The strongly centralized govern-

15 Paul C. Bartholomew and Joseph F. Menez, *Summaries of Leading Cases on the Constitution* (Totawa, NJ: Rowman & Allanheld, 1983), 66-67.

16 Harry N. Scheiber, “Property Law, Expropriation, and Resource Allocation by Government: The United States, 1789-1910,” *Journal of Economic History* 33 (March 1973), 240.

17 *Ibid.*, 237-38, 243.

18 *Ibid.*, 249.

19 North, *Structure*, 165.

20 North, *Institutions*, 119.

21 North, *Structure*, 190.

22 R. W. Davies, ed., *From Tsarism to the New Economic Policy: Continuity and Change in the Economy of the USSR* (Ithaca, NY: Cornell University Press, 1991), 11.

ment restricted the creation of property rights because ultimate authority in property rights definition lay with the government.²³ This contributed to poor agricultural development and a backward form of economic modernization because those who worked on the property could not make decisions in their best interests.

Before emancipation, serfs cultivated the properties of their landlords and peasant communities. Each family had at least one plot near its cottage to grow necessities. The households possessed these plots permanently, though they did not own them in a written, legal sense. Peasants also owned strips of land that they farmed for their families. Permanent title to these strips infrequently existed.²⁴ In 1861, Tsar Alexander II began to liberate the majority of Russia's peasants from serfdom, but emancipation changed land-holding patterns little because peasants did not receive clear, individual titles to lands.²⁵

Though Alexander emancipated millions of peasants, he and the Minister of Internal Affairs failed to institute land reform that would have given independent land parcels to peasants. Instead, the village received the land for collective distribution and use and Russian peasants continued to farm communally.²⁶ After emancipation, peasants did not receive independence from their former landlords or the government, but continued to exist in an entrenched system of enforced patron-client relationships.²⁷ These relationships left peasants beholden to their communities and their landlords, often unable to act in their economic or social self-interest.²⁸ Each community established a series of behavioral norms with strong penalties assigned to violators.²⁹ This subjugated the peasants and further prevented them from engaging in independent activities.³⁰ Furthermore, peasants had to pay their former owners for the property that the community received. Each family had to pay a part of the indemnity: often the indemnity was higher than the value of the land. The high payments for the land to their former landlords kept peasants from freeing themselves from landlord control.³¹ Many landlords required peasants to

23 Richard Wortman, "Property Rights, Populism, and Russian Political Culture," Olga Crisp and Linda Edmondson, editors, *Civil Rights in Imperial Russia* (New York: Oxford University Press, 1989), 15.

24 William E. Butler, *Russian Law: Historical and Political Perspectives* (Leyden: A. W. Sijthoff, 1977), 185.

25 Steven L. Hoch, *Serfdom and Social Control in Russia: Petrovskoe, a Village in Tambov* (Chicago: The University of Chicago Press, 1986), 117.

26 Hoch, 117.

27 *Ibid.*, 133.

28 *Ibid.*, 118.

29 *Ibid.*, 160.

30 *Ibid.*, 189.

31 Butler, 183.

give a certain number of days' labor or money until they paid for their land.³² According to Russian historian Alexander Gershenkron, taxes and payments to landlords reduced the opportunity for peasants to reinvest any profits (if they had any) and increase their production.³³ Thus, Russian grain outputs grew at between 1.5 and 2 percent a year, though approximately one-quarter of this growth contributed to an increase in sown area and a less determined amount sustained a population increase.³⁴ Significantly, without well-defined property rights peasants could not effectively use land and improve general agriculture.³⁵

Heads of household did not own land in a written legal sense. A village assembly could confiscate or redistribute strips as it saw fit, though the frequency of redistribution varied from region to region.³⁶ Most villages exempted household plots from redistribution. Varying by region, communities distributed lands according to the number of male, and sometimes female, "souls" in a household.³⁷ According to legal historian William Butler, large families and the need to divide land into smaller parcels created the main reasons for communal land holding, before and after the Emancipation of 1861. Because the Russian peasantry lacked the tradition of primogeniture, land allotments shrank each time the parcels passed to a new generation.³⁸ Land redivision rectified the problem by taking strips from small families and giving part of them to larger families. In most cases, redistribution was complicated: it required the approval of two-thirds of all village households.³⁹

Government officials, including finance ministers Vyshnegradskii (1887-1892) and Sergei Witte (1892-1903), oversaw peasant welfare. They believed that the government should help peasants remain linked to their communes. As Gershenkron pointed out, the communal system guaranteed each peasant family little more than a plot of land to keep it from starving and revolting.⁴⁰ Leaders, though, believed that giving peasants more property rights, such as those found in America, might expose Russia to market competition that would destroy Russian agriculture. Government ministers feared that the peasants would destroy the political

32 Alexander Gershenkron, *Economic Backwardness in Historical Perspective: A Book of Essays* (Cambridge: The Belknap Press of Harvard University Press, 1966), 119-20.

33 *Ibid.*, 122.

34 Peter Gatrell, *The Tsarist Economy, 1850-1917* (London: B. T. Batsford Ltd., 1986), 100.

35 Gershenkron, 122.

36 R. W. Davies, Mark Harrison, and S. G. Wheatcroft, *The Economic Transformation of the Soviet Union, 1913-1945* (New York: Cambridge University Press, 1994), 107 and Butler, 183.

37 Butler, 186.

38 Butler, 186-87.

39 *Ibid.*, 188.

40 Wortman, 19.

and social system that dictated Russia's enrichment if property rights expanded further.⁴¹

Even if the government had undertaken major land privatization, it is possible that the peasantry would have resisted it. Aleksandra Efimenko conducted a study of European Russia in the late 1880s. She found that peasants believed that God gave land to men for them to till in common; God did not give land to individual families. Peasants often expressed the desire for more land to till, but they rejected direct ownership. Even when the government designated private property, as in the case of crown forests, peasants ignored decrees prohibiting trespassing and used the land.⁴²

Between 1907 and 1910, Minister of Internal Affairs Petr Stolypin (1906-1910) attempted to reform Russian agriculture by increasing the amount of private peasant lands available. Stolypin recognized that privately owned land produced more than communally held land. In 1914, peasants living independently of the communal system owned approximately 56 million hectares of land, representing about ten percent of all European Russian households.⁴³ Such a small number could not provide the groundwork necessary to build an independent and strong peasantry, much less the basis of a stable, growing economy as Stolypin hoped. The assassination of Stolypin in 1910 and gentry resistance to further reform ensured that private Russian farmers would not dominate agriculture.⁴⁴

Poorly defined property rights also affected the business community. The Russian government did not grant the same rights to businesses as it did to individuals. In contrast to the United States, Russia lacked a modern system of laws regarding entrepreneurial property rights.⁴⁵ As late as 1915, for example, neither the justice nor the finance ministries recognized corporations as individuals.⁴⁶ The ministries of finance and internal affairs did not guarantee any individual's property rights—after all, they had ordered even the nobility to sell land to peasants during Emancipation. Furthermore, the government restricted the property rights of foreigners, Jews, Poles, and other non-Christian Russians, keeping those groups from participating fully in the economy. Depending upon the situation, the government prohibited such “undesirables” from owning or managing enterprises in European Russia.⁴⁷ The government applied these laws arbitrarily,

41 Wortman, 17.

42 Butler, 180-81.

43 Davies et al., *Economic Transformation*, 107.

44 Gatrell, 117.

45 Thomas C. Owen, *The Corporation Under Russian Law, 1800-1917: A Study in Tsarist Economic Policy* (New York: Cambridge University Press, 1991), 144, 198.

46 *Ibid.*, 183.

47 *Ibid.*, 123, 161, 173.

however, resulting in some Jews and Poles owning land and factories.⁴⁸ Modern property rights associated with capitalism never developed in Russia due to the tsar's need to maintain control over the economy and society.

The arbitrary behavior of the ministries of finance and justice concerning private property contributed to increased investment costs. The finance ministry also subjected entrepreneurs to long delays for necessary paperwork. For instance, by the time a corporation petitioned the Ministry of Finance for a charter and the board of directors received all necessary permits, months or even years may have passed. This process was too slow for rapidly changing economic conditions.⁴⁹ Although this contributed to higher investment and operating costs, the government's arbitrary policies and bureaucratic obstacles did not prevent the growing numbers of corporations.⁵⁰

The revolutions of 1917 promised land reform and new definitions of property rights. Regions that declared independence from Russia in the chaotic aftermath of the February and October Revolutions—the Baltics, Poland, Finland, and parts of the Caucasus—established property rights based on regional norms. The Provisional Government, replacing the tsarist government in February, attempted to institute private property rights such as those in Western Europe.⁵¹ The radical Socialist Revolutionaries and Bolsheviks wanted to take land from landlords and redistribute the property to peasants or peasant communes.⁵² In rural areas that the Provisional Government did not control, committees representing the Bolsheviks and their allies broke up many large parcels to distribute to middling or poor peasants. At times, peasants confiscated landlords' properties to distribute among themselves without direction from Bolsheviks.⁵³

The October Revolution began a new phase of property rights redefinitions. Marxist ideology and the Bolshevik government's needs supplemented a tradition of ownership restrictions in Russia. Marx believed that private property ownership, meaning the bourgeois ownership of the means of production, represented an individualism that exploited the workers. When Marx discussed private property ownership he meant bourgeois property, such as factories, mills, mines, transportation systems,

48 Thomas Owen, *The Corporation*, 155.

49 *Ibid.*, 129.

50 *Ibid.*, 155.

51 *Ibid.*, 182.

52 Alec Nove, *An Economic History of the USSR, 1917-1991* (New York: Penguin Books, 1992), 31-32.

53 Nove, 101.

and banks.⁵⁴ Marx, claiming that private ownership enslaved the masses, argued against private property because it allowed a political system—capitalist democracy—where a minority of owners ruled over a majority of workers.⁵⁵ Marx failed to fully address the agricultural aspects of private property because he, and later socialists, believed that socialism applied only to industrial urban societies.⁵⁶ Many socialists never expected Russia to have a revolution because it lacked a strong industrial economy.⁵⁷ Nevertheless, when the Russian Socialist Democratic Party (Bolsheviks) took over the ministries in October 1917, they began to apply their ideas regarding property rights to agricultural and industrial production.

The Bolsheviks passed a series of decrees and constitutional provisos that struck against the ownership of private property. The Decree on Land of November 8, 1917, abolished private land ownership. The Constitution of 1918 reiterated the prohibition on private land ownership and the nationalization of all natural resources.⁵⁸ They intended to redistribute land to local government organs that would assign land to peasant households to hold in common. Peasants could till their assigned land, but not own it.⁵⁹ Peasants who no longer worked on the land forfeited their right to till it.⁶⁰ It must be noted that as with many decrees issued between 1918 and 1920, the Land Decree went unheeded in many places. Government disorder allowed some private peasants to retain their land. The Decree Abolishing Inheritance also discouraged the ownership of private property. The decree stated that upon the death of an owner, any households worth more than ten thousand rubles would become the property of Russia.⁶¹ The Land code prohibited children from inheriting any land upon the death of their parents.⁶²

The October Revolution also changed the definition of urban private property. The Bolsheviks defined almost all property as public property, including large homes, hotels, factories, shops, hired vehicles, banks, and

54 Karl Marx, *Capital: A Critique of Political Economy*, Ben Fowkes, translator, (New York: Vintage Books, 1977), 57-58.

55 *Ibid.*, 990.

56 *Ibid.*, 452-53.

57 *Ibid.*, 85.

58 Constitution of July 10, 1918, in American Association for International Conciliation, *International Conciliation*, (New York: American Association for International Conciliation, 1919), 72.

59 "Decree on the Land, October 26 (November 8 NS), 1917" in Robert V. Daniels, editor, *A Documentary History of Communism in Russia: From Lenin to Gorbachev* (Hanover, VT: University Press of New England, 1993), 63-64 and Constitution of July 10, 1918, in American Association, 73.

60 Butler, 191.

61 "Decree Abolishing Inheritance," in American Association, 54-5.

62 Butler, 191.

even scuba gear.⁶³ Many workers took the slogan “All power to the soviets” seriously, expelling their private managers, and setting up workers’ committees, often associated with the Bolsheviks, to run factories.⁶⁴ Beginning in April 1918, the Council of People’s Commissars began to nationalize buildings, large retail businesses, and factories with five employees or more.⁶⁵ The Supreme Council of the National Economy administered these new government properties.⁶⁶ By removing the ability to own private property, rural and commercial, and outlawing agriculture’s free marketplace by denying the right to trade in grain, the Bolsheviks destroyed the foundation of capitalism.⁶⁷ At this time, the Council and Commissariats rejected this “problem” as they intended to remove capitalism from Russia.⁶⁸

These policies made up the overall agenda of War Communism (1918-1921). Under War Communism, the Bolsheviks nationalized many industries and used forced requisitioning to obtain goods and property necessary for them to continue to fight the civil war. In 1920, the Supreme Council of the National Economy began to nationalize small industries.⁶⁹ Not only would such actions favor a war victory, Bolsheviks believed, they would also help to create and strengthen socialism in Russia.⁷⁰ Nonetheless, War Communism did not stop the disintegration of the economy, widespread industrial collapse, or peasant unrest.⁷¹ The Bolshevik leadership discovered quickly that the planned economy of War Communism failed to supply Russia’s needs, and it decided to reintroduce some form of private property and limited free-market activities.⁷²

In May 1921, the Council of People’s Commissars instituted the New Economic Policy (NEP: 1921-28) that allowed a small and regulated private market to coexist within the larger government-run economy.⁷³ Lenin and

63 Butler, 236 and “Postanovlenie soveta narodnykh komissarov [Decision of the Council of People’s Commissars]” 17 July 1919 in Dekrety sovetskoi vlasti [Decrees on Soviet Power], volume V, 1 April - 31 July 1919, (Moscow: Izdatel'stvo Politicheskoi literatury, 1971), 291-2..

64 E.A. Rees, *State Control in Soviet Russia: The Rise and Fall of the Workers’ and Peasants’ Inspectorate, 1920-34* (London: The Macmillan Press Ltd., 1987) 4.

65 “Proekt Ianisa Davisovicha Repsona. Ob organizatsii mezhdunarodnago tovaroobmena [Draft of Ianis Davisovich Repson. Regarding the organization of international trade],” 23 August 1918. RGAE f. 413, op. 2, d. 5, l. 10.

66 Rees, 15.

67 Alexander Erlich, *The Soviet Industrialization Debate, 1924-1928* (Cambridge: Harvard University Press, 1960), 77, 81.

68 Butler, 239.

69 *Ibid.*, 236.

70 Erlich, 77.

71 Alan Ball, “Lenin and the Question of Private Trade in Soviet Russia,” *Slavic Review* 43 (Fall 1984), 399.

72 Alan M. Ball, *Russia’s Last Capitalists: The Nepmen, 1921-1929* (Berkeley, CA: University of California Press, 1987), xv.

73 Davies et al., *Economic Transformation*, 9.

the Council of People's Commissars hoped to avoid political upheaval and to alleviate goods shortages by permitting peasants to sell their produce to private entrepreneurs and the government. Other private companies and government-owned factories would produce consumer items and sell them to the goods-starved peasants in a private market. Taxes levied on all business would contribute to government revenue and the government could further fund state-run industries.⁷⁴ Lenin declared NEP to be temporary, no more than a few decades; a period when Russia could step back, take a breath and then move again towards socialism.⁷⁵

NEP contrasted sharply with the previous harsh policies of War Communism.⁷⁶ As historian Alan Ball points out, the Council of People's Commissars reversed the Supreme Council of the National Economy's nationalization law of 1920, and returned all factories having fewer than five employees to their original capitalist owners.⁷⁷ Small factories and private shops reopened, manufacturing many of Russia's consumer goods and selling merchandise in the mixed market. Private individuals and organizations owned many commercial and industrial firms.⁷⁸ Government-owned industries produced heavy industrial items and some retail goods. The government retained control over mining, communications, transportation, and foreign trade.⁷⁹ To operate, entrepreneurs had to obtain permission from the Supreme Council of the National Economy and operate within a mandated budget.⁸⁰

During NEP, private property occupied a precarious legal position.⁸¹ Bans upon land ownership remained.⁸² On May 17, 1921, the Council of People's Commissars decreed that individuals could establish small production facilities or retail businesses and dispose of their goods as they wished.⁸³ In December, the Council allowed small, nationalized factories to return to their previous owners.⁸⁴ The government codified new property rights in the Civil Code of 1923, but the rights remained vague.⁸⁵ Central and local administrations ambiguously defined how capitalist organizations would exist within a newly socialist society, resulting often in the confisca-

⁷⁴ Erlich, 85-6.

⁷⁵ Erlich, 86-7 and Ball, "Lenin," 402.

⁷⁶ Ball, "Lenin," 399.

⁷⁷ Ball, *Russia's Last Capitalists*, 128.

⁷⁸ Ball, "Lenin," 405.

⁷⁹ Davies et al., *Economic Transformation*, 9.

⁸⁰ Owen, 191.

⁸¹ Butler, 255

⁸² Davies et al., *Economic Transformation*, 83.

⁸³ Ball, *Russia's Last Capitalists*, 128.

⁸⁴ Ball, *Russia's Last Capitalists*, 129.

⁸⁵ *Ibid.*, 23.

tion of legal enterprises and property.⁸⁶ Many Communists opposed NEP due to its ambiguity, fearing the mixed market signified a backslide to capitalism and autocracy.⁸⁷ As opposition to NEP increased after Lenin's death in 1924, government officials often used taxation as a form of legal confiscation, increasing taxes so that merchants or manufacturers were forced to surrender their enterprises to the government.⁸⁸ The Council of People's Commissars stated that it wanted commissariats to end bureaucratic pressures upon the private sector, however, pressures intensified throughout the NEP period.⁸⁹ Article 30 the Civil Code of 1923 declared that the government would close all businesses "harmful to the state," and after the death of Lenin, local and central governments broadly interpreted this article to take over many private businesses.⁹⁰

When the First Five Year Plan (1928-1932) replaced NEP, the Council of People's Commissars began to abolish private property ownership and private economic activity, though some regions had begun to eliminate private trade in 1927.⁹¹ Government leaders, including Joseph Stalin, intended to replace the mixed economy with a centrally planned system.⁹² To some Communists, it seemed as if the Politburo had sanctioned a return to the repressive policies of War Communism to force an increase in agricultural production.⁹³ The Council of People's Commissars declared private production and free market trade illegal, though market activity continued throughout the early 1930s.⁹⁴ Between 1929 and 1932, collectivization forced many peasants to forfeit their crops, machinery, animals, and personal property. The Council of People's Commissars and local governments coerced peasants into joining kolkhozy and sovkhozy (government-run agricultural communes) that held livestock, machinery, and land in common.⁹⁵ The Politburo directed the government to forcefully requisition grain, denying peasants the opportunity of private sale, but hoping to solve the Soviet Union's grain crisis.⁹⁶ The government arrested and exiled or

86 Owen, *The Corporation*, 193 and Butler, 237.

87 Ball, "Lenin," 400.

88 Ball, *Russia's Last Capitalists*, 74.

89 *Ibid.*, 140.

90 *Ibid.*, 23.

91 *Ibid.*, 162.

92 Moshe Lewin, *Political Undercurrents in Soviet Economic Debates: From Bukharin to the Modern Reformers* (Princeton: Princeton University Press, 1974), 97.

93 Erlich, 98 and Moshe Lewin, *Russian Peasants and Soviet Power: A Study of Collectivization* (New York: W.W. Norton & Company, Inc., 1968), 221.

94 Erlich, 111.

95 Nove, 160.

96 Erlich, 176 and Lewin, *Russian Peasants*, 356.

executed many resisting peasants, private traders, and large-scale producers during the period.⁹⁷

By 1932, the government had renationalized most factories and enterprises and collectivized a large percentage of agriculture. Individuals could not own any means of production, including private dwellings. Decrees from the Politburo and Supreme Council of the National Economy tried to eliminate private trade from the economy.⁹⁸ The Politburo and Council of People's Commissars believed that the renationalization of industry and the collectivization of agriculture would encourage further industrial growth by creating surpluses that could be sold to create investment capital for government-owned industries.⁹⁹ During the chaos of renationalization and collectivization, private property existed only as one's most personal belongings. Joseph Stalin, General Secretary of the Communist Party, had no intention of setting up a pluralistic democracy or capitalism, therefore, private property rights mattered little. Furthermore, Stalin wished to rid the Soviet Union of independent, capitalist factions.¹⁰⁰ By renationalizing most forms of private property, Stalin and his advisors determined the rules of economic and political exchange.

Constitutional Developments

Formal constitutions, written or unwritten, embody a nation-state's political traditions and norms. They are a record of the most basic rules that govern politics.¹⁰¹ Constitutions vary by country, reflecting the civil society. Constitutions guarantee rights, including the rights of individuals to become involved in politics and economics.¹⁰² Often, constitutions demonstrate property rights. Laws on economic interaction, such as corporate laws, have their basis in constitutions.¹⁰³ Because constitutions often contain these most basic rights that reflect social norms, they are difficult to change, in contrast to statutory laws.¹⁰⁴

Until February 1917, an autocratic tsar ruled Russia. Nonetheless, Russian legal systems changed significantly between 1880 and 1917. While lacking a constitutional system comparable to that of the United States, during the late nineteenth century Russia progressed towards a more open

97 Ball, *Russia's Last Capitalists*, 162.

98 Lewin, *Russian Peasants*, 374, and Lewin, *Political Undercurrents*, 97.

99 Lewin, *Russian Peasants*, 401, Nove, 154, and Erlich, 103.

100 Nove, 157.

101 North, *Institutions*, 4, 47.

102 Cohen and Arato, 226.

103 *Ibid.*, 226.

104 North, *Institutions*, 47.

legal system. The Ministry of Justice recognized the equality of individuals under the law and moved towards a jury system. Regardless of changes, tsars, including Nicholas II, saw themselves as the dispenser of laws—as God’s representatives to the Russian people. Having this divine right, tsars and many of their subjects saw the monarchy as the legitimate source of all laws.¹⁰⁵ Nonetheless, as time wore on, liberals, socialists, and anarchists began to publicly question the authority of the tsar and called for political change. The question of autocratic rule remained unresolved after the Revolution of 1905 and the establishment of Russia’s first written constitution.

As threats to the autocracy appeared, pro-monarchist theorists increasingly defended it. Mikhail Katkov, a major ideologist of autocracy in the late nineteenth century, argued that autocracy was a progressive political system because it gave power to an individual who represented all Russia, not individuals or a class. He claimed that Russians did not have to worry about self-interested lawyers or legislators ruining Russia with their own political aims as they did in the West.¹⁰⁶ Apologists for autocracy claimed that tsardom represented true freedom because it liberated Russians from political chaos. Under this system no group could politically check the behaviors of the tsar or limit government actions.¹⁰⁷ Thus, the tsar ruled Russia absolutely.¹⁰⁸ Other Russian political theorists, including the anarchist Mikhail Bakunin, monarchist Dmitrii Shipov, and socialist Georgii Plekhanov, criticized Western political and legal systems as bourgeois; representatives reflected only the mindset and needs of the wealthy merchant class.¹⁰⁹

Before the Revolution of 1905, the Russian “de facto constitution” was the Security Law of 14 August 1881, a temporary emergency measure that lasted until 1905. It arose in response to terrorism against government officials in the 1870s.¹¹⁰ The Security Law codified decades of laws and procedures that the government, not the citizenry, created. It limited the civil guarantees and judicial reforms of 1864. For example, a new law allowed courts-martial to try political crimes. Civil rights remained limited to protect the autocracy from political challenges.¹¹¹

105 Andrzej Walicki, *Legal Philosophies of Russian Liberalism* (Notre Dame: University of Notre Dame Press, 1992), 29.

106 *Ibid.*, 47.

107 Wortman, 21.

108 Walicki, 40–41.

109 Walicki, 58.

110 Jonathan W. Daly, “On the Significance of Emergency Legislation in Late Imperial Russia,” *Slavic Review* 54 (Fall 1995), 602.

111 *Ibid.*, 605–7.

The growth of liberal political views in the late nineteenth century did not immediately challenge the autocracy. The highest levels of government remained relatively untouched by liberal ideas, though some liberals held offices.¹¹² The Revolution of 1905, however, demonstrated that the tsar could not rule in 1905 as he ruled in 1805. The rise of labor unions, increased numbers of peasant revolts, and student demonstrations had changed the political climate of Russia.¹¹³ New political ideas influenced many people, but the bureaucracy and gentry retained their traditional hostility to liberal ideas.¹¹⁴ Liberals demanded that the government release its choking grip on society and the economy and establish a popularly elected legislature to rule with Nicholas II.¹¹⁵ The government-sponsored massacre in St. Petersburg in January, the assassination of Grand Duke Sergei Aleksandrovich in February, and continued political unrest in the spring and summer of 1905, spurred Nicholas to declare a manifesto and series of edicts that created a constitution (the Fundamental Laws) and legislative assembly (the Duma), guaranteed civil rights, improved public access to government ministers, and admonished Russians for criticizing the war against Japan.¹¹⁶ Although these laws greatly expanded civil rights and access to the political process, Nicholas alone had the power to change the Fundamental Laws and to approve any legislation; thus the Duma remained powerless. Nicholas remained, in title, the “supreme autocratic power.”¹¹⁷

The Fundamental Laws stopped most challenges to Nicholas’ power. The Duma might have passed laws, but the tsar had to approve them before they could take effect. He retained all executive power. He possessed complete control over Russia’s foreign affairs, directed the army, and could declare martial law in any part of the country for any reason. He could dismiss the Duma and act as supreme judge. The Russian people received the freedoms of assembly, speech, organization, movement, and conscience. Importantly, the Fundamental Laws declared property to be inviolable. Only the government could condemn it; citizens had to receive compensation for any lost property.¹¹⁸ Due to continued unrest, Nicholas placed many areas under martial law. Many Russians never experienced

112 Tim McDaniel, *Autocracy, Capitalism, and Revolution in Russia* (Berkeley: University of California Press, 1988), 106.

113 McDaniel, 104 and Don C. Rawson, *Russian Rightists and the Revolution of 1905* (New York: Cambridge University Press, 1995), 6, 11.

114 Albert Levin, *The Second Duma: A Study of the Social-Democratic Party and the Russian Constitutional Experiment* (Hamden, CT: Archon Books, 1966), 5.

115 McDaniel, 106.

116 Rawson, 14 and Levin, 11.

117 Levin, 14.

118 *Ibid.*, 14-15.

the new freedoms won in 1905. As a result, demands calling for further limits upon tsarist powers continued even after World War I broke out.

The February Revolution promised a new, liberal, and constitutional regime: minimal government involvement in society and the economy and a government structure based on popular representation. Many in the new government hoped to include the upset workers and soldiers and industrialists, intellectuals, and former administrators.¹¹⁹ The Provisional Government included many of Russia's leading liberals—Alexander Kerensky, A. A. Kornilov, V. I. Vernadskii—and some socialists. Reform efforts remained limited, however, due to the chaotic conditions created by World War I and government confusion. The powers of the Provisional Government ended in October 1917 when the Bolsheviks and their allies grasped control of the central government apparatus.

As with the February Revolution, the October Revolution suggested a new constitutional order. Although Bolsheviks believed that they had to promote the withering away of the state, the Bolsheviks presented their first constitution on July 10, 1918.¹²⁰ The constitution, also called the Fundamental Laws, enumerated the rights of the government and citizens. The leadership claimed that their government took into account the needs of the proletariat and not those of the bourgeoisie, therefore, the new government was a democracy.¹²¹ Similar to the Fundamental Laws of the tsarist government, the constitution came from the government, not from a popular convention. Many Bolsheviks believed that the constitution should represent the fusion of mass organizations, such as unions and soviets, with the administrative structures of government. Furthermore, the constitution would combine legislative and executive functions. Through this type of constitution, Lenin believed that the government would better serve the workers.¹²²

The American Constitution of 1787 reflects the coalition of traditional popular political movements. Influences included state constitutions drawn up after independence from Great Britain in 1776 and the Articles of Confederation of 1777.¹²³ During the 1787 Constitutional Congress, representatives strongly debated the extent of powers that the new federal government should hold. When the Congress of the Confederation and

119 William G. Rosenberg, *Liberals in the Russian Revolution: The Constitutional Democratic Party, 1917-1921* (Princeton: Princeton University Press, 1974), 53.

120 Piers Beirne, editor, *Revolution in Law: Contributions to the Development of Soviet Legal Theory, 1917-1938* (Armonk, NY: M. E. Sharpe, Inc., 1990), 24.

121 M. Iroshnikov, D. Kovalenko, B. Shishkin, *Genesis of the Soviet Federative State, (1917-1925)* (Moscow: Progress Publishers, 1982), 6, 8.

122 Beirne, 87-9.

123 McDonald, 262 and Michael Kammen, *The Origins of the American Constitution: A Documentary History* (New York: Penguin Books, 1986), xi.

states approved the constitution after 1787, they accepted a limited government where citizens possessed ultimate authority.¹²⁴ The constitution limited the national government to a few roles: defense, levying and collecting duties, borrowing money, regulating commerce between the United States and foreign nation-states, naturalization, issuing money, creating laws on counterfeiting, establishing post offices, promoting the sciences and “useful arts,” establishing courts, defining piracy and other felonies, declaring war, raising armed forces, regulating land, ruling the national capital directly, and making “all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”¹²⁵ When the delegates created the Constitution of 1787, they intended to give ultimate authority to the citizens. The Ninth Amendment, part of the Bill of Rights, states that Congress had no rights except those given to it by the citizens of the United States.¹²⁶

To maintain a degree of flexibility, according to Article Five states or the Congress could propose new amendments to the constitution. Upon ratification by states Congress added new amendments to the constitution to accommodate economic and political changes. For example, the Thirteenth Amendment (December 1865) eliminated slavery, though earlier articles and amendments had approved it.¹²⁷ In conflicts between the constitution and Congressional opinion or the constitution and individual states, the constitution possessed the final word. Judicial review ensured constitutional supremacy.¹²⁸

Corporate Laws and Economic Development

Legislation regarding economic activity clearly demonstrates government attitudes towards the market and economic organizations. Laws on corporate activity regulate types of enterprises, where firms may locate, how they may conduct business, and other mandates. Such laws affect the domestic market by establishing the rules of economic competition. Corporate laws greatly affected economic activity in Russia, the Soviet Union, and the United States and either restricted or encouraged development.

Although capitalism gained strength in Russia in the late nineteenth and early twentieth centuries, laws regarding economic organization

124 Bartholomew and Menez, 408.

125 *Ibid.*, 399-400.

126 Bartholomew and Menez, 408.

127 *Ibid.*, 409.

128 McDonald, 254.

changed slowly in the shadow of economic growth. During this time, as it had traditionally, the Russian government saw the economy as its ward.¹²⁹ Tsar Nicholas I liberalized laws on incorporation and established stock exchanges in 1839, but a large-scale reform of economic laws had to wait until the February Revolution of 1917.¹³⁰ Old laws meant for an agrarian society contributed to expensive start-up and operation costs, forcing Russian industries to lag behind those of the West where incorporation fees, administrative costs, and taxes were comparatively low.¹³¹

The government made some superficial movements towards modernization such as the creation of land mortgage banks that made loans to landowners and the aristocracy, as did the Nobility Bank, or gave credit to buy land and resold purchased land to peasants, as under the Peasant Bank.¹³² In November 1905 tsar Nicholas II created the Ministry of Trade and Industry to promote industrial interests.¹³³ The finance ministry sponsored several congresses to discuss the needs of industry.¹³⁴ Little legislation benefiting corporations came out of these congresses, however, and Russia's capitalism remained primitive compared to that in the West.

In the late nineteenth century, Russian legislation attempted to regulate competition by outlawing monopolies, cartels, and syndicates. According to economic historian Thomas Owen, the Criminal Code of Russia promised jail for any persons who united to control the trade of food and other products.¹³⁵ Nonetheless, syndicates appeared in the sugar, metals, textile, and mineral trades, among others, as directors bribed officials or otherwise skirted the prohibitions.¹³⁶ An iron syndicate, Prodamera, and coal syndicate, Produgol', arose and flourished in the early twentieth century to maintain stable, high profits and limit competition in these sectors.¹³⁷

The abdication of Nicholas II in March 1917 marked the appearance of the liberal Provisional Government. Most industrialists believed that get-

129 Owen, *The Corporation*, 79.

130 Thomas C. Owen, *Capitalism and Politics in Russia: A Social History of the Moscow Merchants, 1855-1905* (New York: Cambridge University Press, 1981), 9.

131 M. I. Tugan-Baranovsky, *The Russian Factory in the 19th Century*, Arthur Levin and Claora S. Levin, translators, (Homewood, IL: Richard D. Irwin, Inc.), 306-07.

132 Gregory Guroff and Fred V. Carstensen, *Entrepreneurship in Imperial Russia and the Soviet Union* (Princeton: Princeton University Press, 1983), 129 and Arcadius Kahan, *Russian Economic History: The Nineteenth Century*, Roger Weiss, editor, (Chicago: The University of Chicago Press, 1989), 53.

133 Owen, *Capitalism*, 108 and McDaniel, 118.

134 Guroff and Carstensen, 135; Owen, *Capitalism*, 108, 138.

135 Owen, *The Corporation*, 133.

136 Owen, *The Corporation*, 133, and Gatrell, 178, 182, 184.

137 Owen, *The Corporation*, 133-35; Gatrell, 177; and Susan P. McCaffray, *The Politics of Industrialization in Tsarist Russia: The Association of Southern Coal and Steel Producers, 1874-1914* (De Kalb, IL: Northern Illinois University Press, 1996), 162-63.

ting the autocracy out of politics would result in increased industrial production and a more stable economic exchange. Made up of many industrialists and other businessmen, such as Alexander Guchkov, A. I. Konovalov, and M. I. Tereshchenko, the Provisional Government directed the Duma to reform laws on the economy.¹³⁸ A few days after the abdication of Nicholas, the Duma swept away many of the restrictive laws on corporations.¹³⁹ The new finance ministry established new regulations for incorporation, eliminated property requirements, and instituted other new corporate laws more inclined towards modern capitalism. Areas that seceded from the Russian Empire also established new corporate laws.¹⁴⁰ The term of the Provisional Government was too short to institute long-lasting reform, however.

The October Revolution of 1917 ended the liberal, capitalist economic system of Russia. The Bolsheviks, hostile to capitalism, had not clarified how they would treat private enterprise. At times they claimed that they needed to build socialism on the backs of the bourgeoisie, at other times they claimed that they must eradicate the parasitic bourgeoisie.¹⁴¹ Some private enterprises operated, though civil war and political chaos made their survival extremely difficult. During War Communism, as previously stated, the government prohibited private individuals from setting up enterprises: meanwhile the Bolsheviks nationalized many large industries and forced many large businesses to fold.¹⁴²

NEP changed corporate law again. On April 10, 1923, the Supreme Council of the National Economy decreed that corporations could operate, provided they remain within prescribed financial limits. Lenin decided to control and direct the market, but not to directly control it.¹⁴³ Thomas Owen points out that corporations had to receive special government permission to set up, a condition familiar to them under the tsars.¹⁴⁴ The Council enacted other laws similar to those of the tsarist period. The Council of People's Commissars had to approve any special charters, the government determined capitalization and share price minimums, the People's Commissariat of Finance defined the operations of small banks, the government ignored differences among varieties of joint-stock companies, and the finance ministry heavily taxed private firms and required businesses to pay high licensing fees.¹⁴⁵ These reforms ended in 1928,

138 Guroff and Carstensen, 187.

139 Owen, *The Corporation*, 190.

140 *Ibid.*, 189-90.

141 Ball, *Russia's Last Capitalists*, 1.

142 Owen, *Capitalism*, 191 and Ball, *Russia's Last Capitalists*, 7.

143 Ball, *Russia's Last Capitalists*, 28.

144 Owen, *Capitalism*, 191.

145 Owen, *Capitalism*, 192 and Ball, *Russia's Last Capitalists*, 29.

when the Soviet Union moved from a mixed economic system to a centrally planned economy.

After the American Civil War, the United States entered a period of substantial economic growth, assisted by modern laws, particularly at the state level, regarding corporations.¹⁴⁶ As the American economy developed and matured, local, regional, and higher courts accepted and enforced a relatively laissez-faire economy, continuing Congress' hands-off economic policy. Congress possessed a small role in the economy, having only the powers to regulate interstate commerce and trade with foreign nation-states, issuing money, borrowing funds, and establishing and collecting customs duties.¹⁴⁷ Federal laws regulating corporate behavior did not appear until the late nineteenth century.

In the late nineteenth century, laws regarding corporate activity increased, particularly in the areas of taxation, credit and banking, and organization. Nonetheless, laws on corporate regulation remained minimal because of a tradition of restricted government and well-defined individual rights.¹⁴⁸ Laws, such as the Sherman Anti-Trust Act, that prohibited trusts, cartels, and monopolies arose in the late nineteenth and early twentieth centuries. Woodrow Wilson and other government leaders believed that such combinations restricted competition and threatened American capitalism. They believed that anti-trust laws would right such shortcomings.¹⁴⁹ Although more laws on economic activity appeared, neither Congress nor state governments wanted to neither regulate nor control business closely. Congress did not want to disturb business and potentially threaten the growing economy. The presence of pro-business interest groups in Congress made sure that few controls would appear.¹⁵⁰

Conclusion

Systems of property rights, constitutions, and laws on corporations affected economic interaction and, therefore, the rate of modernization. Russia, having an autocracy, a government-created constitution, and lack of modern economic laws, lagged behind the West economically, thus the government had incentives for expanding its involvement. The Soviet Union, plagued by chaos and political struggle in its earliest years, created a constitution and strict laws that limited private economic activity. The elimination of many forms of private property ownership and strict laws on prop-

¹⁴⁶ Sklar, 14.

¹⁴⁷ Bartholomew and Menez, 399-400.

¹⁴⁸ Sklar, 29, 76.

¹⁴⁹ *Ibid.*, 108.

¹⁵⁰ *Ibid.*, 126.

erty ownership further hindered economic development because investors had no incentives. Nonetheless, due to intense government efforts and investment and a limited private market, Russian industry recovered to 1913 levels by 1926. The economy continued to expand after the end of NEP, but it was at the expense of millions of lives and the economic well being of the Soviet consumers. The development of a laissez-faire government, strong and consistent property rights, a flexible written constitution, and corporate laws that kept up with the needs of business contributed to, comparatively, the enrichment of Americans and the US economy.



BUNDLING: COLONIAL COURTSHIP'S PATH OF LEAST RESISTANCE

BY: GEORGIA BUCHERT

“Americans have always been distinguished for making money and for trusting their daughters.”¹ Bundling was an odd customer of courtship widely employed by rural colonial Americans. It was a clear demonstration of the victory of self-interest over virtue. Considerations of reputation and chastity were frequently laid aside by all concerned parties—daughters, suitors and parents—in favor of unsanctioned gratifications, the securing of marriage contracts, pre-marital assurances of the ability to produce offspring, and family economy.

As bundling is no longer a broadly recognized convention, a definition will be helpful to begin this study. Noah Webster wrote that to bundle is “to lie in the same bed with one’s sweetheart without undressing...”² This description, while accurate in theory, leaves questions in the mind of the reader, gaps in understanding which both proponent and opponent would hasten to fill. This paper concerns itself with the opinions of the latter, but first, what more is there to generally introduce this revolutionary system of wooing?

Apologists have described bundling as “a system of behavior which was at once adequate, effective, and entertaining, while remaining consistent with legal practice and religious conviction...a normal routine, as unquestioned and consistent a procedure for courting couples as is the modern automobile ride.” It was “an experiment in pragmatic romance,”³ an “honor system,”⁴ to which numberless settlers subscribed to during

1 Doten, D. *The Art of Bundling. The Art of Bundling: Being an Inquiry into the Nature and Origins of that Curious but Universal Folk-Custom, with an Exposition of the Rise and Fall of Bundling in the Eastern Part of North America.* 1938. Chapter 1.

2 Webster, Noah. *Bundle.* In *Webster's New Twentieth Century Dictionary of the English Language, Unabridged. Second Edition.* USA: William Collins + Word Publishing Co., Inc. 1978. 241

3 Doten, Chapter 1.

4 Doten, Chapter 7.

long, harsh winter months.⁵ A young man, at the end of his workday, traveled an often-tedious distance to the home of his darling. There, he passed light conversation with her parents and siblings until the appropriate hour for slumber arrived, and the family retired. Rather than sit up and make “a great waste of lights and fuel,” suffer the chill of the night, or endure a reluctant and arguably early parting, the young pair, with the approval of the daughter’s parents, ventured to bed together, clothed to the point of family serenity. Their intimate resting spot was sometimes in a room where the entire family slept, space being at a premium, but often, the young woman had her own separate quarters, and the sweethearts enjoyed a setting of seclusion. The girls’ mother often saw to it that the innocents were warmly and securely arranged, or perhaps they were left to their own devices to get themselves comfortably bundled.⁶ The expectation was that “nothing untoward would happen;” this being believed to be the case, the parents left the pair undisturbed, to converse freely, whisper questions, confess tender self-disclosures, and grow better acquainted throughout the night.⁷ Advocates insisted that the “morally honest [who] wanted to live according to the Christian and moral standards of the day... would [in bed] be safest from falling into evil ways.”⁸ A pointed pro-bundling sermon, the indignant response to a harassing public burlesque, was delivered in the ballad, “The Whore on the Snow Crust,” well known by the latter 1700s. It assured skeptics that

Since in bed a man and maid/ May bundle and be chaste.
 It doth no good to burn up wood, It is a needless waste.
 Let coat and shrift be turned adrift, And breeches take their flight,
 An honest man and virgin can, Lie quiet all the night.
 Since bundling is not a thing, That judgment will procure;
 Go on young men and bundle then, But keep your bodies pure.⁹

Bundling was considered by those who indulged in the custom to be a logical, straightforward, and wholesome way for young people to interact with one another, the most sensible alternative available during the forbidding months between autumn and spring.

Was bundling, in truth, such a sterling pastime? Was the love of virtue strong enough in most colonial youth to enable them to resist feather bed allurements? The answer to both of these questions is no. History shows that “the implicit understanding that the couple would avoid a sexual encounter was not always honored.” This was illustrated by a study con-

5 Weis, D.L. Basic Sexological Premises. 28 May 2001. Humboldt University at Berlin. [database online] Retrieved 23 October 2002.

6 Doten, Chapter 1.

7 Dugan, J. 2001. Kissin’ Cousins. 26 February 2001. Retrieved 23 October, 2002.

8 Aurand, 25.

9 Stiles, H.R. Bundling; Its Origin, Progress and Decline in America. New York: Book Collectors Association, Inc. 1934.101.

ducted in mid-18th century Massachusetts, which revealed that a third of the brides of the day were pregnant at the time they uttered their nuptial vows.¹⁰ Certainly, many bungling bundlers accounted for these errant statistics. Dr. Henry Reed Stiles, author of the first treatise on bundling, quoted this satire from Washington Irving's *History of New York*, describing the "curious device" used by Connecticut's "sturdy barbarians [to] keep up a harmony of interests and promote population:"

They multiplied to [an incredible] degree... This amazing increase may, indeed, be partly ascribed to a singular custom prevalent among them... bundling- a superstitious rite observed by the young... with which they usually terminate their festivities... This ceremony was... considered as an indispensable preliminary to matrimony; their courtships commencing where ours usually finish, by which means they acquired, that intimate acquaintance with each other's good qualities before marriage, which has been pronounced by philosophers the sure basis of a happy union... To this sagacious customer... do I chiefly attribute the unparalleled increase of the... Yankee tribe; for it is a certain fact... that wherever the practice of bundling prevailed, there was an amazing number of sturdy brats annually born unto the state, without the license of law, or the benefit of the clergy.¹¹

It was not rare for bundling to result in the free exercise of self-interest, rather than a measured study of self-restrained virtue; in fact, bundling was a common tarnish to the morals of the day.

Despite the often-fruitful multiplication of consequences, colonials held to a common opinion that bundling itself "was not contrary to Discipline or Scripture,"¹² and argued that it was virtuous as exercised by pure individuals, so they continued to justify its practice. The settlers feared God, professed a belief in The Word, and asserted a deep reverence for chastity, and yet they were trapped in paradox; as with people in most other ages and lands, their "popular morality" didn't correlate with their standards of religion.¹³ Puritanism was obsessed with sin, and its neurotic leadership antagonized not only temptation, but also open pleasure.¹⁴ Harsh Puritan doctrines and fiery threats of damnation communicated to colonials a picture of virtue that refused them the satisfaction they sought, as well as a persuasive reason to lay aside self-interest. Bundling proved to be a form of passive rebellion, a withdrawal of certain citizens' allegiance to a heavy-handed clergy. Early Americans relied heavily on the excuse that:

¹⁰ Weis.

¹¹ Stiles, 50-52.

¹² Doten, Chapter 7.

¹³ Doten, Chapter 8.

¹⁴ Doten, Chapter 7.

In ancient books no knowledge is, Of these things to be got;
 Whether young men did bundle then, Or whether they did not.
 Since ancient book says wife they took, It don't say how they courted;
 Whether young men did bundle then, Or by the fire sported.¹⁵

For decades, it was contended that there was no harm in bundling, and that the innocent and true transgressed no laws, either of God or of man, by participating in it. Yet, who was true?

Was there a benefit great enough to offset the danger in the experience of bundling? What made this mode of courtship seem worthwhile to all parties involved, when the rule of restraint was not observed and natural consequence followed? The answer can only be: marriage. Bundling, in one way or another, by integrity or falsehood, was intended as a means to that end.¹⁶ If the lady bundler happened to become pregnant, unless her swain was an authentic rascal, then the couple's downy experiments generally ended in "downright wedlock".¹⁷ This was often a glad arrangement for a young woman in early America, for the stigma-laden standard of spinsterhood was set between the ages of 22 and 27, depending on the area of the colonies in which she resided, and an old maid was not looked upon with favor.¹⁸ Marriage held the key to a woman's greatest perceived security, and many of the fair sex clung to the fearful opinion: "For how can she e'er married be, If bundling be refused?"¹⁹ A young woman's virginity often seemed to her a reasonable trade for companionship, the hope of prosperity, and the validating eye of society.

Like his gentle partner, a young man stood to gain what he prized most highly in exchange for his pledge of abstinence. From the outset, bundling saved him from having to trudge home late on bitter nights. Later, bundling which led to the altar spared him the bachelor's tax, which was levied in some parts of the colonies. Much more than this, it ushered in the wedded state, which was not considered an optional, but a sought-after blessing, as a wife typically brought love and respectability into the bargain, along with her dowry.²⁰ What did it matter, then, to a decent young man, if a sacramental ceremony was necessarily expedited? For the Puritans, marital union held great religious and social value, and it was encouraged and rewarded with solemn approbation, as long as the couple's sins were kept from ministerial view.²¹ Lastly, with an investment of naught but time and the careless pleasure-seeking, a young man could try

15 Stiles, 99,100.

16 Stiles, 136.

17 Stiles, 33.

18 Dugan.

19 Stiles, 107.

20 Dugan.

21 Weis.

the fertility of his intended before promising a lifelong commitment; for some forward-thinking swains, bundling became a raw test of: "Show me first, and I'll marry you afterward."²² What did a young colonial man believe he had to forfeit in the bundlers' bed? For some, chastity was of small import, as if there was "nothing to lose, and everything to gain."

What was at stake for the parents of a bundling girl? There was the family's concern over fuel consumption: lights and wood. If lovers stayed up into the night courting, the winter fuel store would be used up faster. It has been suggested by some researchers that saving wood was not so much a necessity as it was an excuse for parents to wink at the habits of bundlers beneath their roofs.²³ There were, however, other matters of economy to consider. A marriage was a business arrangement and was a choice seldom left to the young to decide alone. The parent's purpose and ideal was to "make a good match." A successful pairing meant not only happiness for the daughter, but also-and perhaps especially- an increase of wealth for the family, and so it was a matter of deliberation. Typically, a daughter could not begin the process of courtship without her father's consent.²⁴ A father's eye was upon each potential coupling, and his was the right to approve or to disallow. Extreme examples of parental deal-making have been recorded; some Yankee families advertised having eligible daughters, by placing a lighted candle or two in a window, as a welcome sign to would-be suitors.²⁵ While some parents may have sincerely believed that their own generous expressions of trust in their daughters and their swains, along with familial investments of religious training, would fortify the bundlers with strength to hold fast to their purity, it seems impossible that most were actually blind to the tender dangers and irreversible lapses of chaste behavior which they consented to by default. Those parents, it seems fair to say, willingly traded their children's virtue for increase and security.

As long as colonial American-young women, and their parents, prized their own self-interests above the virtues defined by their professed ideals and the faith they embraced, and while parental responsibility to protect their children went unchecked by the laws of the land, the strange custom of bundling thrived and made many sorry victories. The honor system largely failed. Morals and often reputations were willingly, even eagerly, exchanged for comfortable commodities of the pocket, the home, and the heart, goods that were more admirably won by others of the same time period, couples and families who were more balanced in their answers to the questions of integrity.

22 Aurand, 22.

23 Aurand, 7.

24 Dugan.

25 Aurand, 10.



THE WORTHLESS WEST: THE FATE OF THE AMERICAN DESERT IN THE TWENTIETH CENTURY

BY: ADAM EASTMAN

At the heart of western America lies the thriving metropolis of Salt Lake City on the rim of the Great Basin. Fifty miles to the west, lies the Goshute reservation of the Skull Valley Band. Located well into the desert of the Great Basin, the reservation is surrounded by polluting neighbors. It is part of a vast area declared the West Desert Hazardous Industries Area by Tooele County. It is also a part of an even larger unofficial Sacrifice zone¹ designated by the U.S. Government and its military complex. Following what it saw as an established pattern, some members of the Skull Valley Band of the Goshute Tribe chose to seize an opportunity to cash out their chunk of the worthless West. That decision transformed their small portion of worthless land into a highly valuable, politically loaded controversy. And, while that decision immediately caught the attention of their neighbors to the east in Salt Lake, it is in reality just a small act in the colossal unfolding drama of the nuclear age being played out on the stage of the inter-desert West. Finding solutions to the ongoing issues of wasted disposal requires a better understanding of the history of this region.

As the United States (U.S.) grew and spread across the continent during the nineteenth century, the American West was seen by many to be a great desert.² There were however politicians, industrialists, and opportunists who saw the West as a vast region of resources that needed to be harvested, mined, extracted, and developed. As the century drew to its close and through the beginning of the twentieth century, however, there was an entire region that these conquerors had not been able to exploit, the inter-desert region. It is comprised of the five major North American deserts, the Great Basin, Mojavean, Sonaran, Navajoan, and Chihauhian. These great western deserts remained an unsolvable riddle, a worthless

1 Williams, Terry Tempest, *Refuge, An Unnatural History of Family and Place* (New York: Pantheon Books, 1991).

2 Early nineteenth century maps labeled much of the West The Great American Desert.

land that defied developers and bureaucrats to make it productive. They viewed the region as a vast, sterile, infertile, useless wasteland, unfit for human civilization.

As the twentieth century progressed, the developers and the opportunists finally found a use for the useless land. The author and advocate for this new use was the United States Army. During World War II the Army needed to find places to develop, build, and test new weapons in secrecy, isolated from threat of foreign attack. They turned their eyes to the West. There they found in the openness of the inter-desert region the seclusion and privacy needed to develop their new weapons. Equally important, they also located vast tracts of land that could be used to test their weapons. The criteria, uninhabited (really, sparsely inhabited) government land (really, public land) that had no other use. Test sites and proving grounds were mapped throughout the region.

These vast military reservations of the west were not created out of nothingness. There was, of course, human habitation of all these lands. Native Americans have inhabited the deserts for thousands of years. Archeologists believe the Western Shoshone have lived in the Great Basin for at least 12,000 years.³ By not taking into account the history of the Indian occupation of this land -an alternative history of millennia long human occupation-Euroamericans have become accomplices in postcolonialist practices that have always erased presence.⁴

In the late nineteenth century, the Mormons created over 300 settlements throughout the region. But because both Indian and Mormon settlements were small and spread over thousands of square miles the land was still seen as virtually uninhabited by military planners and government scientists. Or, it might be more exactly described in their words as Inhabited by a low use segment of the population.⁵ They relegated it in their minds to the Indians, the Mormons, and anyone else stupid enough to choose to try and live there.

During World War II quick decisions were needed. The world was at war. In these conditions the decision that parts of the west could be sacrificed was an easy one to make. But these quick decisions to build temporary facilities became a permanent legacy. The post war military complex saw a need to expand the defensive powers of the nation against the new threat of nuclear war with the Soviets. These temporary facilities became permanent and were expanded again and again to meet the needs of larger

3 Williams, Terry Tempest, *Refuge, An Unnatural History of Family and Place* (New York: Pantheon Books, 1991), 184.

4 Kuletz, Valerie, *The Tainted Desert* (New York: Toutledge, 1998).

5 Gallager, Carole, *American Ground Zero, The Secret Nuclear War* (Cambridge, MA: The MIT Press, 1993), xxiii.

and larger weapons.⁶ More and more land was sacrificed as the nuclear and military test zones grew.

Traditionally, the first sacrificial test zone to come to mind when discussing weapons testing is the Nevada Test Site. This is where the United States military and the Atomic Energy Commission (later the Department of Energy) detonated 1100 nuclear bombs above and below ground between 1951 and 1992. In the Great Basin, the Army laid claim to an enormous tract of land to create another Zone of sacrifice, the Dugway Proving Ground, thirty miles from Skull Valley. It is the Army's primary location for testing biological and chemical weapons. Numerous open air tests using highly toxic chemicals, such as Nerve Agent and pathogens as dangerous as Anthrax, were conducted.⁷ Dugway was a candidate in 1951 for the atomic test site eventually located in Southern Nevada. While it was spared the blast of atomic bombs tested in Nevada, it was home to its own nuclear experiments. In 1995 President Clinton called for an investigation of Intentional environmental releases of radiation. This investigation revealed many previously undisclosed tests. Among the list was testing of radiation warfare ballistic dispersal devices at the Dugway proving grounds.⁸ About seventy known radiation dispersal tests were conducted there. One test in 1959 was conducted to determine the effects of the crash and resulting fire of a nuclear powered plane. Eight small nuclear reactors were intentionally melted down releasing the equivalent of 10,000 times that released at Three Mile Island.⁹

During the time the government was pushing forward with its Atoms for War program, the Atomic Energy Commission (AEC) also developed Atoms for Peace. In reality, the two programs could not be separated. Hoping to ensure a steady supply of weapons-grade plutonium (a byproduct of nuclear fission energy from commercial nuclear reactors), the U.S. government launched, in 1951, a policy of promoting commercial nuclear power that - although nuclear power has become less popular in the United States- remains with us today. K.S. Shrader-Frechette in her book *Burying Uncertainty* reveals, Commercial nuclear fission began, and was pursued, only because government leaders wanted to justify continuing military expenditures in nuclear-related areas and to obtain weapons-grade plutonium.¹⁰

In addition to unleashing the power of the atom, World War II left another legacy. It was a time of unquestionable patriotism when finding

6 Kulturez., 63.

7Ward, Chip, *Canaries on the Rim, Living Downwind in the West* (New York: Verso, 1999), 100.

8 Kulturez., 246.

9 Ward., 110.

10 Kulturez., 17.

fault with the government was not just unpatriotic but treasonous. This feeling lasted long after the war ended. The pride of victory was soon replaced by Cold War fears and hysteria. But even had dissent been conceivable for the average American, the popular opinion of all but those who lived in the inter-desert region was that the deserts of the West were wastelands.

The characteristics of the desert must be considered if they are to be used for the disposal of hazardous materials. In actuality it is inappropriate to think of these arid ecosystems as waste lands of no value, or to interpret their apparent barrenness as a lack of complexity. The human failure to recognize and properly manage the complexity of arid and semiarid ecosystems has resulted in a loss of productivity of these already marginally productive lands.¹¹ Unfortunately this attitude is still not one that is widely held today. The effects of the propaganda purveyors have petrified public perception. Today, there are still many who are quick to advocate that the deserts are disposable. They are a wasteland whose only redeeming value is the disposal of waste.¹² In the 1980's the commissioners of Tooele County, Utah, located in the Great Basin Desert of Utah and Nevada created the WDHIA (West Desert Hazardous Industries Area) in an effort to cash in on the increasingly profitable waste industry. They saw it as an opportunity for more jobs and revenue in exchange for pollution of unusable land.¹³

Waste industry projects benefit from the desert environment due to the lack of population, competing land uses, and hence public and political opposition. There are even some in the scientific community who support the use of deserts for reasons other than politics and population. When these factors are put aside, they claim desert ecosystems appear to be well suited for service as the final host to hazardous chemicals and radioactive wastes. Lack of water, which speeds erosion and acts as a pathway for contaminant migration, fewer competing land uses, reduced population pressures and generally slower biotic processes all argue in favor of using deserts rather than other ecosystems for disposal projects.¹⁴

Responding to this claim, historian Valerie Kuletz argues that putting all the waste in the interdesert region may seem a reasonable solution from a certain scientific, practical, and even political point of view, this viewpoint is based on an ideological foundation that has its roots in the

11 Charles C. Reith and Bruce M. Thompson, eds., *Desert As Dumps? The Disposal of Hazardous Materials in Arid Ecosystems* (Albuquerque: University of New Mexico Press, 1992), 21.

12 Anderson, Jeff, *Put Waste on Waste Land*, *Deseret News*, 17 December 2001 (Utah).

13 Ward., 63.

14 Reith and Thompson., 321.

Western scientific technological paradigm, with its ties to a culture of ecological plunder and racial conquest.¹⁵ By following this paradigm, the Tooele County Commission has enlarged the established pattern of sacrifice from one of national security to include hazardous waste disposal. In the past fifteen years several facilities have been built in the new zone. There are now seven facilities that have been built, including two hazardous waste incinerators, a hazardous waste dump, two chemical weapons incinerators, a radioactive mining wastes site (now capped), and the low level nuclear waste dump operated by Envirocare.¹⁶

The Envirocare dump currently only receives class A waste, primarily tailings from uranium mines that have been cleaned up. There are proposals being considered to allow the acceptance of class B and C waste.¹⁷ While the company slid the project out of the spotlight and onto the back burner the same day state regulators approved their license, that licensing process has not slid to a halt. The Utah State Department of Environmental Quality's Board of Radiation Control, who oversaw and granted the license is currently setting hearings for the appeals process.¹⁸ Further, Envirocare has five years to seek legislative and governor approval of its license.¹⁹

There is a significant amount of confusion concerning the classification of nuclear wastes into low-level and high-level. The distinction does not reflect the amount of radio-activity but rather the process that created them. For example, in news stories about Envirocare's proposal, low-level waste is stated to be many times less potentially harmful than high-level waste.²⁰ Taken at face value one would quickly conclude that low level waste is less harmful. But, in truth, one must first ask what is the significance of the word potentially. It is likely that this is a subtle play on words. Potentially may be used here to indicate the increased risks if the waste ever melted down or was burned, not the risks of exposure to radiation.²¹ The reality is that low-level wastes, especially class C and GTC (greater than C) do, in fact, pose serious, long term risks.

The current classification system was defined by an act of Congress in the 1982 Nuclear Waste Policy act. These classifications do not reflect the longevity or level of toxicity, as explained by Makhijani and Saleska.

15 Kuletz., 94.

16 Map of area, <http://www.downwinders.org/utah.html>.

17 Spangler, Donna Kemp, Debate Heats Up Over N-waste Plan, *Deseret News*, 16 March 2001 (Utah).

18 Minutes from Utah Radiation Control Board meeting, 1 March 2002, http://www.deq.state.ut.us/EQRAD/drc_hmpg.htm.

19 Spangler, Donna Kemp, Envirocare's Hot Plan Not Entirely Cold. *Deseret News*, 12 July 2002 (Utah).

20 Ibid.

21 Fuller, John G., *The Day We Bombed Utah* (New York: New American Library, 1984), 89.

Thus, the current radioactive waste categorization is in the untenable situation of sometimes labeling as low-level radioactive wastes those which are actually several times more radioactive than other streams of radioactive waste, which the current system labels high-level. Many of the longer-lived and more dangerous categories of low-level waste, which is disposed of in shallow land burial, is also more radioactive than transuranic waste which has been designated for disposal in deep geologic repository.²² Situated southeast of Envirocare's Tooele County facility, that would be receiving these hotter wastes, is the Skull Valley Band Reservation. They are living in the sacrifice zone with the low level nuclear waste dump to the north as well as hazardous waste dumps and incinerators nearby to the north and east. Surrounded by these polluters, the tribal leadership has found itself in an interesting position. In 1989 the Office of the Nuclear Negotiator started looking for a home for a monitored retrievable storage (MRS) site. Specifically targeting Native Americans at the National Congress of American Indians, any tribe willing to consider the offer was promised \$100,000 by the Office of the Nuclear Negotiator. Three tribes seriously considered accepting a facility, the Mesalero Apache in Southeastern New Mexico, the Fort McDermott Piate-Shoshone Tribe of northern Nevada and the Skull Valley Goshute. There are several reasons why Native Americans were targeted. Small population translates into little opposition. Sovereign Indian nations are free from the immediate control of the state and are also outside the jurisdictions of federal agencies like the EPA.²³ Poverty is the main reason for tribes accepting. In the case of the Goshutes, ninety percent of the tribal income comes from a contract with Alliant Tech (formerly Hercules Areospace) that allows testing of rocket motors on tribal lands. This contract is about to expire.²⁴

When the federal government abandoned the plans for an MRS, utility companies turned to these three tribes to strike a private deal. When the facility on the Mesalero Reservation failed because of the discovery of an earthquake fault running under the proposed site the utilities turned to the Goshutes. The utilities formed a limited liability company called Private Fuel Storage and struck a deal with tribal leader Leon Bear. There are just 112 Skull Valley Goshute Indians. Currently about two dozen live on the reservation.²⁵ But even within this small community on the reservation, everyone does not agree with the decision. Today, two different administrations claim to have a mandate to lead the band, one faction linked to pro-nuclear leader Leon Bear and the other linked to Rex

²² Kultz., 90.

²³ *Ibid.*, 106.

²⁴ *Ibid.*, 110.

²⁵ Auer, Catherine, Yes In My Back Yard, Bulletin of the Atomic Scientists. Vol. 57, Issue 4.

Allen, who is softer on the issue. But since the backlog of unsigned paperwork was getting so immense, in October 2001 and again in March 2002 the Bureau of Indian Affairs (BIA) (citing the ongoing dispute over leadership) has said the federal government will continue to deal with Leon Bear until the band Clearly and unequivocally provides the BIA with evidence as to changes in its leadership.²⁶

The debate has also affected politics at the Utah State Capitol 50 miles to the east. For many Utahns, the legacy of living downwind from the Nevada Test Site hits close to home, including Utah's governor, Mike Leavitt. He has mounted a political fight to keep the waste out of Utah. The state has expended considerable effort, passed legislation, and conducted studies.

Governor Leavitt's record on nuclear waste, however, is not as solid as he would have his constituents believe. The record is clear. He is in favor of granting the permit and license that would allow Envirocare to receive highly radioactive low-level waste. During the 2002 session of the Utah Legislature, Leavitt intervened to kill a resolution that would have expressed Utah's formal opposition to a permanent disposal facility at Yucca Mountain in Nevada.²⁷ Further, he voted against Proposition One in November 2002.

Leavitt cannot claim, therefore, that he is opposed to waste being shipped through Utah. He also cannot claim his motivation is concern for the Goshutes. He has never paid any attention to them or helped them before. He cannot claim it is because of worry over pollution and the environment. He has allowed and encouraged incinerators and dumps to be built in Utah's deserts. Finally, his motivation cannot be distrust of the government and its scientists. He trusted them enough to allow two chemical weapons incinerators to be built in Tooele which is much closer and poses a more immediate threat to Salt Lake City.

In fact, the only official reason that Mike Leavitt has given for opposing the PFS facility on Goshute land is fear that the temporary site would become permanent. The word temporary, however, must be placed in context. The definition of a temporary site in this situation means, realistically, 40 years. The NRC is granting a 20-year license with the option to renew for 20 more. It is hoped that this will give the necessary time for the permanent site (officially designated by the Bush Administration and approved by congress in the spring and summer of 2002) to be constructed at Yucca Mountain.

26 Johnson, Jerry, BIA Makes Pick For Goshute Leader, Deseret News, 2 April 2002 (Utah).

27 Spangler, Donna Kemp, Utahns Favor N-waste Site Bin Nevada, Deseret News, 1 April 2002 (Utah).

The pressure to find a Permanent repository for the waste accumulating at the power plants in this nation has been growing steadily for the past twenty years. However, the terrorist attacks on September 11, 2001 have increased that pressure significantly. Policy makers have used the new threat of a terrorist attack on our nations nuclear power plants, or the use of nuclear waste to make a dirty bomb to wrap the American flag patriotically around the issue of Nuclear Waste Disposal. Yucca Mountain, which was already supported by the nuclear friendly Bush Administration, took a giant leap and now has become a national priority and an issue of Homeland Security.

But the pressures of waste accumulation extend beyond the waste being created in the United States. In order to control all aspects of the nuclear cycle in the global arena, the U.S. developed an off-site Fuel Policy from 1964 to 1987 that encouraged the return of highly enriched uranium. The government entered into agreements with twenty-eight nations to which it sold uranium fuel. This was done to discourage foreign countries from stockpiling spent fuel and in an effort to keep plutonium out of the hands of rogue nations and terrorists that could use it to make nuclear weapons. Thus, spent fuel will be returning to the United States from at least twenty-eight countries, through as many as ten ports of entry. One port cited as an example was the Concord Naval Weapons Station port in California's San Francisco Bay Area, one of the most densely populated regions in the country.²⁸

Many feel that the decision of the Bush Administration to designate Yucca Mountain as the official site was made prematurely. Others add that the president has used fears of terrorist attacks the same way that the Eisenhower Administration used fears of Soviet nuclear attack to build up the U.S. atomic weapons program at the beginning of the Cold War. Just as it was during the worst of the open air nuclear weapons testing, once again, it is becoming unpatriotic to question U.S. policy to increase spending on development of new nuclear weapons. Included in this threat is the very real possibility that Bush will end the ten year moratorium on nuclear tests.

But despite the new emphasis placed on Yucca Mountain, the questions concerning it are still valid. The worry is not only whether it will have the capacity, but also if it will actually be built. There are still many safety questions and objections that continue to be raised. Less than one month prior to Bush's recommendation, the General Accounting Office (GAO) issued a report Urging that the decision [to select Yucca Mountain]

be postponed indefinitely.²⁹ According to the GAO, the DOE still has almost 300 outstanding agreements with the NRC for research that must be completed before the application to build and operate a facility can be approved.

Energy Secretary Spencer Abraham responded in a letter to the GAO calling their review of the project fatally flawed, claiming that it was assembled to support a predetermined conclusion.³⁰ The Department of Energy (DOE) undersecretary, Robert Card, criticized that the report focused on the work that is left to do instead of the twenty years of scientific work that has already been completed.³¹

The reality is that the DOE is not unbiased on this issue. It has its own stockpile of waste that is the residue of its research activities, including the development of nuclear weapons. This is waste that they would like to transfer to Yucca Mountain. The DOE itself has estimated that it has 378.5 million liters of highly radioactive waste that it is storing.³²

It is both sad and ironic that both sides in this debate accuse the other of supporting predetermined conclusions. It is however, extremely poignant to note that if anyone is qualified to make the accusation it is the DOE whose predecessor, the AEC, abused this tactic to convince the public concerning the safety of atomic weapons testing in Nevada. Most likely there is middle ground in this debate, but because nuclear policy by nature is so politically polarizing there are very few who will attempt to find or hold the middle ground.

In a similar manner it is difficult to find the middle ground concerning the transportation of nuclear waste. Regardless of the outcome of the fight to keep the waste from being stored in Utah, it is inevitable that it will be transported through the state in massive quantities if Yucca Mountain is ever opened. Salt Lake City has been touted as the crossroads of the west. When it comes to shipments of nuclear waste it will be no different. Proponents of the project say the transportation is safe. Because the waste will have to travel through forty states to arrive at its final destination however, this issue has come under increasing scrutiny. Fears of accidents have been compounded by fears of nuclear trucks and trains becoming possible terrorist targets. Certainly the issue of transportation has the largest political impact and will be where much of the debates focus when congress votes to override Nevada's veto of Yucca Mountain. But try and find the middle ground. Proponents like Congressman Larry E. Craig (R-Idaho) are

29 Brouwer, Greg, DOE Recommends Yucca Mountain Repository Despite Warnings, *Civil Engineering*, Vol. 72 Issue 2 (February 2002) 12.

30 *Ibid.*, 13.

31 *Ibid.*, 13.

32 *Ibid.*, 13.

quick to point out the long track record of safe transportation of waste for the past forty years. Transportation is a ruse. There is no legitimate human safety argument to be placed with transportation. Angie Howard, executive vice president of the Nuclear Energy Institute (the utilities Washington lobbying arm) says that the Yucca Mountain program should be stopped due to concerns about transportation safety is nothing more than fearmongering for political effect.³³

Opponents claim that the transportation of waste to Yucca Mountain will be a mobile Chernobyl. They predict statistically hundreds of accidents will happen and four to six would result in the release of radiation. The worst case scenario would be an accident where the shipping cask cracked and waste mixed with a hot fire such as diesel fuel. This would contaminate the smoke from the fire and spread the contamination similar to the fire at Chernobyl.³⁴

Both sides of the debate seemingly offer only one solution to the problem. Those who are opposed to nuclear waste call for the discontinuation of nuclear power. The proponents of nuclear power, support disposing of the waste at Yucca Mountain. But the reality is that both of these solutions are flawed. The first because it does not solve the problem of the waste already produced. The second because it does not address the issue of where to put the waste when Yucca Mountain fills up.

At the root of the problem is the disposable mentality in American culture. In typical fashion the waste generated is slated for one time use. Little or no efforts have been made to recycle fuel rods from commercial reactors in the United States. Another solution to the problem is to reprocess the fuel rather than dispose of it. Reprocessing is routine in France and Japan, but in the United States it is currently only carried out for fuel from the navy.³⁵ As practiced outside the United States, reprocessing involves Chopping fuel rods into small pieces, leaching out the uranium oxide by nitric acid and applying suitable solvents to separate the uranium, plutonium and fission products. The uranium and plutonium could be reused as fuel. The fission products, which provide most of the radiation and heat are mixed with pulverized glass, heated to melting, and poured into a metal canister for solidification, safe storage, and ultimate disposal or for industrial and medical uses.³⁶ These fission products

33 McCutcheon, Chuck, Nevada's Hill Delegation Stresses Transport Danger To Fight Nuclear Waste Plan, Congressional Weekly (February 16, 2002).

34 Nuclear Information & Resources Services, Why We Call it Mobile Chernobyl, <http://www.nirs.org/factsheets/whywecallitmobilechernobyl.htm>.

35 Murray, Raymond L. Nuclear Waste Management, Encyclopedia of Environmental Pollution and Cleanup (New York: John Wiley & Sons, Inc., 1999).

36 Ibid., 1120

(cesium -137 and strontium-90) have significantly shorter half lives and are rendered harmless due to decay in 300 years.

This is not a new solution to the problem, it was the original solution. In fact, the belief that spent fuel could be recycled efficiently helped build a case for commercialization of nuclear energy in the 1950's. The problem is that reprocessing was declared to be economically inefficient; it was cheaper in the long run to rely on uranium reserves. Another reason why the AEC supported commercial nuclear power is because it ensured a ready supply of potential fuel for nuclear weapons. The prediction has lived up to the promise. Hence the second, and more significant problem with reprocessing. It is politically dangerous - it discharges too much weapons grade plutonium into a politically unstable world.³⁷ In the end, the system of nuclear power didn't behave as AEC predicted. We live with the consequences of that miscalculation today - 70,000 tons of high level radioactive waste, and counting. Valerie Kuletz discussed this miscalculation:

The reality is that the nuclear fuel cycle virtually from its inception has been a spiral. It has been spiraling out of control because the Cycle existed only in the minds of its creators, who demanded that reality conform to their ideal. The notion of a clean, efficient and replenishable source of energy to fuel what they believed to be a natural economy of supply and demand. By attempting to naturalize technology and the economy, humans (Euroamericans) only demonstrate that they cannot control nature. The power of the atom -the force within nature itself - unleashed cannot be put back in the ground as though it had never been called forth to do our bidding.³⁸

Proceeding with the current plans to dispose of waste at Yucca Mountain with or without the use of an interim storage facility in Utah or anywhere else is like Putting the power of the atom... back in the ground. But, what about the idea of the reprocessing cycle. Is it a myth, or is it attainable?

The answer depends on the American public; you, me, and our neighbors. We have to demand a real solution to the issue of nuclear waste. Storage and disposal is not a real solution. The best alternative is to discontinue, perhaps even outlaw further mining of uranium. And, instead of perpetuating the government subsidy of creating more and more high-level nuclear waste, we would then be subsidizing the recycling of that waste into new fuel. Over 17 billion dollars has already been accumulated by a tax on users of nuclear power to pay for disposal of nuclear waste.³⁹ A

37 Kuletz., 264.

38 Ibid., 281.

portion of the money could be used to pay for the reprocessing or the tax could be increased to cover the true cost of nuclear power.

This would require a change in policy. It would be a political decision. But, it must be remembered that it was a political decision that ended the policy of reprocessing in favor of disposal. The current classification system for nuclear waste is a result of a political decision. The reality of uranium sold to twenty-eight foreign nations returning as high level nuclear waste is the result of a political decision. The choice to bury the waste in Nevada and the selection of Yucca Mountain is a political decision. And so the question must be asked; who makes U.S. policy, the politicians or the people who elect them? The burden lies on the public. It is simply not enough to say no to nuclear waste. We must demand the safest and the most scientifically sound decisions regarding nuclear waste, even if it is not politically sound. We must be willing to accept, even demand the best solution, not just the one that keeps nuclear waste out of our backyard. The fate of the American Inter-desert West in the twentieth century was to become the site of the majority of the United States nuclear programs. The legacy of waste will linger for generations to come. The cycle culminated with the selection of several sites in the deserts including Skull Valley and Yucca Mountain to store and bury the most toxic wastes humans have created. Yet, this pattern of sacrifice does not need to continue. Viable solutions exist to keep the West from being further destroyed by senseless sacrifice. Some Americans have come to realize the West is not worthless. Whether the deserts of the West continue to serve as the carpet under which civilization sweeps its trash⁴⁰ will be conditioned on the majority of Americans realizing the West is not worthless, it has value and, it's not worth sacrificing. The fate of the American deserts in the twenty-first century is in our hands.

39 Brown, Stewart F., How Do You Feel About Nuclear Power Now? *Fortune*, Vol. 145 Issue 5 (March 4, 2002).

40 Ward., 115.



UNDERSTANDING AMERICA'S HISTORY WITH RACISM

By: KATHY MCCLOUD

Although it happened several years ago, I remember the incident clearly. It was the day I taught my, then five-year-old daughter about racism. Jumping into our car after school, she pointed out a classmate and announced, "I don't like her." She was pointing at the only African American girl standing outside. I responded that she should never judge someone based on his or her skin color. She looked at me with wide eyes and I could tell I had her attention. I spent the rest of the short drive home explaining how everyone is different, why it was important to be nice to everyone, to include them, and so on. It is rare to keep a five-year-old's attention for so long. I was feeling quite proud of myself that her intent gaze never strayed. As we pulled into the driveway, I, somewhat smugly, asked, "Do you understand what mommy is trying to say?" She stated with some amazement, "I didn't know her skin was different; I didn't like her because she spit on me at lunch." I was stunned. I pictured the next day, my little girl, at school, would be telling all of her classmates that this little girl was different. I had planted the first seeds of racism in my young daughter's mind. I believe the incident stays fresh in my mind because it forced me to question my beliefs. Could I be a racist?

What does it mean to be a racist? The conventional definition of racism evokes images of white-hooded men burning crosses. I would submit different characteristics that should help to expose the insidious, covert nature of racism. I regard one as a racist if they 1) support, either actively or passively, white privilege, 2) have the power to be a racist, therefore must be white, 3) and are generally convinced that they are not racist. By this definition, I would challenge that racism affects every aspect of every American's life. Evidence of racism is found written into our law books, taught throughout school curriculums, and woven into our language. It is critical in the fight against racism in order to understand exact-

ly what it means to be a racist. When investigating racism, the journey should begin with understanding racism's synonym, white privilege.

White Privilege and Racism

Because white privilege is often countered with cries of reverse discrimination, I will first offer a clear definition to what I refer when I speak of white privilege. White privilege is a right, advantage, or immunity granted to, or enjoyed by the class of white persons beyond the common advantage of all others; it is often an exemption of certain burden or liabilities. This privilege, experienced exclusively by white-skinned people, has been gained at the expense of every other minority. Recently this privilege has begun to be investigated by modern writers.

Peggy McIntosh in her article "White Privilege: Unpacking the Invisible Knapsack," outlines 26 specific conditions wherein whites have privilege over every other race. Her list ranges from the mundane, the ability to buy blemish cover or bandages in "flesh" color, to the serious, being able to arrange protection for her children from people who might not like them. McIntosh recognizes many areas of unearned privilege and concedes, "The pressure to avoid it is great, for in facing it I must give up the myth of meritocracy. If these things are true, this is not such a free country..."¹ What does McIntosh mean by the phrase "the myth of meritocracy"?

Thomas Jefferson envisioned a society that had a "natural aristocracy" or, as later called, a meritocracy. This would be a society that would naturally stratify based on merit. If an individual worked hard toward a goal, it would be achieved, regardless of class standing. This utopian idea was not without its benefit to those who created it. By professing that a right to leadership could be claimed through moral integrity, rather than by an elect few with the right bloodline, opened a door that had long been closed to the masses. The idea that man would achieve, and could achieve, based on hard work and determination was a wonderful new framework upon which to build a society.

The reality of the time, though, would suggest that this newly coined meritocracy was not much different from the aristocracy from which the colonizers had so recently been liberated. Certain large groups were still excluded: African-Americans, Native-Americans, and women. The narrow yardstick of lineage was replaced by the narrow yardstick of race and gender. The privilege to rule would now be granted to white males regardless of the content of their character. This fallacy of merit has always been the

¹ Peggy McIntosh, "White Privilege: Unpacking the Invisible Knapsack," Independent School, Winter 1990.

central problem with racism in our society. By facing this myth of meritocracy, we can begin to look at the genuine reasons for success in America.

White privilege allows white individuals to believe that they have reached the top of the ladder by hard work and determination while assigning other explanations to minorities. For example, I recently worked for a Latino plant manager. He was fair, direct, and a good decision-maker, as well as a hard worker. One would be hard pressed to find someone who did not have a tremendous amount of respect for him as a person and a manager. Yet, when he came up in conversation, the comment was occasionally made that he received the job because of Affirmative Action.

The incongruity between these two thought processes was lost on those participating in the conversation, including myself. Was he in a leadership position because he possessed all the qualities required and had the experience or was he the token Latino needed for statistical purposes? All evidence supports the former. It would seem then, even when minorities achieve some amount of upward mobility, it remains socially acceptable to reduce them to a "quota filled" status. It strips an individual of respect and dignity.

Conversely, white privilege allows white men's upward mobility to be viewed as the reward of hard work, determination and dedication. Again, the myth of meritocracy is reserved for those with white privilege. Written and verbal language is a powerful tool to either dispel this myth or reinforce it.

A recent article in Newsweek is an example of how language reinforces white privilege. Ellis Cose, in referring to the advisability of blacks in the political arena, stated, "Blacks may have difficulty winning at the top of the ticket, but there seem to be no particular barriers for black running mates. For Republicans ... black running mates can be a plus, 'inoculating' white candidates against charges of racial insensitivity."² White privilege is used here as a way to discount any achievement by a minority based on their qualifications. They are simply a step in the white man's ascent to power.

Recently researchers at MIT and the University of Chicago tested the premise that African-Americans may be rejected sight unseen by prospective employers.³ To prove this hypothesis, the researchers made up fake job applications and attached resumes. The background and job experiences were identical; the only change was in the name of the applicants. They chose names slanted toward a white population (Kristens and Brads) or toward an African-American population (Tamikas and Tyrones). The

2 Ellis Cose, "The Voices That Nobody Heard," Newsweek, 18 November 2002, 47.

3 Kendall Clark, "The Real Distractions of Trent Lott," 16 December 2002, <<http://www.whiteprivilege.com>> 23 December 2002.

researchers then sent out these applications to 5000 prospective employers. Those with “white-sounding” names were called for interviews 50% more often than those with “minority-sounding” names. Again, this research confirms the existence of the unfair advantage of white privilege rather than the value of meritocracy.

Economic survival is not the only arena of white privilege. White privilege literally determines which population has the greater chance of living a long life in a healthy environment. The following statistics are evidence that skin color affects longevity. In Houston, Texas - with African-Americans comprising 25% of the population- 75 % of municipal garbage incinerators and 100% of the city-owned garbage dumps are located in their neighborhoods.⁴

The Environmental Protection Agency’s response to 1,177 toxic waste cases, found that those who polluted near white population sites received penalties 500% higher than those who polluted minority areas did.⁵ Penalties for violating all federal environmental laws regulating air, water, and waste pollution were 46% lower in minority communities than in white communities.⁶

Government remedies left minority communities waiting longer than white communities to be placed on the national priority list, with a 7% greater likelihood of “containment” rather than clean-up. White sites experienced treatment and cleanup 22% more often than containment.⁷ Nationwide, 60% of African Americans and Latinos live in communities with uncontrolled toxic waste sites.⁸

As George Lipsitz states in his book, *The Possessive Investment in Whiteness*, “African-Americans had access to the nutrition, wealth, health care, and protection against environmental hazards offered routinely to whites, seventy-five thousand fewer of them would die each year.”⁹ White privilege then, becomes a matter of life and death.

⁴ John Logan and Harvey Molotch, *Urban Fortunes* (California, University of California Press, 1988).

⁵ Robert Bullard, “Environmental Justice for All,” *Unequal Protection: Environmental Justice and Communities of Color* (San Francisco, Sierra Club, 1994).

⁶ *Ibid.*, 9-10.

⁷ *Ibid.*, 10.

⁸ Charles Lee, “Beyond Toxic Wastes and Race,” *Confronting Environmental Racism: Voices from the Grass Roots*, (Boston: South End, 1993), 49.

⁹ George Lipsitz, *The Possessive Investment in Whiteness*, (Philadelphia: Temple University Press, 1998), 9.

Power and Racism

John McKnight correctly stated in his book, *The Careless Society*, "There is no greater power than the right to define the question."¹⁰ Again, looking back to the foundation upon which our country was formed, American leaders, then and now, assume the right to define the questions. Alexis de Tocqueville observed this uniquely American approach when he visited the continent less than fifty years after the United States became a nation. As McKnight outlines, Tocqueville made three significant observations about the characteristics of the groups in power, "first, they were groups of citizens who decided they had the power to decide what was a problem. Second, they decided they had the power to decide how to solve the problem. Third, they often decided that they would themselves become the key actors in implementing the solution."¹¹ After more than 200 years as a country, we continue to operate under this same premise. The Civil Rights Movement certainly moved the country forward, but familiar problems such as "white flight" and "racial profiling" exist. Not because our society is working toward eventually eradicating them, but because those in power have the ability to deny they even exist. Those in power have done this so effectively that I believe most white Americans do not believe they exist even when both anecdotal and empirical evidence is readily available.

Through my own personal experience, I can anecdotally attest to "white flight." My family actively participated in this. I grew up in Southern California. We moved several times in my youth with my father explaining, "The blacks are moving in. It's time to leave." When we made the move to Utah, my parents chose a realtor that they knew. Not because of her skills, but because they were sure she would not sell our home to blacks.

The justification for racial profiling has always been that minorities are more likely to carry contraband. Empirical evidence, however, does not support this conclusion. In a report prepared by Northeastern University for the U.S. Department of Justice, several studies were conducted to determine if race could be a reliable profile for criminals. Researchers found in a Maryland study that 28.4% of African-American drivers and passengers and 28.8% of white drivers and passengers, who were searched, were found with contraband.¹² In New York, White-Americans were found to

10 John McKnight, *The Careless Society*. (New York: Basic Books, 1995), 48.

11 *Ibid.*, 117.

12 Northeastern University, *A Resource Guide on Racial Profiling Data Collection Systems*, (Boston: Northeastern University, 2000).

have a slightly higher probability of carrying contraband than African-Americans and Latinos. Interesting, too, is a nation-wide study by the U.S. Customs Service that found that 43% of the time African-Americans and Latinos were among those searched at airports. White-Americans, however, had a slightly higher “hit rate” than did African-Americans or Latinos. The researchers concluded, after data from these and other studies, that African-Americans and Latinos “...were no more likely than whites to be in possession of narcotics or other contraband.”¹³ Simply put, race cannot predict whether an individual is carrying drugs or not.

There are certain crime categories, however, that do show a link between race and criminality. White-collar crime is, indeed, appropriately classified as “white.” Uniform Crime Reporting data found that white males commit 70.3% of property crime, 70.0% of embezzlement, 75.8% of counterfeiting, 84.9% of bribery, and 70.6% of fraud charges.¹⁴ The only crimes that can be linked to a specific color of skin have never been a subject of racial profiling. Why – because those with the power to define the problem, refuse to do so.

Knowledge about Racism

When looking for validations of our actions, we often turn to science for answers. Can science substantiate or justify treating any individual differently, based upon the color of one’s skin? No, on the contrary, scientists have proven that there is no biological distinction that sets one race apart from another. Psychologically, intellectually, and physically there is no research to show a difference. Yet, race still exists in, conceivably, every American mind. Several hundred years ago, we embraced the news that the world was not flat, and moved on from that type of misguided science. Why has not the archaic notion of race been dispelled as readily? Because race is not based upon hard science, it is a socially constructed reality.

As Ian Lopez wrote, “...social meanings connect our faces to our souls. Race is neither an essence nor an illusion, but rather an ongoing, contradictory, self-reinforcing, plastic process subject to the macro forces of social and political struggle and the micro effects of daily decisions.”¹⁵ Racism must be exposed as a social construction, so it can be dismantled by the same society that created it. A term developed by Pierre Bourdieu may help to explain why racism is so hard to dismantle.

¹³ Ibid., 10.

¹⁴ United States, Department of Justice, Criminal Justice Information Services, The Measurement of White-Collar Crime Using Uniform Crime Reporting Data, (Washington: GPO, 2002).

¹⁵ Ian Lopez, “The Social Construction of Race,” President and Fellows of Harvard College, (1994), 193.

A sincere fiction is a phrase Bourdieu uses to explain how individuals can justify their attitudes. By definition, sincere fictions are beliefs that are held that the individual believes to be true.¹⁶ Joe Feagin et al explain, “these socially accepted fictions are sincere because the actors usually are genuine and honest in their adherence to these rationalizations and are either unaware of or have suppressed the alternative interpretations—psychological, sociological, and historical—of the events or people being fictionalized.”¹⁷ An example would be when an African-American parent is encouraged to have his or her child try out for the basketball team, the counselor sincerely believes that he is acting in the best interest of the child. His consciousness does not set off an alarm that lets him know his actions are an extension of stereotypical beliefs regarding African-American athletic abilities. Sincere fictions help prevent many questions from being asked, questions that would force a clear analysis of how race is entirely socially constructed.

The facts uncovered in researching this paper have convinced me that racism is as much alive today as it has been in previous years. Where, then, can an individual begin the fight for true equality? I believe that the answer to this question lies within us. We have chosen higher education to learn to build businesses, understand the physical and mental body, and explore artistic talents, to name a few. Along the way, we need to learn to challenge our own stereotypical thinking processes, question our motives, and re-evaluate our place in the problems and in the solutions.

Before I came to this institution, I did not know about white privilege. I did not think about different ways to evaluate race relations. I did not understand my part in the problem. I had not, yet, formulated the question to myself, “am I a racist?” Now that I have been exposed to a new way of thinking, I am accountable to myself and to society to ensure my actions reflect my anti-racist beliefs. I can no longer, in good faith, quietly sit by, while a co-worker is reduced to a statistic in the Affirmative Action plan. I cannot help my children with their history homework, without taking time to explain other perspectives in viewing history. I can no longer hope that the majority is right. I can no longer assume that change will occur spontaneously. I must assume that it will take knowledge, organization, and action.

Many of us have had a lifetime of learning that has conditioned us to believe that there is only one way to view the world around us. We need to take a critical step and think outside of our paradigms. The philosopher

16 Pierre Bourdieu, *Outline of a Theory of Practice*, (Cambridge: Cambridge University Press, 1977).

17 Joe Feagin, Andrew Gordon, and Vera Hernan, “Superior Intellect?: Sincere Fictions of the White Self,” *Journal of Negro Education*, (64, 1995), 297.

Rollo May once said, "Real freedom is the ability to pause between stimulus and response and in that pause choose."¹⁸ If we want to experience real freedom and contribute to the freedom of human kind, we need to pause and identify what stimulates racist thoughts or actions within us. Then, make a conscious choice to become a new and clarion voice in the fight.

18 Sherod Miller, et al, *Connecting*, (Colorado: Interpersonal Communication Programs, 1992).



THE TEUTONIC KNIGHTS

BY ANGELA MICKIEWICZ

Early in the Third Crusade the city Acre surrendered on July 12, 1191. It was during this twenty-one month siege that a group of German merchants made awnings from sails and turned their vessels into hospitals to care for the wounded German knights¹ whose needs were not being taken care of by the knights Templar or the knights Hospitalers.² The group established a formal hospital modeled after the Hospital of St. John of Jerusalem.³ Pope Clement III recognized the hospital in 1191,⁴ and in 1197, it was reorganized into a religious-military order modeled after the knights Templar.⁵ The order was originally known as the Order of the Knights of the Hospital of St. Mary of the Teutons in Jerusalem.⁶ The order is now called the Teutonic Knights or the Teutonic Order.

The knights were central figures of medieval warfare and felt they had a calling of warfare in defense of Christendom.⁷ The order developed from the crusades and with it the idea that, in exchange for taking up weapons for life, fighting for the church, and vowing poverty, chastity, and obedience,⁸ the knights would receive privileges from the church,⁹ pardons from their sins, and immediate entry into heaven if they died in battle.¹⁰ The

1 Joseph R. Strayer and Dana C. Munro, *The Middle Ages 395-1500* (New York: Appleton-Century-Crofts, 1959), 242.

2 William Urban, "The Teutonic Knights and Baltic Chivalry," *Historian* 56, no. 3 (Spring 1994): 519.

3 Indrikis Sterns, "Crime and Punishment among the Teutonic Knights," *Speculum* 57, no. 1 (January 1982): 84.

4 Michael Gervers, "The Fighting Monks," *Christian History* 12, no. 4 (1993): 41.

5 Sterns 1982, 84.

6 Urban 1994, 519.

7 *Ibid.*

8 Gervers 1993, 39.

9 *Ibid.*, 41.

10 Helen Nicholson, "Saints or Sinners? The Knights Templar in Medieval Europe," *History Today* 44, no. 12 (December 1994): 31.

knights were in charge of keeping the peace locally, defending the church, and promoting a new standard of civilized behavior. Soon the knights dominated not only warfare but also high culture.¹¹

There were many rules imposed upon the knights, and discipline of the knights was severe.¹² The rules were borrowed heavily from the rules of the Knights Templars, the Knights Hospitallers, and the Dominican friars. In 1442, an official copy of the rules and punishments was made called *The Book of the Order*. Before 1442, there were many different, unofficial copies of the statutes, each with different lengths, some containing too few, and some containing too many regulations.¹³

The Book of the Order was made up of many different parts including the Calendar, the Headings of the chapters of the Rule, the Preface to the redaction of 1442, the Prologue, the Rule, the Laws, the bylaws, the Customs, the Genuflections, the Ritual of initiation into the order, and the Prayer of the brother priests. The Rule contained common regulations of monastic life. The Laws were later regulations that explained some of the Rule. The Customs were regulations that pertained to different officials within the order. The bylaws were written by later grand masters and were attempts to enforce regulations of the statutes that were ignored or frequently violated. The Genuflections were directives for kneeling by the brethren during their worship.¹⁴

Within the Laws was the penal code of the order, and it distinguished four different grades of offenses a brother might commit. The first grade of offense was a minor offense. A brother could commit a minor offense if he carried letters for a stranger, consorted with bad women, told a lie, ate or drank outside the house with lay folk, used abusive language against another brother, struck a servant or anyone else with his hand, or if he hunted. For these crimes the offender received a one, two, or three-day penance. This discipline was to be received on Sundays.¹⁵

The second grade of offense was a serious offense. A brother could commit a serious offense if he sent and received letters, gave away or damaged the orders property, stayed overnight outside the house, took shelter with people of bad repute, ate secretly, threw away food, drink, arms, or clothing, was a drunkard or troublemaker, refused to carry out his superior's orders, hit another brother, or sent out others or went out himself to collect alms without permission. For these crimes the offender had his

11 Urban 1994, 519.

12 James Westfall Thompson, *Economic and Social History of Europe in the Later Middle Ages (1300-1530)* (New York: Frederick Ungar Publishing, 1960), 186.

13 Sterns 1982, 88.

14 *Ibid.*, 89.

15 *Ibid.*

cross taken from him, and while he was without his cross, he was to do penance however his superiors granted him for one year.¹⁶

The third grade of offense was a more serious offense. A brother could commit a more serious offense if he angrily wounded a Christian or drew blood with a sword, spear, knife, or other weapon, engaged in conspiracy against a superior, committed theft, disclosed the order's secrets, was found or died with property, sinned with a woman, left the order, stayed outside the house for two nights or more, or appealed against the order's laws. For these crimes the offender had to do a one-year penance. If the offender had given the order a bad name by his crime, he had to live with the slaves for a year and serve in a habit without a cross. He had to fast for three days every week on water and bread, eat with the servants sitting on the ground, and on Sundays receive the discipline from the priest in the chapel. If the offender's offense was not so flagrant, he did not receive his discipline from the priest. If the brother's offense had been going on for a long time, if he had offended very often, if he was impatient doing his penance, or if his offense was very indecent, he could be put in irons, thrown into prison and have a year added to his penance. He could even be condemned to perpetual imprisonment.¹⁷

The fourth grade of offense was a most serious offense. A brother could commit a most serious offense if he lied to get himself or someone else admittance into the order, concealed things that would have kept him out of the order, fled from the army, changed from a Christian to a heathen, or if he cohabited with men. If the brother lied or concealed things upon entering the brotherhood he might lose his membership to the order, but after doing penance, he might be allowed to gain membership again. If the brother fled the army, changed to a heathen, or cohabited with men he would lose his membership forever.¹⁸ If the brother's offense damaged the reputation of the order, the brother was disciplined during High Mass. If the brother's offense was more minor or secret, he did not have to receive his discipline during High Mass. For any most serious crime, the brother had to take off his clothing, wrap up in a clean mantle or habit, and present a whip to the priest. The brother was flogged and after the flogging the priest would help the brother up and say, "Brother, this punishment I inflicted upon you for your sins."¹⁹ This procedure was followed every Sunday until the offender completed the prescribed period of penance.²⁰

16 Sterns 1982, 90.

17 Ibid., 90-91.

18 Ibid., 91.

19 Ibid., 92.

20 Ibid.

The information in the bylaws, which were added to the existing laws as supplemental regulations, are the best source of information into the offenses that were actually committed by the members in the order. The most frequent law the brethren sinned against was the vow of poverty.²¹ Actual money was a real temptation for the brethren. The brethren were buying horses and keeping the horses for themselves and had their own private tents.²² Apparently, the wealth of some of the commanders was considerable.²³ To break the vow of poverty was a more serious offense.²⁴ The brothers were tempted to hunt, which was a minor offense.²⁵ The brothers often committed a serious offense by traveling. The knights found convent life tedious and liked to travel as a pastime.²⁶ The brothers' vow of celibacy presented difficulties.²⁷ Unchastity was even tolerated for a while.²⁸ The grandmaster arranged for banquets and balls to be hosted by burghers and secular nobles.²⁹ Disrespect and disobedience of superiors was a most serious offense that occurred often by 1442.³⁰ Indrikis Sterns believes by the second half of the fifteenth century, the order seemed to be a brotherhood of self-seeking German knights.³¹

Although they started out as German merchants the knights quickly became a landed, military aristocracy.³² They received recruits from Ministeriale families from southern and central Germany.³³ French knights were also accepted into the order because they were more numerous and less likely to mix personal demands with their duties as Christian warriors.³⁴

The order was set up like a corporation. It was not a republic. A king or a bishop did not govern it. It was an associated aristocracy of knights that were half monks and half soldiers. The chapter held the ultimate power. It consisted of the masters of Germany and Finland, the commanders of the commanderies, and later, the governors of the provinces. The head of the order was the Grand Commander, also called the Grand Master, who held almost unlimited power. His second in command was the Land

21 Sterns., 1982, 93.

22 Ibid., 94.

23 Ibid., 108.

24 Ibid., 94.

25 Ibid., 98.

26 Sterns 1982, 95.

27 Urban 1994, 526.

28 Sterns 1982, 97.

29 Urban 1994, 526.

30 Sterns 1982, 103.

31 Ibid., 111.

32 Thompson 1960, 182.

33 Urban 1994, 520.

34 Ibid., 525.

Master, who traveled through the country with superior authority accorded him in the district he was visiting.³⁵

The Grand Master and the chapter chose a council of five. The council members served as department heads and met one time a year or upon extraordinary occasions as needed. The council consisted of a chancellor who was the head of administration of the land, a marshal who was commander of the army, a treasurer³⁶ (*trisorere* or *treseler*)³⁷ who was head of finances, a hospital warden³⁸ (*spitalere*)³⁹ who supervised relief work, and a chamberlain⁴⁰ (*drapier*)⁴¹ who was over commissary and trade relations. Two *grand schaeffers* were ministers of trade and helped the chamberlain. Under the *grand schaeffers* were regular *schaeffers* who were commercial agents over trade. The *schaeffers* had *knechte* or attendants, employees who worked for them.⁴²

The marshal, hospital warden, chamberlain, and treasurer were all part of a larger group called brother knights. Brother knights dominated the order, elected the Grand Master, and controlled the religious life of the order. Although the brother knights controlled the religious life of the order, there were brother priests and clerics whose role was purely spiritual. The brother priests guided the religious life of the lay brethren but were not numerous and possessed little weight in running the order's business. *Schulere*, who were probably children under fourteen who were offered to the order but not old enough to join, assisted the brother priests in celebrating the mass and administering the sacraments. They also served as student assistants, acolytes, and choirboys.⁴³

There was a master of esquires who assisted the brother knights by receiving into his service attendants or esquires. The master of esquires allocated the esquires to brother knights and determined their pay if they were not serving for charity. The esquires accompanied the brother knights when they rode out to battle. They did not participate in the battle but rallied behind the lines and prayed for the safe return of their lords.⁴⁴

There was a group of other brothers, lay brothers who served in the military or in other capacities. The other brothers could be serving bro

35 Thompson 1960, 186.

36 *Ibid.*

37 Sterns 1982, 86.

38 Thompson 1960, 186.

39 Sterns 1982, 86.

40 Thompson 1960, 186.

41 Sterns 1982, 86.

42 Thompson 1960, 186.

43 Sterns 1982, 85.

44 *Ibid.*, 86.

thers, brother sergeants, or brother sergeants-at-arms. These other brothers had very little voice in the affairs of the order and much less of a voice than the brother knights and brother priests.⁴⁵

In the order there were halpbrudere, or brother aides who grazed or tended the cattle, cultivated or tilled the fields,⁴⁶ or worked around the houses of the commanders. The order hired lay people (heimliche), or domestics, who were married or single. If single, the domestics were required to give their entire estate to the order upon their death. If a person died and he/she were married, that person was required to give the order half his/her estate, and the order would get the rest of the estate upon the spouse's death.⁴⁷

There were many other servants besides the halpbrudere, heimliche, knechte, and schuler. The order had pfligere who served in hospitals and infirmaries. There were other servants who worked as carpenters, masons, gardeners, and other laborers and artisans. These servants worked for charity or wages. There was a vice commander who was in charge of the servants.⁴⁸

Not to be confused with the other servants were the people perpetually bound to the order. These were the serfs and the slaves. The serfs were probably donated to the order along with lands, and they probably worked directly for the brethren. Slaves were presumably prisoners-of-war or people who had committed crimes and had to pawn their own bodies in order to save their lives.⁴⁹

In the year 1211, the Burzen district of Transylvania was imperiled. The area was peopled not by Hungarians but by German colonists. The Hungarian king called on the Teutonic Knights to help. The knights had an appetite for land, though, and the Hungarian king felt they had become arrogant with policies that were too independent.⁵⁰ The knights were expelled from the district in 1225. After the knights were expelled, Emperor Frederick II endowed the Grand Master the status of prince, which gave the knights rights over the land it subjugated.⁵¹ From the 1230's onward, the knights acquired large regions of land.

In 1231, the knights extended a series of campaigns, which lasted over the next thirty years. They crossed the Vistula and occupied the lands to

45 Sterns 1982, 86.

46 Ibid.

47 Sterns 1982, 87.

48 Ibid.

49 Sterns 1982, 87.

50 Thompson 1960, 182.

51 Gervers 1993, 41.

the east. Pagans were converted to Christianity at the point of the sword, or they were driven off the land and replaced by German settlers.⁵² In 1238, the knights made war on the pagans living in Livonia.⁵³ The knights then used Livonia as a base for attacks on all Lithuania.⁵⁴ For the following decades the knights held a perpetual crusade against the Lithuanians.⁵⁵

At about the same time the knights were campaigning in Lithuania, they built themselves a state in Prussia where they ruled incoming German colonials and the Prussian population.⁵⁶ In 1226, the Polish Prince Conrad of Mazovia asked the knights to stop the attacks on the pagan Prussians and convert them to Catholicism.⁵⁷ The order was given large territories and practically independent status.⁵⁸ The knights pursued imperialistic goals when encroaching on Polish territory and did not recognize any dependence on Poland; instead the knights built their own state.⁵⁹ By 1280, the knights had established supreme control over all Prussia, making Prussia predominantly German and Christian.⁶⁰

As the order began to acquire more lands it had to find a way to govern these lands. The territory was divided into commanderies and then subdivided into districts.⁶¹ The order then set up a system to tax the inhabitants. Officials of the order collected land tax in each district. The order also decided to set up a system of trade. Through acquiring lands they had an abundance of the lands revenue in raw materials, but the order couldn't trade without petitioning the papacy to enter into commerce.⁶² In 1263 Pope Urban IV gave the order the power to trade but not for profit.⁶³ This restriction seemed to go unsupported in the fourteenth century when the order reached the height of its prosperity.⁶⁴

From the beginning the knights had problems with the Polish people. Richard P. Sander, a professor at the University of Colorado, states that the knights were the spearhead of German aggression against Poland.⁶⁵ From

52 Brian Tierney and Sidney Painter, *Western Europe in the Middle Ages 300-1475* (New York: Alfred A. Knopf, 1983), 378.

53 Urban 1994, 519.

54 *Ibid.*, 521.

55 *Ibid.*, 520.

56 Michael Burleigh, "The German Knights: Making of a Modern Myth," *History Today* 35, no. 6 (June 1985): 24.

57 Richard P. Sander, "The Contribution of Post-World War II Schools in Poland in Forging a Negative Image of the Germans," *East European Quarterly* 29, no. 2 (June 1995): 172.

58 Strayer 1959, 349.

59 Sander 1995, 172.

60 Gervers 1993, 41.

61 Thompson 1960, 186.

62 *Ibid.*, 188.

63 *Ibid.*, 188-189.

64 *Ibid.*, 189.

65 Sander 1995, 172.

about the thirteenth century to the fifteenth century, there was a Polish people but no Polish nation.⁶⁶ Subjects under the knights' rule felt alienated from their government.⁶⁷ The order superimposed power upon the Prussian population of burghers and peasants, who had no word in the management of their country. Merchants resented competition their trading corporations had with the order's trade,⁶⁸ and peasants felt discontented because they could own no land of their own.⁶⁹ The people resisted the order's rule. In 1308 the knights entered Gdansk and slaughtered the Poles.⁷⁰ The Polish King, Wladyslaw Lokietek, had a victory over the knights at Plowce in 1331 but was unable to regain Pomerania for Poland.⁷¹ Despite Lokeitek's inability to regain land, it was from here on that the Teutonic Order began to decay.⁷²

In 1386, political balance against the Teutonic Knights changed. The king of Poland died, and his daughter married Vladislav Jagello, duke of Lithuania. Jagello forced his subjects to convert to Christianity. The Poles rejected the rule of the German prince⁷³ and turned to the new King of Poland.⁷⁴ Poland was now in a position to make active progress against the order, leaving the order on the defense.⁷⁵ In 1410, Vladislav Jagello presented a series of complaints about the knights to European courts. In July, his army invaded Prussia.⁷⁶ The decisive battle between Poland and the Teutonic Order took place at Tannenberg on July 15, 1410.⁷⁷ Many knights were slaughtered including the grand master. Eight weeks later the fortress of Marienburg succumbed, and the knights were forced to sign the Peace of Thorn on February 1, 1411.⁷⁸ Within years, the knights became a minor military power.⁷⁹ The order had its remaining territories partitioned off in 1466, leaving only East Prussia as a Polish fiefdom.⁸⁰ Inhabitants in East Prussia fell away from the knights' rule and offered allegiance to Poland,⁸¹ leaving no land in Prussia for the knights to rule.

66 Strayer 1959, 349.

67 Burleigh 1985, 24.

68 Thompson 1960, 191.

69 *Ibid.*, 192.

70 Sander 1995, 173.

71 *Ibid.*, 174.

72 Strayer 1959, 513.

73 Thompson 1960, 191.

74 Burleigh 1985, 24.

75 Thompson 1960, 191.

76 *Ibid.*, 192.

77 Sander 1995, 174.

78 Thompson 1960, 192.

79 Urban 1994, 524.

80 Thompson 1960, 193.

81 *Ibid.*, 194.

The knights retained their lands longer in Livonia. They won a battle over Ivan the Great in 1500, but the people were feeling discontented with rulers that were Roman Catholic when the people themselves were becoming increasingly Protestant. When Ivan the Terrible came with his armies, the knights succumbed easily.⁸² Albert of Brandenburg became Grand Master of the knights in 1512. He later saw the Reformation as his way out of the problems of trying to gain support for the knights. Dissolving allegiance to the pope, he converted to Protestantism, and with that, converted himself into a lay prince,⁸³ Duke of Courland.⁸⁴ As a result, in 1530, the order was incorporated into imperial Germany as an association of nobles.⁸⁵

A group in Austria wanted to carry out the tradition of the Teutonic Knights. They set up present day headquarters in Vienna and resumed the original work of running hospitals and other charitable enterprises. This shows that the Teutonic Order may have died out a long time ago, but their effects linger today.⁸⁶ The Teutonic Order established the standards of Baltic chivalry,⁸⁷ which influenced noble mores and manners.⁸⁸ This has endured in Europe through many centuries⁸⁹ and has had a lasting impact on subsequent generations of secular nobles.⁹⁰ The order influenced orderly government, economic growth and education, and art and architecture.⁹¹ Today the order plays an important part in Germany's national historical mythology.⁹²

82 Urban 1994, 524.

83 Thompson 1960, 194.

84 Urban 1994, 524.

85 Gervers 1993, 41.

86 Ibid.

87 Urban 1994, 519.

88 Ibid., 526.

89 Ibid., 519.

90 Ibid., 526.

91 Ibid., 519.

92 Burleigh 1985, 24.



THE BEATITUDES; AN INTERPRETATION

BY: DR. ALEXANDER STECKER

In reading the New Testament, the reader is often moved by the words of that text to ecstasy, to sorrow, to an entire gamut of human emotions. One such moving segment is the "Sermon on the Mount."¹ Yet within this timeless sermon is found a small golden jewel, "The Beatitudes."² This jewel is small, yet it is full of hope, meaning, and pathos. It is a pathos that spans time and touches the emotional response of the reader. For here, we are told that by spiritual living, a joy will fill us in this world and of a reward in the next. The Beatitudes are in reality both a list of the qualifications for entrance into and a description of the Kingdom to come.³

Yet, as much as we can be moved by these words, much has also been lost. It is in part due to the translation, and in part to the fact that our English language is an ever-changing phenomenon. Since 1611, when our King James Version was printed, many of our words have changed their meanings. Many words have become obsolete or are no longer used in our language and many have new meanings and interpretations.⁴ Beyond the

1 Matt. 5-7 KJV.

2 Matt 5: 3-12 KJV.

3 Matt 5: 48 KJV.

4 The following is a partial list of some obsolete terms or words as they appear in our present King James Edition of the Bible.

Obsolete word	Place	Modern meaning
Anon	Matt. 13:20	immediately
bewray	Matt. 26:73	reveal, betray
cast	Luke 1:29	consider
charger	Matt 14:8	platter
closet	Matt 6:6	room
cousin	Luke 1:36	kinswomen
demand	Luke 17:20	ask
exchanger	Matt. 25:27	banker
overcharged	Luke 21:34	weighed down
wax	Luke 13:19	become

obsolete word used, the concepts or ideas expressed at times are foreign or difficult for us today to understand. Yet, it must be understood that at the time the King James Version was printed, the language was understandable to the reader. And, the ideas expressed by Jesus in his time, appear to have been theologically acceptable to his listeners. What is of interest here is an attempt to come to a better understanding of the Beatitudes by a study of the language used and of the contemporary religious thought. That is, are the writings of the Jew's of this time period, and later, in agreement with the concepts expressed in this timeless sermon?

The Beatitudes begin with a simple word, "blessed,"⁵ but the question must be asked what does this simple word mean? The word is used often in the New Testament and is not confined to the passages under study. It is to be found in John 20:29, Acts 20:35, and also in James 1:12. Its usage is also found in the Old Testament and appears to come from a Hebrew root, which has the meaning or concept of intense joy or happiness. It is to be found in Genesis 30:13, Psalms 1:1, 32:1-2, 41:1, and in Isaiah 30:18 and 56:2. In both testaments, this word "blessed" has the poignancy of feeling. It is an overwhelming intensity of gladness or delight. Of an intense emotion of joy and should be read or better translated "O how happy," to be enviable happy, that is, so happy that it is to be envied.

In the first Beatitude,⁶ we find the words "poor in spirit," this does not mean the pious poor, or poor, meaning without substance; nor does it mean depressed in spirit. Rather, it seems to mean those that are contrite or repentant, those that are humble or spiritually prosperous. This same usage is to be found in Psalms 34:18 and 51:17, as well as Isaiah 75:15. In the Psalms of Solomon,⁷ written close to the period of Christ's activity, we find a passage, which speaks of the pious and poor in parallel lines:⁸

And, the pious shall give thanks in the assembly
Of the people:
And on the poor shall God have mercy in the
Gladness of Israel.⁹

5 Matt 5:3 KJV.

6 Ibid.

7 Both Gray and Winter date the Psalms of Solomon as being written before 70 A.D. The Apocrypha and Pseudepigrapha of the Old Testament, edited by R.H. Charles, Oxford: Clarendon Press, 1963, page 627

PWinters, article: Psalms of Solomon in The Interpreter's Dictionary of the Bible, Abingdon Press: Nashville, 1962, volume 3, 958.

8 In this passage, the term "gladness of Israel" is an old term for the Messianic age.

9 Psalms of Solomon 10:7 KJV.

In the teachings of the Essenes, or the Dead Sea community, we find that they used the word "poor" in the same way as in the first beatitude. In that, they called themselves the "community of the poor." Meaning the community of the humble ones, or the spiritually prosperous ones.¹⁰ It should be noted that the Book of Mormon has "poor in spirit who come unto me."¹¹ This simple addition gives the passage an entire new dimension. It would appear from all of the above that "poor in spirit" refers to those with the humility of spirit; it is a person that has the ability to experience a spiritual emotion. As a reward, they are promised the Kingdom of our Father.

We come to the second Beatitude, which concerns itself with the "they that mourn."¹² The question must be asked what does this mean to mourn? It is not for the death of a loved one, but it seems rather, to mean to mourn for the spiritual death of self or loved ones, and others. Spiritual death is the alienation of self from deity. They that mourn are those that feel the sorrow of repentance, not only for themselves, but for brothers and sisters, it is those that can share in a heartache of others. They who can feel the hurt done to others, they are ashamed of the greed of others and mans inhumanity to man. In Paul's Epistle to the Hebrews in speaking of brotherly love he states that "some have entertained angles unawares."¹³ It is those that see what the eyes will never see, and understand what the mind will never comprehend. And, the reward is that they shall be comforted. The Psalmist said "thy rod and thy staff, they comfort me."¹⁴ In old English to comfort means to console, to encourage, to relieve from distress. To the rabbis of old the "comforter" was the Messiah. The third Beatitude concerns itself with the "meek"¹⁵ meaning the opposite of pride or arrogance. In the Old Testament, it is used to describe complete dependence upon God. It appears to come from a Hebrew root and can be found in Psalms 37:11, Isaiah 14:32, and in Amos 2:7. Its usage in the New Testament is found in Matt. 11:29 and 21:5 and in 1 Peter 3:4. It appears that there is some connection between the passage by Jesus in the Sermon on the Mount and the passage in Psalms 37:11. From its usage it appears, then, to mean the humble-minded, the gentle. From the Middle Ages in a Jewish work entitled Seder Eliyahu Rabba XXVI we find the following statement:

All I ask is that you love one another,
And honor one another, and respect one another,

10 See: Habakkuk Commentary 2:17 Commentary on Psalm 37, see verse 22

11 3 Nephi 12:3

12 Matt 5:4 KJV.

13 Hebrews 13:2 KJV.

14 Psalms 23:4 KJV.

15 Matt. 5:5 KJV.

And let there be found in you neither transgression
 Nor theft nor any ugly thing;
 So that you never become tainted;
 As it is said: It hath been told thee, O man, what
 Is good...and to walk humbly with thy God.¹⁶
 but rather: Walk humbly, and thy God will be with thee.
 As long as you are with Him in humility
 He will be with you in humility.

To be meek then, is to be humble-minded, it is a mental attitude, as well as a physical condition, and it is also to be gentle. It is those that find in humility the strength of faith, those not rich in vain pride. As a reward, by inheritance the earth will be theirs.¹⁷

“They which do hunger and thirst”¹⁸ is the concern of the fourth Beatitude. A most interesting change of this biblical passage is to be found in the Book of Mormon, which adds, “they which do hunger and thirst after righteousness.”¹⁹ Here, “hunger and thirst” do not mean to fill a physical desire, but rather to thirst after the spirit, those whose hearts desire after righteousness. Amos used the same idea when he said that there would be a time when there would be an intense desire to feast upon the words of the Lord.²⁰ Jesus Christ put it in another way when He spoke to the Samaritan woman by the well, that once she had partaken of his water she would never thirst again.²¹ This, then, is the great reward to be spiritually satisfied.

We now come to the “merciful”²² that is those that have compassion. The classic story of the Good Samaritan²³ is brought to mind here. There is a most interesting story in the Talmud²⁴ that states that the compassion of heaven is directly linked to our compassion of others Sabbath 151b and in a Midrash²⁵ Sifre Deuteronomy 15:9 we find the following:

16 Mic. 6:8 KJV.

17 Prov. 2:21 KJV.

18 Matt. 5:6 KJV.

19 3 Nephi 12:6.

20 Amos 8:1 KJV.

21 John 4:6 KJV.

22 Matt. 5:7 KJV.

23 Luke 10:30 KJV.

24 Talmud: A collection of oral traditions related to the Hebrew Scriptures. It is the most important spiritual document to the Jews after the Bible. It consists of two parts. In the center is the Mishnah surrounded by a commentary called the gemara. There are two Talmuds, the shorter and more incomplete one is called the Jerusalem or the Palerstinian Talmud, and while the longer or more complete, one is called the Babylonian Talmud. The Talmud summarizes some eight centuries of tradition from 300 B.C. to 500 A.D.

25 Midrash: A collection of rabbinical homiletically interpretations of scriptures verse by verse.

Be careful that you withhold not pity, for he
 Who withholds pity from his fellow man is likened by
 Scriptures to a worshiper of idols, and he throws
 Off the yoke of heaven.

And in the Testament of Zebulun 8:3, written about 100 B.C. there is written, "for in the degree in which man hath compassion upon his neighbors, in the same degree hath the Lord also upon him".²⁶

We now find ourselves with the "pure in heart,"²⁷ that is those that are or singleness of heart, or better, those that are without guile, they have no deceit in their hearts. They are the pure-hearted men of Psalms 24:3-4 and 73:1. According to the Talmud to be pure-hearted is the most essential qualification for admittance to His presence. In a teaching from the Midrash²⁸ Rabbath,²⁹ we find a definition of the pure-hearted as "they whose heart is pure and in whose hand is no iniquity."

The seventh Beatitude we find the "peacemaker."³⁰ It appears to come from a Hebrew root, which has the meaning of completeness, soundness, or peace. It is the very absence of strife both in the person and in his surroundings. It was in the eighteenth-century that Joel Ben Abraham Shemariah wrote "be at peace with all the world with Jew and Gentile, must be your foremost aim in this terrestrial life. Contend with no man. In the first instance, your home must be the abode of quietude and happiness, no harsh word must be heard there, but over all must reign love, amity, modesty, and a spirit of gentleness and reverence. This spirit must not end with the home, however. In your dealings with the world you must not allow neither money nor ambition to disturb you. Forego your rights, envy no man. For the main thing is peace, peace with the whole world. Show all men every possible respect deal with them in the finest integrity and faithfulness."³¹ It was Hillel the Elder, who lived 30 B.C. to 10 A.D. who said the following:

Be of the disciples of Aaron
 loving peace, pursuing peace.
 Be one who loves his fellow-creatures...³²

26 Concerning this teaching see: Matt 6:12, 14-15, 9:2-9, 12:31, 16:19, 18:15-35.
 See also: Ecclesiasticus 28:2-5. In addition, in The Testaments of the XII Patriarchs, the Testament of Gad 6:3-7.

27 Matt 5:8 KJV.

28 Midrash Rabbath: There is more than one Midrash, the Midrash Rabbath is by many to be the oldest of the Midrashes.

29 Lam. 11:9 KJV.

30 Matt. 5:9 KJV.

31 Faith and Knowledge, edited by N.N. Glatzer, page 106, Beacon Press, Boston, 1963.

32 According to rabbinic traditions, Aaron was the great peacemaker.

Hillel's statement does not imply quietism, loving peace has a passive ring to it, but pursuing peace calls for action or activity. This, then, is a peace that springs forth from earned trust and earned understanding and gives to that one a tranquility and contentment. It is this condition of peace that brings the Presence of God.³³ The reward is to be acknowledged as a Son of God, or as Paul put it, to "receive the adoption as sons."³⁴

The last unit is rather long, and is, by far, the longest single unit of the passages under study, comprising in length three verses.³⁵ Each verse however is capable of standing alone as an independent unit, yet they are linked together by an internal force. This unit begins with the usual formula "O how happy," or "O how joyous" are they which shall be persecuted for bearing the name of Christ, for they are thereby part of the kingdom. The next verse continues that one should be happy when falsely persecuted. The next verse is linked to this last verse and it is given as if it were a command, for one is to be happy in such events for so were the prophets of old persecuted. In a most interesting teaching from the Midrash Tehillim 86:1³⁶ we find:

Any man who remains silent when he hears himself
Reviled, even though he has at hand the means to
Strike back, becomes a partner of God.
And in the Midrash,³⁷ we find a definition of the men who love God as
...those who are humiliated but humiliate not,
those who hear themselves shamed but do not answer,
Who act out of love...

In an attempt perhaps to place, the message of Jesus and the Beatitudes in a simpler language the following simplification is presented:

O how happy, how joyous are they that have the
Humility of spirit, for they shall inherit
The Kingdom of Heaven.

O how happy, how joyous are they that understand
Repentance for they shall see the Messiah.

O how happy, how joyous are they that are humble
For the earth shall be theirs by inheritance.

O how happy, how joyous are they that search for
Righteousness for they shall find it.

33 Num. 6:26 KJV.

34 Gal 4:5.

35 Matt. 5:10-12 KJV.

36 The Midrash Tehillim is a Midrash on Psalms. It appears to have begun its assemblage about 200 A.D., but much of material is much older.

37 Shabbat 88b

O how happy, how joyous are the compassionate
For they shall receive compassion.

O how happy, how joyous are they that are without
Guile, for they shall see God.

O how happy, how joyous are they which seek the
Absence of strife, for they shall be called the
Children of God.

O how happy, O how joyous are they which shall be
Persecuted for My name sake, for theirs is
The Kingdom.

O how happy, O how joyous you should be when you
Are persecuted falsely, because of me.

Rejoice and be happy for you are as the prophets
Of old, for so were they persecuted.



EFFECTS OF THE NEW DEAL ON THE AMERICAN POLITICAL SYSTEM

BY: RYAN JOSEPH VOGEL

The Chinese proverb is familiar: Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime. But if you have a million men, women and children, hungered and hopeless, do you give them a fish; teach them to fish, or both? Such was the predicament Franklin Delano Roosevelt encountered upon assuming the Presidency in 1932, and his answers to the question have been analyzed and debated by political scientists, historians, and economists alike ever since. Roosevelt's answer to the Great Depression was the New Deal, a policy so far-reaching and revolutionary that no American was left untouched or uninfluenced by its programs. The extreme economic circumstances of the early 1930s allowed Roosevelt to implement vast, sweeping socio-economic changes on the nation through unprecedented government intervention and capitalist reform. But did Roosevelt's New Deal really lead America out of financial distress and in so doing did it alter the American political system forever? The effects the New Deal has had on American politics and how it has changed the American way are significant when examining the contemporary and modern debates on political ideology, the impact of large-scale government intervention on the economy, the political legacy of the New Deal, and the elements of New Deal policy and its lasting ideology in contemporary society.

Contemporary and Modern Debates on Political Ideology

While contemporary and postwar critics of FDR and his New Deal assuredly were not a majority in questioning the ideological direction of Roosevelt's administration, their arguments merit re-examination. Some critics saw FDR's plan as creeping socialism, or state capitalism at best, in unending New Deal policies. Others, like James E. Anderson, former

President of the Southern Political Science Association, argue The New Deal was broadly conservative in that it sought to reform and retain rather than replace capitalism.¹ Nonetheless, the possibility of socialism and communism winning desperate Americans over in the arduous era of the Great Depression was real. The phrase, "Communism is twentieth century Americanism" became the widely advertised anthem for disaffected, revolutionary groups.² The Communist Party, fascists, and leftist socialists all gained in popularity during the Depression, pre-New Deal years and benefited from the social unrest and anger associated with the economic failure and the government's apparent inability to control it. Marxists pointed out the obvious failings of the laissez-faire American capitalist system and the inevitability of worker revolt and a proletariat revolution. Consequently, upon Roosevelt's inauguration the American democratic, two-party political system and the established economic order seemed in jeopardy and the precarious future of the United States was in question. As David H. Bennett, Professor of History at Syracuse University and an expert on American radicalism, writes, The New Deal was born in what many viewed as the perfect setting for making radical change. Some of Franklin D. Roosevelt's bitterest critics thought they could discern a revolution under way . . . But few would agree across the years.³ Far from revolution, Barton J. Bernstein argues that the New Dealers Were not radicals: they did not seek to transform the system, only to make it more humane.⁴ While the possibility of drastic political and economic change loomed before Roosevelt's New Deal, his immediate action through government programs and economic legislation, helpful or not, seemed to squelch the radical, revolutionary possibilities. Bernstein writes:

In providing assistance to the needy and by rescuing them from starvation, Roosevelt's humane efforts also protected the established system: he sapped radicalism of its waning strength and of its potential constituency among the disorganized and discontented. Sensitive to public opinion and fearful of radicalism, Roosevelt acted from a

1 James E. Anderson, *The New Deal, Capitalism, and the Regulatory State. The Roosevelt New Deal: A Program Assessment Fifty Years After*, ed. Wilbur J. Cohen. (Austin: University of Texas Press, 1986), 107.

2 David H. Bennett, *Could the New Deal Have Taken America to the Left? The Roosevelt New Deal: A Program Assessment Fifty Years After*, ed. Wilbur J. Cohen. (Austin: University of Texas Press, 1986), 38.

3 *Ibid.*, 34.

4 Barton J. Bernstein, *The New Deal: The Conservative Achievements of Liberal Reform. The New Deal: Conflicting Interpretations and Shifting Perspectives*, ed. Melvyn Dubofsky. (New York: Garland Publishing, 1992), 9.

mixture of motives that rendered his liberalism cautious and limited, his experimentalism narrow.⁵

Thus, Roosevelt created a reformed capitalist economy “a compassionate capitalism” that Marxists declared an impossibility and which arguably saved the United States from radicalism and revolution.

Impact of Large-Scale Government Intervention on Economy

While rampant and uninhibited American capitalism had been regulated for workers' rights and provisions against monopolistic practices by the late nineteenth and early twentieth century, never before had the United States seen such extensive regulation on the economy by what had been primarily heretofore an economically laissez-faire government. Roosevelt's first hundred days were the busiest of any American president in terms of legislative activity and this continued into the late 1930s. Starting with the Agricultural Adjustment Act of 1933 and ending with the Wheeler-Lea Act of 1938, measures were taken to raise prices and wages, create jobs, care for the unemployed and suffering millions, stimulate the economy, and aid the failing industries and banks through executive-driven legislative acts. These fast-paced and broad-based economic regulations pushed by the Executive Branch were unprecedented and led Gary M. Walton and Hugh Rockoff, professors and authors in the field of economics, to conclude, (The) legal doctrines that had stood in the way of federal (and state) control of the economy, such as the idea that the federal government could regulate only what was clearly interstate commerce, and the idea that federal and state governments could not interfere arbitrarily with private contracts, were overturned. The legal path to increased government regulation of the economy had been cleared.⁶ The New Deal, then, effectively changed the way the United States government worked for the people and Subsequent reforms opened doors to better education, health, housing, and food; provided more generously for those in need; ensured the right to vote for African Americans; enhanced cultural opportunities; and protected the environment.⁷ Essentially, the New Deal relegated to the government new and unparalleled power over the economy to act through regulation, legislation, and state-sponsored programs and set the precedent for future government intercession and mediation for the 'social good'.

5 Ibid., 4-5.

6 Gary M. Walton and Hugh Rockoff, *History of the American Economy*. 8th ed. (San Diego: Dryden Press, 1998) 558.

7 Neal Riemer and Douglas W. Simon, *The New World of Politics: An Introduction to Political Science*. 4th ed. (San Diego: Collegiate Press, 1997), 108.

Political Legacy of the New Deal

In contrast to his conservative preservation of American capitalism and democracy, Roosevelt's New Deal ideology and implementation revolutionized and energized the Democratic Party. The previous Republican domination of American politics was quickly and resoundingly overturned; as Frank B. Freidel, a Roosevelt historian at Harvard University, writes, From the age of McKinley to that of Hoover, the electorate was predominantly Republican. Only a third of registered voters were Democrats in 1932. In contrast, a decided majority of the electorate has been Democratic in registration for nearly fifty years.⁸ Roosevelt's election in 1932 and consequent legislative action propelled him into popularity with voters looking for activity on the part of their government to solve the economic crisis, and his party followed suit. The New Deal attracted new and diverse voting blocs to the Democratic Party, such as African Americans, who abandoned the Party of emancipation which they had been loyal to since Lincoln for Democratic promises of opportunity and economic security. Roosevelt and his New Deal ideology would continue to influence politicians, Democrat and Republican, and American politics for the next fifty years, especially in the presidencies of Kennedy, Johnson, and Clinton.

A major legacy of the New Deal on American politics is the effect it had on the relationship and balance of power between the Supreme Court and the Presidency. Roosevelt's tremendous popularity and success increased his power proportionally, often at the expense of the Supreme Court. Even after the Court's ruling of unconstitutionality of the National Recovery Act and Agricultural Adjustment Act and after Congress's rejection of his court-packing scheme, Roosevelt's rise in power heightened the power of the Executive and contributed to the decline in the power of the Judiciary. As Riemer and Simon, professors of political science, comment, The American President's powers have, to a great extent, increased as a result of modern war and economic crises. Franklin D. Roosevelt had to expand the powers of the Presidency, often within the framework of very broad legislation passed by Congress. In the Great Depression of the 1930s, Roosevelt boldly assumed a leadership role in initiating legislation and a host of programs to . . . stimulate the economy.⁹ This assertion of power by the president, especially in legislative affairs, is in stark contrast to the Founders' constitutional design but is now taken for granted, evident in every administration since FDR.

8 Frank B. Freidel, *The New Deal: Laying the Foundation for Modern America*. The Roosevelt New Deal: A Program Assessment Fifty Years After, ed. Wilbur J. Cohen. (Austin: University of Texas Press, 1986), 17.

9 Neal Riemer and Douglas W. Simon, *The New World of Politics: An Introduction to Political Science*. 4th ed. (San Diego: Collegiate Press, 1997), 263.

Perhaps the most lasting and perpetuated legacy of the New Deal was the creation of a regulated economy and a welfare state. Riemer and Simon summarize, The New Deal ushered in a government strongly dedicated to the general welfare. Government responded to popular cries to stabilize prices, provide jobs, stimulate the economy, regulate banking, strengthen labor's right to organize and bargain collectively, provide for unemployment compensation, ensure a fair minimum wage, guarantee a decent retirement income, and provide cheaper electric power.¹⁰ The perpetuation of New Deal-era philosophies is demonstrated in modern public policy through continued social programs, civil rights acts, and progressive legislation. The new welfare state and regulated economy changed the course of the nation significantly and Awhile the New Deal did not revolutionize American politics . . . it did change them significantly.¹¹ Roosevelt's New Deal changed the way most Americans viewed their government and the Presidency in a practical relation to their own lives.

Remnants of New Deal Policy and Ideology

Among the most significant and enduring effects of the New Deal are the programs initiated by Roosevelt's administration. For example, New Deal-initiated Social Security remains an important political and economic entity and the Securities and Exchange Commission continues to regulate the stock markets and securities industry. The programs launched during the New Deal years have largely become obsolete and been dismantled, but the surviving programs and subsequent off-shoots modeled after Rooseveltian patterns have flooded post-war public policy and created a vast political bureaucracy.

The New Deal also effectively cemented the presence of special interest groups and corporate influence in American politics, as Bernstein illustrates: The politics of the broker state also heralded the way of the future of continued corporate dominance in a political structure where other groups agreed generally on corporate capitalism and squabbled only about the size of the shares. Delighted by this increased participation and the absorption of dissident groups, many liberals did not understand the dangers in the emerging organization of politics.¹² It is debatable whether or not Roosevelt conclusively changed the social order or redistributed

¹⁰ *Ibid.*, 108.

¹¹ Richard Kirkendall, *The New Deal and American Politics. The Great Depression and the New Deal*, eds. Mervyn Dubofsky and Stephen Burwood. (New York: Garland Publishing, 1992), 329.

¹² Barton J. Bernstein, *The New Deal: The Conservative Achievements of Liberal Reform. The New Deal: Conflicting Interpretations and Shifting Perspectives*, ed. Melvyn Dubofsky. (New York: Garland Publishing, 1992), 7.

wealth in America through the New Deal. Ironically, the biggest winners in the New Deal were the rich the big businesses and corporate elite and not the Forgotten man Roosevelt appealed to most. In *The Political Economy of the New Deal*, Jim F. Couch and William F. Shughart, II, professors of economics, show that more money was spent in geographical areas where more votes were needed to secure New Deal political support and patronage, illustrating the correlation between New Deal spending and politics. Because New Deal programs and benefits were so crucial to particular groups and industries, the rise of special interest groups as a political force was inevitable and was only exacerbated by the re-election efforts of the New Dealers.

Lastly, many argue that modern American liberalism takes root with Roosevelt and the New Dealers. Riemer and Simon write; The new twentieth century liberalism did not fully emerge until the advent of the New Deal.¹³ Characterized today by left-of-center social programs, views on government responsibility for the public welfare, egalitarian political goals, and state regulated economics; it is easy to see why the New Deal was the dominant influence behind the modern liberal movement. And, as Patrick D. Reagan, a scholar in history and political science, argues, because of the emergence of the New Deal public philosophy, modern liberalism was able to stave off revolutionary threats during hard times and establish its dominance.¹⁴ Modern liberalism became the answer to a new, diversified American audience concerned with equal economic opportunity and Roosevelt became the patriarch of its practical implementation and action.

Conclusion

The effect the New Deal had and continues to have on the American political system is immeasurable. Richard Kirkendall understates this point, writing: If the New Deal had not changed the economy and the society, the story of American politics in the 1930s surely would have been different.¹⁵ Undoubtedly, the politics of not only the 1930s but of the rest of the century could have been much different without Roosevelt and the New Deal. In their summary of the New Deal, Walton and Rockoff state that its most important and prominent legacies are the institutions and programs it created, an idealistic spirit handed down to future Democrat

13 Neal Riemer and Douglas W. Simon, *The New World of Politics: An Introduction to Political Science*. 4th ed. (San Diego: Collegiate Press, 1997), 108.

14 Patrick D. Reagan, *The Origins of New Deal Planning, 1890 - 1943* (Amherst: University of Massachusetts Press, 1999), 244.

15 Richard Kirkendall, *The New Deal and American Politics. The Great Depression and the New Deal*, eds. Mervyn Dubofsky and Stephen Burwood. (New York: Garland Publishing, 1992), 329.

leaders, the presumption that government could be the source for economic help and solutions, and most importantly its retention and revitalization of capitalism as the American economic system.¹⁶ The New Deal, some critics argue, may not have gotten the United States out of depression as planned, but it did rescue America from uncertainty and the threat of revolution. Further, The New Deal did more than supply temporary relief. It tried to reform the economic system to prevent a recurrence of depression and to redress the imbalance between the rich and poor that had existed before the contraction.¹⁷ In essence, the New Deal was a reactionary plan aimed at alleviating the pains of the Great Depression and restoring prosperity in America, but the effective influence it had on the American political system was contrastingly pro-active.

16 Gary M. Walton and Hugh Rockoff, *History of the American Economy*. 8th ed. (San Diego: Dryden Press, 1998), 560.

17 *Ibid.*, 544.



JOURNAL STAFF

JACOB N. SOMMER was born in Rexburg Idaho as the oldest of four children. Moving with his family to the Wasatch front, Jacob graduated from Timpview High school. After returning from an LDS mission, he began work for a local business where he met his wife Kara. He and Kara now have three children, Adia, Orin, and Hamilton.

Jacob began studying History at UVSC in the fall semester 1999. He is a member of the National Honors Society in History, Phi Alpha Theta. Last year he graduated from the Honors program with his Associates degree in Social & Political Science. Serving in the community for the past several years, he has been a volunteer mediator for the Utah courts system. He is an avid fly fisherman, and enjoys reading, politics, and spending time with his family.

Jacob is also the Baccalaureate Valedictorian for the 2003 Graduating class in the School of Humanities, Arts, and Social Sciences. After graduation from UVSC, Jacob will be attending law school on a full scholarship.

THOMAS P. MESAROS, JR. was born in Ravenna, Ohio. He graduated from Crestwood High School, where he was active in speech and debate and competed in several state tournaments. He then, attended Jane Addams School of Practical Nursing. He graduated as the valedictorian of his nursing class in 1994, and received the Most Outstanding Student Award from the nursing school faculty. Thomas continues working in the field of nursing.

Currently, Thomas is working toward a Bachelor's degree in History on an exemplary scholarship from the College. He graduated with honors, earning an Associates degree in Social & Political Science in 2002. He is also a member of Phi Theta Kappa and Phi Alpha Theta, and he has served as an officer in both of these organizations. As well, he was the founding president of the History Club at UVSC. Thomas received the Outstanding Student in the Department of History Award for the academic year 2001-2002.

Thomas is married to his wife, Kathleen, and they have a four-month-old son named Carl. Upon graduation, Thomas plans to continue in his educational endeavors and seek a Master's degree in Curriculum and Instruction, and ultimately, a Ph.D. in American Studies.

MICHAEL FRYE, a native of Napa California is currently pursuing a degree in Art and Visual Communications with an emphasis in Graphic and Commercial Art. The son of a printer Michael spent his summers working in the family owned Printing business, chalking up many tedious hours in the bindery and working as a delivery boy. After Graduating from Vintage High School Michael Served as a missionary for the Church of Jesus Christ of Latter-day Saints Church in Fort Worth Texas. Upon returning home Michael found employment as a Blue Printer and most recently as a graphic designer, layout artist and private print broker. (he might know a thing or two about printing.) After graduating from UVSC Michael plans to pursue a Bachelors degree in print management from Cal-Poly. Michael enjoys swimming, cycling and all things Macintosh.

KAREN NEUBERT, a Junior at UVSC, is originally from Carlsbad California. She graduated from Timpview High School in Provo, Utah. Prior to beginning her study of History at the college, she enjoyed teaching dance and choreography classes through the local community education programs. Karen's interest in History began in High School as she watched, and learned from, the enthusiasm of one of her History teachers. Currently maintaining a strong academic record, she is a member of Phi Theta Kappa, and Phi Alpha Theta. She will be graduating in April 2004 with her baccalaureate degree.

Karen lives in American Fork, Utah, with her husband. After graduation, Karen plans on pursuing a teaching career in Deaf Education.

JACQUIE NIELSON is a senior at UVSC and will be graduating with a BA in History. She has formerly completed an A.S. in Social and Political Science. Additionally, she plans to further her studies at the post-graduate level at some point in the future.

Jacquie's interest in history and political science began when she lived in the D.C. area, where she grew to believe that history embodies all aspects of life. In addition, although she has had the opportunity to study in many academic fields, she enjoys her endeavors into the classics of ancient history the most.

Jacquie has been involved in leadership positions in the community including the P.T.A. and the Girl Scouts of America, as well as local government councils, and currently serves as the Vice President of Phi Alpha Theta.

Jacquie is originally from Montana, but has lived in Guatemala, Ecuador, and Washington D.C. While living in our nation's capitol, she had the opportunity to be involved with former President Bush's Inaugural Gala. Jacquie currently resides in Spanish Fork, UT with her husband and five children.

DIANE STEWART was born in a small mining town in Alberta, Canada - the daughter of a coal miner. When the mine closed, the family moved to the Edmonton, Alberta, where Diane completed her high school education and obtained a teaching certificate from the University of Alberta. After their marriage, Diane and her husband, Roy, attended Ricks College where Roy began his work on a Bachelor of Fine Arts degree. After moving to Utah Valley, Diane enrolled in the Integrated Studies program at UVSC.

Diane recently earned her Associates Degree in Humanities with high honors and is currently finishing requirements for a Bachelors degree in History with a minor in English. After graduation, Diane would like to teach English as a second language in an evening school program.

DR. KEITH SNEDEGAR has been at UVSC since 1994. He is now an associate professor of history and serves as chair of the History and Political Science Department. Keith studied engineering and history at the University of Michigan, medieval languages at the University of Edinburgh, and modern history at Oxford University. He has also been a postdoctoral fellow at the University of Cape Town in South Africa. His research field might be described as cultural astronomy, the study of how different cultures have expressed their relationship with the sky. At UVSC, he teaches courses in the Nature of History, Medieval Europe, Modern Britain, and the history of South Africa. Keith's significant other is Linda Potter, an accountant in Grand Rapids, Michigan. They enjoy visiting cemeteries together. His favorite film is "Fast, Cheap, and Out of Control."

MANUSCRIPT AUTHORS

DR. KATHREN BROWN is an assistant professor of History in her first year of instruction at UVSC. Among other classes, she teaches the Honors section of History of Civilization, Nature of History, and the Senior Thesis/Writing course. She received her Ph.D. in Modern European History in 1997 from Bowling Green State University and has been teaching history full-time since 1998. She is presently working on another article based on her dissertation.

GEORGIA BUCHERT is a “non-traditional” student, returning to school after being away for over a decade. She is thriving on her UVSC experience and is currently pursuing a degree in Arts & Visual Communication with an emphasis in Photography. Georgia and her husband, who is her best friend, run a letterpress studio right here in Utah Valley. She enjoys learning, writing, spending time outdoors and with family, as well as living creatively.

ADAM EASTMAN is currently a senior and will complete his BA in History at UVSC in the spring of 2003. He previously earned an AS degree from UVSC. He is a member of Phi Alpha Theta and the History Club. After graduation, he plans to begin graduate school in the fall of 2003 in order to pursue a Ph.D. in history. His main area of interest is Nineteenth Century Western America, extending into the Twentieth Century. As a westerner, he is particularly interested in understanding and finding solutions to current social, environmental, and economic problems and issues in the West through historical analysis. By better understanding the combination of how the West was developed and how the Western attitude was developed, he hopes to be able to participate in furthering the solutions to correct current problems and better the West. He says that his submission is one step in that direction.

Additional historical interests include the history of Utah’s railroads, as well as local and family history. He has been a volunteer at the Heber Valley Historic Railroad for five years and a part-time worker as a steam locomotive engineer. Additionally, he has volunteered for the Orem Heritage Museum and assisted in the construction of a twenty-four foot diorama of Orem in the 1940’s.

Adam is a native of Orem and he graduated from Mountain View High School in 1993. He currently lives with his wife in Lehi.

KATHY McCLOUD was appointed to serve on the Springville Community Council from 2001 - 2003. She is a member of Phi Theta Kappa Honor Society and was selected to participate in Environmental Ethics Conference at UVSC in 1999. She was the recipient of the Lillian Stoddard award for Outstanding Achievement at UVSC in 1999. Additionally, she has worked as a ghostwriter for a published author, and has also been published in Ensign Magazine, 1997 and Liahona magazine, 1998.

Kathy graduated with Honors with an Associate Degree in Behavioral Science in 2002. The paper that she submitted for publication in this issue of the Journal of History was the first Place Winner for the Martin Luther King Commemoration at UVSC in 2003.

ANGELA MICKIEWICZ is working toward a BA in history at UVSC and is studying on a continuing student scholarship through the department of History. Angela has also been selected as the Outstanding Student in the Department of History for the 2002-2003 school year and, has received two service awards in the past. Angela is a member of several clubs on campus, including Phi Alpha Theta, the History Club, and the German Club.

Angela was recently admitted to the graduate program of Military History at North Texas University. She has two children. Jeffrey is five and Calista is four.

DR. ALEXANDER T. STECKER is a lecturer at UVSC in the Department of History and teaches world civilization and archaeology classes. Dr. Stecker earned a BA as well as an MLS from Brigham Young University. He also holds an MA from Brandeis University, as well as a Ph.D. from Hebrew University of Jerusalem. Dr. Stecker has several publications to his credit and has been involved in several archaeological excavations including Hazor, The West Gate of the City of Jerusalem, Lachish, Hebor, and Scheim.

RYAN JOSEPH VOGEL was born in Provo, Utah and grew up in both California and Utah. He graduated with honors from Springville High in 1998 and served a mission for the Church of Jesus Christ of Latter-day Saints in the Philippines Tacloban mission following his freshman year at

Utah Valley State College. Ryan is currently a junior at UVSC majoring in Integrated Studies with emphases in Political Science and English. He has been heavily involved in student government while at UVSC, serving as Business Senator, Vice President of Clubs, and currently as Student Body President. Ryan has published poetry and art in academic journals as well as essays of political and historical emphasis. He has also competed in business competitions, placing first and second in state DEX and PBL competitions. Ryan enjoys writing and public speaking and has had the opportunity to give many academic and political presentations to a variety of audiences including the Utah State Legislature, college forums, National ASACC Conference, and the Utah Board of Regents. He is interested in sports, art, reading, politics, leadership, history, law, and religion.

Ryan plans on attending law school and pursuing a Ph.D. after completion of his studies at UVSC.