# CRESCAT SCIENTIA

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## Journal of History


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UVSC Journal of History



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Dear Reader,

For too long, professors have considered themselves the essential movers of a college education. Undergraduates were viewed as the passive recipients of our civilizing mission, which was deemed effective insofar as it resembled a colonization of the student mind. (Note the passive tense.) But really the students are the active agents. They are the ones who invest time and effort in the acquisition of knowledge. Especially in the humanities, the professor's chief job is not to get in the way of learning.

Bigger and better than ever, this third issue of the UVSC Journal of History serves as a medium for student free agency. Here we find discovery and error, independence and imitation—but no plagiarism, I hope! Of course free agency means taking responsibility for proofreading and printing as well as for the historical scholarship itself.

Join me in congratulating Tiffany Knoell, her editorial team, and the contributing authors. Their work expresses the meaning of the collegiate enterprise more eloquently than anything a mere professor could say.

May knowledge grow!

Keith Snedegar
Faculty Advisor


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# Acknowledgments

This journal is the work of many hands, but it is those behind the scenes who provide the encouragement and support necessary to see such a task come to fruition. The faculty and staff have been instrumental in soliciting the submissions required for the completion of this journal, although there are a few who stepped above and beyond the effort requested of them. Special thanks go to Dr. Kathren Brown, Laura Coffman-Jones, and Dr. Keith Snedegar. Without their support, this journal would be a much diminished publication.

Thanks also go to those students who stepped forward and submitted their works. Although it is impossible to publish all submissions received, those who make the effort are to be commended and encouraged to continue writing and supporting *Crescat Scientia*.

Thank you.


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# BIOGRAPHICAL NOTES


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Nothing that is worth doing can be achieved in our lifetime; therefore we must be saved by hope. Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore we must be saved by faith. Nothing we do, however virtuous, can be accomplished alone; therefore we must be saved by love.

– Reinhold Niebuhr[1]

I think a movie said it best: "You're going to find that many of the truths we cling to depend greatly on our point of view."[2] The essence of history is perception. Whether you are the conqueror or the conquered, the revered or the forgotten, your perception of events, past or present, drives your reality. It is left to students of history to provide the dates and places upon which historical events are hung; it is up to the reader to draw their own conclusions.

This journal, as a student-driven publication, is an extraordinary creation. Each individual who contributed, regardless of their role, has left on the journal a unique imprint which will distinguish this edition from any other. For those whose works were not selected for this journal: keep writing. Submit frequently. Do not allow a single rejection to stifle your creative spirit. For those whose works were selected: please accept my warmest congratulations. You have taken your first step into a larger world.[3]

Tiffany L. Knoell
*Editor-In-Chief*

1 Thomas Cahill, *How the Irish Saved Civilization: The Untold Story of Ireland's Heroic Role from the fall of Rome to the Rise of Medieval Europe* (New York: Doubleday, 1995), vii.
2 Lawrence Kasdan and George Lucas, *The Art of Return of the Jedi* (New York: Ballantine, 1983), 56.
3 Carol Titelman, ed., *The Art of Star Wars* (New York: Ballantine, 1979), 79.


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# THE PERFECT FAMINE

Courtney Burns

More than 150 years have passed since the Irish potato famine, running approximately from 1845-1852,[1] caused more than one million deaths and over one-and-a-half million emigrations. This lapse of time, though, has not created a sense of forgetfulness or casualness about those years or those who died. To the contrary, not only does the land itself bear the markers of crude shelters dug into the sides of ditches and the "hungry grass" which covers the thousands of buried dead, but the memory and family histories of the Irish themselves persistently breeds "an intimacy with suffering"[2] which continues to affect the Irish and their relationship to the British.[3] According to Don Mullan, a former director of the Irish advocacy group Action, "Deeply rooted in the Irish psyche is the memory of the famine. When we look at pictures of people starving, we know we are looking at ourselves just a few short generations ago."[4] This intimacy with the famine is not merely of grief and frustration over a failed crop. Rather, it stems from a larger accounting of the famine which recognizes the role played by the United Kingdom in the deaths of so many Irish. It was not the failure of the potato crop that alone caused the Irish famine. Beginning in 1845, the convergence of a susceptible plant, a pathogen, environmental conditions, and social injustice combined to create a perfect famine.

Plant pathologists, when discussing the factors of plant disease, often use a triangle to aid in describing the factors needed for an outbreak of disease.[5] This so-called disease triangle consists of a plant susceptible to a

1 Douglas C. Daly, "The Leaf That Launched a Thousand Ships," *Natural History* 105, no. 1 (1996): 25.

2 Douglas C. Daly, "Famine's Ghost," *Natural History* 105, no. 1 (1996): 6.

3 Gail L. Schumann, "The Irish Potato Famine and the Birth of Plant Pathology," in *Plant Diseases: Their Biology and Social Impact*. Internet.
<http://www.apsnet.org/online/feature/lateblit/chapter1/Top.htm; Internet>.

4 Daly, "Famine's Ghost," 6.

5 Schumann.

pathogen, the introduction of that pathogen into the plant, and environmental conditions favorable to that pathogen.[6] In Ireland, these three factors would come together in the form of the potato, *Phytophthora infestans*, and the damp Irish climate that has proved to be so favorable to potato farming and yet so devastating in spreading disease.

The potato, a vegetable so freely associated with the island of Ireland, did not originate in Ireland but rather in the highlands of South America, particularly along the border of Peru and Bolivia.[7] Discovered by the Spanish Conquistadors who were searching for gold in the sixteenth century, the potato was introduced into Europe around 1570.[8] Acceptance of the potato as a food source was slow in coming, though the poor of Europe soon found advantages in an underground food source protected from the trampling of the numerous invading armies of the time.[9] It is uncertain when the potato was first introduced into Ireland, but the cool and wet conditions of Ireland, similar to conditions of the highlands of South America[10] that too often stunted grain production quickly propelled the potato into premier food status.[11]

The potato, though, did not become the primary food source of many in Ireland simply because it was suited to the climate. It was necessity that caused the food culture of Ireland to become a "monoculture." Like many of the peasants of Europe, the Irish were tenants paying rents to primarily absentee landlords in Britain.[12] In particular, three developments would affect the system of rent of Ireland and would thereby require a change in the crop production in order to meet rent requirements as well as meet the food requirements for the survival of Irish families. First, penury laws, which required that any improvements made on the land would result in an increase in rent without necessarily providing an additional ability to pay the increased rent.[13] Second, a downturn in the economy in the early nineteenth century would further increase pressure on the tenant's ability to pay rent.[14] And third, the allowance of subdivision of property among one's children (as opposed to the English practice of primogeniture, which gave inheritance rights only to the first-born) provided increased revenue to the landlords while at the same time providing less land to individual

6 Ibid.
7 Schumann.
8 Ibid.
9 Ibid.
10 Ibid.
11 Daly, "The Leaf That Launched a Thousand Ships," 25-26.
12 Eileen Moore Quinn, "Entextualizing Famine, Reconstituting Self: Testimonial Narratives From Ireland," *Anthropological Quarterly* 74, no. 2 (2001): 74.
13 Quinn.
14 Ibid.

families.[15] The decrease in available land can be most directly seen in relationship to the change in population in Ireland which, from 1800 to 1845, grew from about 4.5 million to about 8 million.[16]

The bulk result of these developments required not only the use of profit garnering grains, dairy, and animal products for the paying of rents, but also the parallel development of a food crop that could be grown easily (easily because of the additional labor output required to grow an additional crop) on increasingly smaller patches of land.[17] This need of an easily grown crop that could feed an entire family throughout the year would be met in full by the potato which, in addition to providing substantial nutritious value "including protein, carbohydrates, and many vitamins and minerals, particularly vitamin C,"[18] allowed the Irish to produce, on half the land, the same amount of calories in potatoes as would have been produced in grains.[19] By the beginning of the famine, potatoes would make up about 60 percent of the Irish food culture with about 3.3 million Irish in complete reliance on the potato as a food source.[20] This would prove to be a dangerous yet impressive feat for the potato, as an individual would consume about one ton of potatoes a year with an adult consuming about fourteen pounds of potatoes a day.[21]

Most potato growers, including those of Ireland, do not begin growing potatoes from seeds, but rather follow the process called vegetative propagation in which small pieces of potatoes are planted.[22] The result of vegetative propagation is that the offspring plant is genetically identical to the parent plant.[23] If seeds, or sexual propagation, are used, each plant will vary genetically in the same way children coming from the same two parents genetically differ.[24] Genetic uniformity, though, has great advantages particularly in a food crop where uniformity in color and taste are important.[25] Additionally, the use of potato pieces is beneficial because the potato pieces carry larger food reserves than seeds, allowing the shoots from potato pieces to grow faster than seed shoots.[26] Along with these advantages, a genetically uniform potato crop carries with it a distinctly dangerous disadvantage: genetic uniformity makes the entire crop uniformly

15 Ibid.
16 Schumann.
17 Quinn, 74.
18 Schumann.
19 Ibid.
20 Daly, "The Leaf That Launched a Thousand Ships," 26.
21 Daly, "The Leaf That Launched a Thousand Ships," 26.
22 Schumann.
23 Ibid.
24 Ibid.
25 Ibid.
26 Ibid.

susceptible to pest and pathogens.[27] In particular, the introduction of an alien pathogen into the alien crop of potatoes in Ireland would begin the spiraling downfall of the Irish people.

The disease that would be the impetus of the Irish famine was first spotted near Philadelphia during 1843, spreading to Western Europe by 1845, and was probably introduced by infected potatoes imported from either North or South America.[28] Its exact cause was unknown, although many put forward their own ideas of possible causes. Among these causes were "a poisonous miasma borne on the air, industrial pollution, volcanic exhalations, gases from the recently introduced sulfur matches, electricity in the atmosphere, the use of guano as a fertilizer, and an aerial taint originating from outer space."[29] Unusually rainy weather[30] as well as the theory that the famine was, in fact, "a healthy lesson delivered by providence that would prepare [the Irish] for the adoption of superior Anglo-Saxon values and institutions"[31] would be put forth as possibilities. A few scientists would explain that the disease was caused by a fungus, but these voices were quieted in favor of the more popular idea that it was the inability of the potatoes to eliminate excess water that was causing them to rot.[32] This would be proven wrong much too late by science. The actual cause, which would be discovered later, was a fungus-like pathogen called *Phytophthora infestans* which causes the potato disease commonly known as late blight.

When *Phytophthora infestans* infests a susceptible plant it begins by first attaching itself to the leaves or stem of the plant.[33] From these small infection sites, the pathogen infiltrates the cells and begins absorbing nutrients from the plant.[34] Within three to five days of the initial infection, this lack of nutrients will cause brown lesions to appear on the leaves and stem as the plant begins to die.[35] In less than three weeks the entire potato plant can be reduced to a slimy mass.[36] The potato plant would prove to be particularly susceptible to *Phytophthora infestans* for two reasons. First, the pathogen originated in the central highlands of Mexico where it attacked plants of the same genus as the potato.[37] The potato plant itself, though, had never come in contact with the pathogen, meaning that it had

27 Ibid.
28 Daly, "The Leaf That Launched a Thousand Ships," 28.
29 Daly, "The Leaf That Launched a Thousand Ships," 30.
30 Schumann.
31 Michael De Nie, "The Famine, Irish Identity, and the British Press," *Irish Studies Review* 6, no 1 (1998): 34.
32 Daly, "The Leaf that Launched a Thousand Ships," 30.
33 Schumann.
34 Ibid.
35 Ibid.
36 Ibid.
37 Daly, "The Leaf that Launched a Thousand Ships," 27-28.

no built-up or built-in resistance to the pathogen.[38] Additionally, as already stated, Irish farmers used the technique of vegetative propagation resulting in genetically identically potato plants throughout the region. This meant that if one plant proved to be susceptible to the pathogen all the plants would be susceptible.[39] These two factors, a susceptible plant and an introduced pathogen, would mean the beginning of an epidemic in Ireland.

Not even the combination of an unprepared plant and deadly pathogen could have caused a complete or island-wide epidemic. The third side of the disease triangle, favorable environmental conditions, was required not only for the survival of the pathogen *Phytophthora infestans*, but also for its reproduction and spread throughout Ireland.

In order to take root, *Phytophthora infestans* requires the presence of water on the surface of the plant's leaves or stem.[40] Additionally, high temperatures (over 68 degrees Fahrenheit) will slow the germination process by fifty percent.[41] Therefore, an initial infestation of this pathogen requires a cool, damp environment. These conditions are also required for reproduction and spread of the pathogen. Without a moist and cool climate, the pathogen *Phytophthora infestans* will dry out and die. [42] This moisture is particularly important as the pathogen is primarily spread by air currents which can speed the drying process.[43] Furthermore, a wet climate allows for the pathogen to be washed into the soil where it infects and destroys the tubers themselves.[44] Beginning in the summer of 1845, the weather in Ireland turned cold and wet for weeks at a time,[45] cooperating wholly with the pathogen, completing the disease triangle and creating an epidemic of serious magnitude, considering the extent to which the potato was depended on in Ireland.

Prior to its arrival in Ireland, the pathogen *Phytophthora infestans* infected crops along the northeastern coast of the United States and in Europe before affecting the potato crops of Ireland. Yet one does not hear of the great famine of New England or France or the Netherlands. Even today, infestations of late blight continue to affect potato crops throughout the world and yet go largely unnoticed. In the United States alone it is estimated that combined efforts to fight and losses due to late blight alone

38 Ibid., 28.
39 Schumann.
40 Ibid.
41 Ibid.
42 Ibid.
43 Ibid.
44 Ibid.
45 Daly, "The Leaf that Launched a Thousand Ships," 29.

cost about four hundred million dollars a year.[46] The developing world, which depends on the potato much in the same way that Ireland once did,[47] spends more than three hundred million dollars a year on the fungicide used to protect potatoes against late blight.[48] Despite these huge numbers, though, one rarely, if ever, hears or reads reports in popular newspapers or news magazines about the costs and losses due to the late blight disease. Despite the costs or losses, an epidemic caused by *Phytophthora infestans* rarely affects the average person. Likewise, an epidemic that took place one-hundred-and-fifty years ago did not alone cause a famine and the deaths of over one million people.

Nevertheless, an epidemic that destroys a crop that so wholly makes up the food culture, as the potato did in Ireland, has the possibility of inflicting a famine of deadly proportions. But as has already been examined, the potato as monoculture became such out of necessity. This was not necessity born out of laziness or the inability to plant other crops, for other crops were indeed planted, but rather necessity because these other crops were required by absentee landlords in payment for the use of the land on which the Irish inhabited and farmed. In fact, a brief look at Irish exports during the famine years shows that the Irish did, in reality, produce enough food to feed not only the entirety of the Irish population, but a population twice its size.[49] During the years of famine, the numbers of livestock exported to Britain increased (except for pigs, although the exportation of bacon and ham did increase).[50] In 1845, the first famine year, over 26 million bushels of corn were sent from Ireland to Britain.[51] During "Black '47," the deadliest year of the famine, the Irish exported 33 percent more calves than they did the previous year.[52] During the first nine months of 1847, over eight hundred thousand gallons of butter were exported to England.[53] All this while thousands of Irish died from lack of food or causes related to lack of food. It was not a lack of means to feed the population or even the destruction of the primary food source that caused the Irish famine.

46 Marcia Wood, "Wild Potato's Genes May Blunt Late Blight," *Agricultural Research* 52, no. 8 (2004): 11.
47 Douglas C. Daly, "The Blight Is Back" *Natural History* 105, no. 1 (1996): 31.
48 Daly, "Famine's Ghost," 6.
49 See "The Great Irish Famine" as approved by the New Jersey Commission on Holocaust Education at the secondary level prepared by the Irish Famine Curriculum Committee, James Mullin, Chairman: Moorestown, NJ (1998). Internet.
<http://www.nde.state.ne.us/SS.irish/irish_pf.html>.
50 Ibid.
51 Ibid.
52 Ibid.
53 Ibid.

The actual cause of the uncommonly deadly Irish famine was a lack of will on the part the British to do enough to save the population of Ireland from starvation and disease. This lack of will was essentially two-fold. First, the British had subjected the Irish to long-term discrimination and racial stereotyping which culminated in persevering attitudes in the mid-1800s of the Irish as a population not worth saving. Second, government policies and politics prevented many of those who would have done more from doing so as well as giving power to those who would do less or nothing at all.

While many ideas on race revolve around difference in physical manifestations, by the 1840s race had long been defined by the British as including "biological traits and characteristics."[54] This inclusion of traits and characteristics into the British understanding of race had long allowed the Irish to be categorized as a race distinct from the British as demonstrated in their so-called "negative" traits of religion, class, and race.[55] The Statutes of Kilkenny were enacted in 1366 in an attempt to maintain the distinctness of the English race and culture in Ireland.[56] Under the Statutes of Kilkenny, marriage between Irish and English became a capital offense.[57] This view of racial distinctness was further exacerbated when, in the 1530s, the king of England broke from the Catholic Church in Rome[58] While the Irish remained Catholic, the English followed their King and became Protestants. Religion would further define the distinctness between English and Irish as English Protestants and Scottish Presbyterians were brought into Ireland to settle and colonize the island.[59]

Penal laws introduced in the 1690s serve as further evidence of the English attempts to repress the Irish. Among the dictates of the laws was the barring of Catholics from receiving an education, entering a profession, voting, attending church services, and purchasing or leasing land.[60] By 1829, the bulk of these laws would be abolished, but the effect of the laws was to place the Irish in a position as not to be able to enjoy their newfound rights.[61] The right of voting, for example, was given to the Irish by the Reform Act of 1832 but only if they were landholders of property worth at least 10 pounds per year.[62] The stipulation of landholding was a

54 De Nie, 27.
55 De Nie, 27.
56 See "The Great Irish Famine."
57 Ibid.
58 Ibid.
59 Ibid.
60 Ibid.
61 Ibid.
62 John A. Phillips and Charles Wetherell, "The Great Reform Act of 1832 and the Political Modernization of England," *American Historical Review* 100, no. 2 (1995) 414.

requirement outside of the means of the Irish population who had previously been forbidden of gaining an education, entering a profession, or purchasing land. With few Irish in possession of sufficient education or profession with which to purchase land and with no land already in the hands of the Irish, the British had little to fear from giving them the right to vote so long as this right was determined by land ownership. In fact, after being given the so-called right to vote, only one man in twenty from the entire population of Ireland, Protestant or Catholic, was allowed to vote after the Reform Act of 1832.[63] Therefore, despite being given the right to vote, voting would initially be outside the means of the Irish population.

In 1845, on the eve of the beginning of the Irish famine, Frederick Douglass, prominent spokesperson for the American anti-slavery movement, arrived in Ireland and bore witness of the condition of the Irish.[64] On arriving, he wrote to publisher William Lloyd Garrison that he had believed reports on the Irish printed in American newspapers to have been exaggerated, but that witnessing the "painful exhibitions of human misery, which meet the eye of a stranger almost at every step" had convinced him otherwise.[65] As his trip progressed, Douglass began to feel ill at ease in asking the Irish to address oppression in the United States when the Irish had "so many wrongs to redress and so much suffering to relieve at home."[66] Additionally, Douglass compared the oppression of the Irish to the oppression of the African American saying that all that was lacking by the Irish was "a black skin and wooly hair, to complete their likeness to the plantation Negro."[67]

As was previously mentioned, the British defined the Irish as a distinct race as shown in their so-called negative traits of religion, class, and race. This was a popularly held definition which, no doubt, played a role of support in the enacting of the above statutes and laws while at the same time being reinforced by these same statutes and laws. By the 1840s these negative racial stereotypes would become so damning as to impede any feelings of sympathy that should have called for mass aid to be sent to save the dying Irish. The reports in the popular British press of the time indicate how the Irish were viewed, particularly during the famine years. One of the first proofs of the Irish being racially distinct and inferior from the English was the Irish desire to be attached to the Roman Catholicism and

63 "Democracy, One Day," *Economist* 353, no 8151 (1999): 19.
64 Patricia Ferreira, "All But 'A Black Skin and Wooly Hair': Frederick Douglass's Witness of the Irish Famine," *American Studies International* 37, no. 2 (1999): 69.
65 Ferreira, 77.
66 Ibid. 78.
67 Ibid. 79.

the "foreign despot at its head."[68] In September of 1848, a famine year, the Quarterly Review published an article which stated that "all the civic and political and even social evils of Ireland (except only what may be of Celtic origin) may be traced to the condition and influence of the Roman Catholic religion in that country."[69]

Another common theme of the time was that the Irish were racial distinct as shown in their natural laziness. The *Quarterly Review* reported that "the root of all the misery of Ireland is the aboriginal idleness of the people-that hatred of regular labour which has always characterized them since history began."[70] This belief that the Irish were naturally lazy would be especially damning during years of the famine as the British had very specific ideas on deserving and undeserving poor and what the treatment of these groups should be. As shown in an article printed 5 December 1846, the *Illustrated London News* referred to the undeserving or unwilling poor as those who were "desirous and eager to work, but cannot procure sufficient to enable them to supply even their moderate and necessary wants."[71] For these poor the *London News* proclaimed that the supporting of these individuals "is cheerfully borne, and the whole mind of the nation is so deeply impressed with the absolute necessity, the paramount justice, and the Christian charity of a wisely, and indeed liberally, administered Poor Law."[72]

The deserving poor, as quoted in the *London News*, were those "whose greatest dread is being set to work."[73] On 24 January 1849, the *Times* offered the following solution to the burden placed upon society by these deserving poor: "We beg to suggest, a measure for starving out the whole race, by cutting off their supplies."[74] While this solution was not aimed directly at the Irish, the Irish who were seen as naturally lazy were certainly considered to be a part of this race of deserving poor to be starved out of existence, as was indeed occurring at the time in Ireland.

In addition to the racial stereotypes that prevented a popular support for Irish aid, the government of England proved to be a hindrance in providing relief to the Irish during the years of the Irish famine. When the potato crop failed in 1845, the British government under the rule of Sir Robert Peel acted to introduce relief measures and as a result no lives were lost from 1845 to the fall of 1846.[75] Unfortunately, even in the guise

68 De Nie, 29.
69 Ibid.
70 De Nie, 29.
71 Ibid., 30.
72 Ibid., 30-31.
73 Ibid., 31.
74 Ibid.
75 Christine Kinealy, "How Politics Fed the Famine," *Natural History* 105, no. 1 (1996): 33.

of relief the British would continue to discriminate against and oppress the Irish. One of the prime means of discrimination at the time was to use hunger in order to win converts by demanding a renouncing of Catholicism before relief could be secured.[76] This practice, known at "souperism",[77] required changing one's own religion in order to receive the soup being handed out by relief efforts, efforts largely controlled by the Protestant churches.[78] The act of renouncing one's religion at this time coined the phrase "he took the soup", a phrase that continues to be an insulting expression indicating a turncoat.[79] Additionally, the surrendering of property before becoming eligible for aid was widely enforced by the British aid system. This practice greatly benefited English landlords wishing to cash in on the advantages of the pasturage system.[80]

Even with the impressive result of no loss of life during the first year of famine, historians are at odds with whether this was a result was due to intentional intervention by Peel specifically on the behalf of the Irish, or whether it was simply the luck of an easy Irish winter combined with spillover benefits from measures meant to protect and benefit England. Directly at the heart of this debate is Peel's work to repeal the Corn Law, laws which stipulated that large taxes be paid on crops imported into the United Kingdom.[81] With the Corn Law in place, any crops brought into Ireland to relieve the famine would be subject to these high taxes.[82]

> Specifically drawn into the question of Peel's intent is a speech given to the House of Commons on 16 February 1846 in which he states: When you are again exhorting a suffering people to fortitude under their privations, when you are telling them, 'These are the chastenings of an all-wise and merciful Providence, sent for some inscrutable but just and beneficent purpose - it may be to humble our pride, or to punish our unfaithfulness, or to impress us with the sense of our own nothingness and dependence on His mercy;' when you are thus addressing your suffering fellow-subjects, and encouraging them to bear without repining the dispensations of Providence, may God grant that by your decision of this night, you may have laid in store for yourself the consolation of reflecting that such calamities are, in truth, the dispensations of Providence - that they have not been caused, they have not been aggravated by laws of man, restricting in the hour of scarcity the supply of food![83]

Boyd Hilton, of Trinity College, Cambridge, offers an interpretation of this speech and the selection quoted above which claims that Peel was directly arguing for the ideology of free trade outside of the emotional claims of

76 Quinn, 74.
77 Ibid., 72.
78 Ibid.
79 Ibid.
80 Ibid., 75.
81 See "The Great Irish Famine."
82 Ibid.
83 Boyd Hilton, "Peel, Potatoes, and Providence," *Political Studies* 49, no. 1 (2001): 106.

sufferers of famine.84 Hilton makes his argument by examining the paragraphs which precede the passage quoted above. In these paragraphs Peel argues that Britain has such natural advantages as to dispel any fear that free trade should cause and that exposure to free trade should be seen as "healthful breezes of competition."85 As further proof that Peel was not overly influenced by the Irish famine, Hilton points to passages in which Peel calls for the repeal of the Corn Laws now during a time of "comparative prosperity, yielding to no clamour, impelled by no fear"86 as proof that the repeal of the laws was not meant to lessen Irish troubles, but to strengthen English economy at a time when it could afford to take the chances of free trade policies.87 Hilton also points to an earlier public comment made by Peel as further proof that Peel had no great love or concern for the Irish: "if there be any part of the United Kingdom which is to suffer by the withdrawal of protection, I have always felt that part of the United Kingdom to be Ireland."88 Arguments that follow this course make claims that Peel was not interested in stunting the effects of the Irish famine, and thereby infer that it would not have mattered which party had held the power of government, the famine would have taken the same toll on the Irish people.

Interpretations made by Iain McLean, of Nuffield College, Oxford, and Camilla Bustani LLP claim that Peel was arguing for the repeal of the Corn Law not specifically in favor of the ideology of free trade but more particularly in favor of evangelical discourse that argues that man must not interfere in God's plan.89 Peel's argument, according to his above statement, is that the Corn Laws should be repealed because regulating the supply or price of food is an interference with Providence, particularly during times of famine.90 Furthermore, McLean and Bustani argue that the emotionality of the claim was not merely directed at the salvation of those in the House of Commons who he believed to be meddling in the plans of God, but was specifically driven by concern for Ireland.91 McLean and Bustani point primarily to the first half of the speech in which Peel provides details about the Irish famine as proof that it was indeed the Irish famine that caused him to call for the repeal of the Corn Laws.92 In the summer of 1846, Peel was forced to resign due to the unpopularity of the repeal of the Corn

84 Hilton, 106.
85 Ibid., 107.
86 Ibid.
87 Hilton., 107-108.
88 Ibid., 109.
89 Iain McLean and Camilla Bustani, "Peel, Potatoes, and Providence," *Political Studies* 49, no. 1 (2001): 110.
90 Ibid.
91 Ibid., 111.
92 McLean and Bustani, 110.

Laws within his own party.93 Before resigning as Prime Minister, Peel stood before Parliament and offered the following condemnation and perhaps strongest indicator of Peel's own inclinations concerning the Irish: "Good God, are you to sit in cabinet and consider and calculate how much diarrhea, and bloody flux, and dysentery a people can bear before it becomes necessary for you to provide them with food?"94 If McLean and Bustani are corrected in their interpretations, the removal of Peel from power had the deadliest of impacts on the future of the Irish people.

Regardless of what might have been, the new government, with John Russell as Prime Minister, would reduce critical relief efforts. Assistance had previously been available in the form of moneys and food to public works, which subjected the starving Irish to hard, often pointless[95] labor paid for through the taxation of Irish landlords and donations from private charities with little financial contribution from the British government.[96] The bureaucracy set up by Russell's government to oversee this relief work proved to be inefficient in creating jobs and in paying wages in a timely manner.[97] The result would be half a million dead from 1846-1847.[98] In the fall of 1847 the British government would declare the Irish famine to be over and that no more financial assistance would be forthcoming from Britain for Ireland.[99] This declaration from the government was due in part to a financial crisis in England that made taxation and "foreign" spending unpopular.[100] Also impacting Russell's action was an election result seen as not entirely favorable to Russell which convinced him that he had "done too much for Ireland, and [had] lost the elections for doing so."[101]

The popular economic theory of laissez-faire, or non-intervention, would seal the fate of the Irish as far as the British government was concerned.[102] British Treasury Secretary in charge, Charles Edward Trevelyan, was a particularly adamant proponent for the principle of laissez-faire opposing any expenditure or increases in taxes.[103] As a strong believer in Malthus' theory that to aid the poor of the population would only increase the population and thereby make matters worse, Trevelyan felt that the famine in Ireland was "the direct stroke of an all-wise Providence" that

93 See "The Great Irish Famine."
94 Ibid.
95 Ibid.
96 Kinealy, 33.
97 Ibid.
98 Ibid.
99 Ibid., 34.
100 Ibid.
101 Kinealy, 34.
102 Quinn, 74.
103 See "The Great Irish Famine."

would cure overpopulation in Ireland.[104] In 1848, one year after the worst year of the Irish famine, Queen Victoria would knight Trevelyan for his services in Ireland.[105]

In 1850, still in the midst of the Irish famine, a British parliamentary committee of enquiry looking into the famine to that point would declare that "a neglect of public duty has occurred and has occasioned a state of things disgraceful to a civilized age and country, for which some authority ought to be held responsible, and would have long since been held responsible, had these things occurred in any union in England."[106] This neglect of duty and responsibility lies with the British people in general and, more specifically, its government. While the forces of nature combined in creating an epidemic of enormous consequence, the discrimination, racism, and inaction by the British people and government turned an ecological disaster into a human tragedy. When Frederick Douglass was in Ireland, he observed that the oppression of the Irish Catholic was a terrible indictment against the English that would require ages to overcome.[107] Taking a similar stance, novelist Edith Martin wrote that "the Famine yielded like the ice of the northern seas, it ran like melted snow into the veins of Ireland for many years afterwards."[108] Indeed, more than one-hundred-and-fifty years later, the British have still not accepted responsibility and the Irish have not forgotten.

104 Ibid.
105 Ibid.
106 Kinealy, 35.
107 Ferreira, 75.
108 Kinealy, 35.


UTAH VALLEY STATE COLLEGE
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# ETHOS AND THE POWER OF MUSIC IN ANCIENT GREECE

Amberly D. Page

The power of music was legendary in Ancient Greece. Orpheus, known as the mortal son of Apollo, sang and played the lyre to such perfection that "nothing could withstand the charm of his music".[1] When his beloved wife, Euridice, died of a poisonous snake bite, he is said to have traveled deep into the Stygian realm seeking to free her soul. Upon hearing Orpheus sing and play, ghosts wept and, for the first time, even the cheeks of the Furies were wet with tears. Hades himself could not resist and released Euridice. Although affected by the music, the god of the underworld would not be influenced enough to let her go without a condition. Orpheus was to lead Euridice back to the realm of the living without looking at her until they both reached the surface. Orpheus resisted the urge to look back at her until he reached the sunlight of the living world, but in his happiness he assumed too quickly that they were safe. When he looked back at his wife, Euridice was still within the shadow of the underworld and she was swept away yet again.[2] Although this story does not have a happy ending, it demonstrates the mystical power the ancient Greeks associated with music.

Aristotle identified three different uses for music: recreation, intellectual development, and habituation which involved purification by repetitive exposure.[3] Music has always been a means of recreation and entertainment, but the power of music was used for more than pleasure and an effect upon the emotions. There are few aspects of life wherein the Greeks did not use music to some degree. Music was of prime importance in all religious practices, as well as social and working environments.[4] It was also used as a healing tool.[5] It is no coincidence that Apollo was considered the

1 Thomas Bulfinch, *Bulfinch's Mythology* (New York, NY: Crown Publishers, 1948), 185.
2 Ibid., 186.
3 *The Politics of Aristotle*, trans. and ed. Peter L Phillips Simpson (Chapel Hill: The University of North Carolina Press, 1997), 159.
4 John G. Landels, *Music in Ancient Greece and Rome* (London: Routledge, 1999), 1.
5 M.L. West. *Ancient Greek Music* (Oxford: Clarendon Press, 1992), 31-32.

god of healing as well as the god of music. Apollo and his alleged son, Orpheus, both were regarded as great physicians as well as musicians;[6] not so much a coincidence as an inevitable association in ancient Greek culture. According to ancient Greek belief, the true power of music lay in habituation.[7] Aristotle stated that music acts as a tool by which one may learn virtues. Just as a gymnast repetitively lifts weights to tone and strengthen muscle, a person exposed repeatedly to the same type of music may, over time, acquire virtues according to the music's character.[8] Certain tones and vibrations were supposed to purge the body and purify the soul by retuning and returning it to its natural order or harmony.

> ...music too, in so far as it uses audible sound, was bestowed upon us for the sake of harmony. And harmony, which has motions akin to the revolutions of the soul within us, was given by the Muses to him who makes intelligent use of the Muses, not as an aid to irrational pleasure..., but as an auxiliary to the inner revolution of the soul, when it has lost its harmony, to assist in restoring it to order and concord with itself.[9]

In order for the true healing powers of music to work, a patient must be exposed consistently to the same sounds and vibrations for an extended period of time. The same concept was applied to the development of virtues. By exposing oneself consistently to the same type of music, one may develop certain virtues or character traits.

Aristotle explained in his discourse on politics that habituation is caused by imitation.[10] Most music is imitative of some virtue or quality or even of a person, place, event, or idea. This can be seen in Beethoven's Sixth Symphony, which is also known as the Pastoral Symphony. It is so called because it brings to mind and is a musical imitation of the country side, each movement portraying a different aspect. This is only one example among many. Aristotle said,

> There exist in rhythms and melodies likenesses, most closely approximating to the realities, of anger and mildness, of courage and moderation and their opposites, and of all other dispositions, as the facts make clear; for our souls are altered when we hear such things. Habituation in feeling pain and pleasure in likeness is close to being affected in the same way by the realities themselves: for instance, if someone enjoys the sight of and image of something because of its appearance and for no other reason, he must also find pleasure in the sight of the actual object whose image he is looking at.[11]

6 Bulfinch, 185.

7 Andrew Barker, *Greek Musical Writings*: Volume 1, the Musician and his Art (Cambridge, Mass: Cambridge University Press, 1989), 173.

8 Ibid., 173.

9 Warren D. Anderson, *Ethos and Education in Greek Music*: The Evidence of Poetry and Philosophy (Cambridge, Mass: Harvard University Press, 1966), 68.

10 Barker, *GMW*, 175.

11 Ibid., 175.

This power of music to affect one's character is now called *ethos*. The ancient Greeks respected it, but they also feared this power for the negative effects it could have. Plato stated, in a translation by Warren D. Anderson that, "Music, the most celebrated of all forms of imitation (literally, "images"), is the most dangerous as well. A mistake in handling it may cause untold harm, for one may become receptive to evil habits."[12] In Plato's *Republic* (397-401b), Socrates discusses with his companions, Glaucon and Adeimantus, the nature of the best political structure.[13] The power of music to affect one's moral character (*ethos*) is discussed at length. They finally concluded that music in their politically perfect city must be regulated such that only music which would improve and elevate the moral character of the citizens is practiced and performed.[14]

The idea of *ethos* was originally developed by Damon of Oa, a music theorist of the fifth century BC.[15] Damon is best known in Plato's *Republic* as a great music theorist, but he is also remembered as a teacher and mentor to Perikles, an important Athenian statesman.[16] While Damon's primary pursuits were in music, he was also interested in politics and taught his student accordingly. According to Wallace, professor of Classics at Northwestern University, Damon was ostracized because he not only advised Perikles, but he also proposed many of the statesman's measures.[17] This protected the politician, but caused problems for Damon. Wallace said, "The accusation that Damon proposed 'most' of Perikles' measures echoes Athenian complaints against the practice of politicians using surrogates."[18] The priest Plutarch suggested that Damon used music as a screen to camouflage his involvement with Perikles,[19] but his ideas on music had long-lasting effects. Damon studied and classified the different *harmoniai*. These were the 'tunings' or scales made up of differently spaced intervals which, when combined with certain rhythms and ranges, made up the modes. He attributed a different behavior or psychological state to each *harmoniai*, but it is unclear which effects he attributed to each *harmoniai*.[20] It is in the writings of Aristotle and Plato where we find the effects of

12 Anderson, "Ethos", 74.

13 Plato: *The Republic*, trans. Tom Griffith, ed. G. R. F. Ferrari, Cambridge Texts in the History of Political Thought, (Cambridge, UK: Cambridge University Press, 2000), 86-92.

14 Ibid.

15 Robert W. Wallace, "Damon of Oa: A Music Theorist Ostracized?" in *Music and the Muses: The Culture of 'Mousike' in the Classical Athenian City*, ed. Penelope Murray and Peter Wilson (Oxford, NY: Oxford, 2004), 251.

16 Ibid.

17 Ibid., 252.

18 Ibid., 253.

19 Ibid., 251.

20 Robert W. Wallace, E-mail correspondence with the author, February 14, 2005.

*harmoniai* connected to habituation. Wallace explained that Damon probably did not promote his findings publicly.

> Damon studied the behavioral and hence political implications of music systematically, describing and naming different *harmoniai*, rhythms, and metrical feet, and correlating these with conduct and *ethos*. The earliest and best sources for Damon's philosophical activity give no sign that he promoted certain types of music for their positive ethical consequences.[21]

While Damon may not have promoted them, politicians who recognized the possible political value of *ethos* took an interest in his discoveries. He claimed that changes in musical styles are always accompanied by radical changes in the laws of the state. Damon of Oa was ultimately ostracized due to the political connections to his research of music.[22]

The way in which *ethos* is defined has changed over the centuries. The word '*ethos*' originally meant "accustomed place."[23] It is known in modern times as musical phenomena: a means for conveying ethical attitudes.[24] One might define *ethos* as the moral nature, character, or guiding belief of a person or group of people. However, the classicist Warren D. Andersen defined *ethos* as "An ancient Greek musical term, describing a concept important in the relationship between ancient Greek music and education".[25] He also indicates that while *ethos* is a conductor of virtues, it does not have virtue in and of itself: "*Ethos* should be taken as an attribute not merely of persons, but also of musical phenomena, which are then considered as vehicles for conveying ethical attitudes, not as having any kind of moral nature in themselves."[26] The definition has evolved, but this new definition is not so different from the old one. One of the methods by which music is supposed to convey *ethos* is through mimesis, or by imitation.[27] Socrates, in Plato's *Timaeus*, explained that

> ...so much of music as is adapted to the sound of the voice and to the sense of hearing is granted to us for the sake of harmony; and harmony, which has motions akin to the revolutions of our souls, is not regarded by the intelligent votary of the Muses as given by them with a view to irrational pleasure, which is deemed to be the purpose of it in our day, but as meant to correct any discord which may have arisen in the courses of the soul, and to be our ally in bringing her into harmony and agreement with herself.[28]

21 Ibid., 267.

22 Ibid., 267.

23 *The New Grove Dictionary of Music and Musicians*, 2001 ed., s.v. "Ethos", by Warren Anderson and Thomas J. Mathieson, 403.

24 Ibid.

25 Ibid.

26 Ibid.

27 Andrew Ford, "Catharsis: The Power of Music in Aristotle's *Politics*," in *Music and the Muses: The Culture of 'Mousike' in the Classical Athenian City*, ed. Penelope Murray and Peter Wilson (Oxford, NY: Oxford, 2004), 320.

28 Plato, *Timaeus*, trans. Benjamin Jowett. Internet. <available from http://classics.mit.edu/Plato/timaeus.html>

In other words, the soul of a man might drop from its accustomed place and fall into disorder. Music, by mimesis, is able to amend this disorder and bring the soul once again to agreement with itself.

Some Hellenes believed that the human soul is in the condition of a fallen god and that its true nature could only be achieved through purification.[29] Aristides Quintilianus, a fourth century theorist, expounded on this idea and compared the harmonia of the human soul to the harmonia of the universe. "Musical mimesis is especially powerful ... because it is not a simple imitation of things but is rather an imitation of life itself, capable of raising the soul once again to the harmonia of the universe."[30] The soul is naturally attracted to whatever is akin to one or another of its parts. Because of this natural tendency, mimetic arts, particularly music, may strongly affect the soul for either the positive or the negative.[31] Prolonged exposure to music mimetic of the good qualities in the soul will reinforce and develop those qualities even to the point that the bad qualities inherent to the soul depart. Unfortunately, the mimetic power of music serves evil as well as good.[32] Music mimetic of negative qualities will enhance the evil resident in the individual out of balance, diminishing the good qualities in the soul. This fear of the power of music is clearly exhibited by Plato in a Socratic discussion with Glaucon. "So is this the reason, Glaucon, why musical education is the most important, that rhythm and attunement are what most penetrate the inner soul and grasp it most powerfully, bringing good order, and make a person well-regulated if he is educated correctly and the opposite if he is not?"[33]

Although *ethos* has been a topic of study for over a century, it remains a troublesome subject, and may remain forever in the domain of philosophical dispute due to a dearth of evidence. The Greeks were among the first to begin transcribing their music in a written from and were actually scorned for it.[34] Only approximately fifteen fragments of transcribed music remain from that time and place.[35] However there are now many notable sources in which *ethos* was closely scrutinized and many different avenues of study were touched upon. Some important sources available include

29 Thomas J. Mathieson, "Harmonia and Ethos in Ancient Greek Music," *The Journal of Musicology* 3 (1984): 364-79, 267.

30 Ibid.

31 Thomas J. Mathieson, *Apollo's Lyre: Greek Music and Music Theory in Antiquity and the Middle Ages* (Lincoln, NE: University of Nebraska Press, 1999), 544.

32 *Aristides Quintilianus on Music: In Three Books*, trans. and ed. Thomas J. Mathieson (New Haven: Yale Univeristy Press, 1983), 127.

33 West, Ancient Greek Music, 248.

34 Egert Polhmann and Martin West. *Documents of Ancient Greek Music* (Oxford: Clarendon Press, 2001), 1.

35 K. Marie Stolba, *The Development of Western Music: A History* (Boston, Mass: McGraw-Hill, 1998), 8.

Aristides Quintilianus's *De Musica*, Claudius Ptolemy's *Harmonics*, and the writings of ancient philosophers like Aristotle and Plato.

Aristides Quintilianus was an important music theorist of ancient Greece who authored his treatise on music sometime in the late third or early fourth century A.D.[36] Along with Aristoxenes[37] and Claudius Ptolemy,38 who were also influential music theorists, he provided a systematized and somewhat technical philosophical treatment of music.[39] His work was influenced extensively by Plato and Aristotle and is an important reference for scholars interested in the music theory of Ancient Greece as well as the educational application of *ethos*. According to Aristides Quintilianus, "the harmonia of music may create a like harmonia in the soul, and this in turn creates a particular *ethos*."[40] It was believed that the universe is a harmony expressible by numbers and that harmony in music, also expressible by numbers and imitative of the harmony of the universe, could return the soul to its natural state of perfection.[41] Aristides Quintilianus inherited a version of this idea from the Pythagoreans, followers of Pythagoras (c. 569-475 BC).

Aristides Quintilianus explained that the soul without the body is simple and free of gender orientation, but desiring a body of either the feminine or the masculine form.[42] Once the soul is clothed in its human body, it must be identified with the masculine or the feminine. However, he allows that some souls which desire for a certain gender are denied. "For example, whenever souls do not gain by nature such a body, they remodel it with their own changes and alter it into a thing similar to themselves."[43] Music and the different components of music will imitate either a feminine, masculine, or medial character.

36 Thomas J. Mathieson, "Aristides Quintilianus", *Grove Music Online* ed. L Macy Internet.<available from, http://www.grovemusic.com >, accessed 03/05/05.
37 Warren D. Anderson, *Music and Musicians in Ancient Greece* (Ithaca, NY: Cornell University Press, 1994), 138.
38 Andrew Barker, *Scientific Method in Ptolemy's Harmonics* (Cambridge, UK: Cambridge University Press, 2000), 1.
39 *Quintilianus*, 1.
40 Mathieson, *Harmonia*, 268.
41 Giovanni Comotti, *Music in Greek and Roman Culture*, trans. Rosaria V. Munson (Baltimore, MD: The Johns Hopkins University Press, 1979), 27.
42 *Quintilianus*, 130.
43 Ibid.

> For it is possible in the first place to see each nature singly in visible things: dividing freshness and what naturally belongs to adornment-color and figure-by femininity, and somberness and tending to thought by masculinity; and again in audible things: according smooth and gentle sounds to the feminine part and harsher sounds to the opposite part. And ... it is necessary to declare in general concerning all things that as many of the sensible things as entice to pleasure and naturally happen to slowly soften the will, these we must judge as in the feminine part; and as many as move the thought and arouse activity, these we must afford to the masculine portion; and, in truth, the things that do neither or both by mixture, these we must declare to be medial.[44]

Naturally, music conveying a feminine *ethos* could be good *or* evil. Aristides Quintilianus attributed soberness and tendency to thought to the masculine aspect, but the Nurse of Euripides' play, *Medea*, also attributes rudeness to the masculine sex: "Wert thou to call the men of old time rude uncultured boors thou wouldst not err...."[45] Quintilianus attributed freshness, color, and figure to the feminine, but characteristics such as weakness and foolishness could also be associated with the feminine aspect as Euripides also shows in *Medea*: "I will do so; nor will I doubt thy word; woman is a weak creature, ever given to tears,"[46] and "...small is the class amongst women-(one maybe shalt thou find 'mid many)-that is not incapable of wisdom."[47] In Thomas J. Mathiesen's "Harmonia and *Ethos* in Ancient Greek Music," the author establishes a method based on the system of Aristides Quintilianus by which one may distinguish a piece according to gender attributes. The elements of rhythm, diction, and mode may each convey a different *ethos*, but the music these elements combine to create is always identifiable as masculine, feminine, or medial.

Plato and Aristotle both recognized the importance and the influence of music on one's character and in a society. Plato, ever a communalist, concerned himself with how music would affect the behavior of society and what types of music should be allowed in an enlightened civilization.[48] In many of his writings, Plato recognized the role mimesis played in the forming of habits.[49] Students were strongly encouraged to pursue an instrument early in their education because of its habit-forming qualities and its ability to instill a virtue of temperance. Plato said that music has decisive importance for elementary education because rhythm and mode "sink deep into the soul" and remain fixed there.[50] Modern scientific research

44 Ibid., 131.
45 Euripides, *Medea*, Internet.<available from http://classics.mit.edu/Euripides/medea.html>, accessed March 2, 2005.
46 Ibid.
47 Ibid.
48 *Plato*, 116-117.
49 *The New Grove Dictionary of Music and Musicians*, "Ethos", 405.
50 Anderson, *Ethos*, 179.

confirms this theory. Even now, parents enroll their children in music lessons, and music programs are a regular part of high school curriculum for these very reasons. The discipline required by music training instills strong character traits, and it is proven that a youth involved in music training of some kind is much more likely to be a better student and develop good habits.[51] Musical mimesis will aid in creating good or bad habits, or simply influence one strongly for positive or negative depending on how strongly the music imitates the desirable atttributes.

> Since music is mimetic we must, Plato says, be particularly careful to judge it not by pleasure, but by another criterion altogether. We should, moreover, seek out such music as bears a likeness to the imitation of the good talking rightness rather than pleasure to be our standard, since the success of mimesis depends on its rightness. Good music accordingly represents the soul of a good man under external influences.[52]

Aristides Quintilianus further claimed that all of the parts of music - pitch, scale, mode, rhythmic pattern - are like the order of the universe and, through mimesis, music may make the order of the soul like the order of the universe.[53] This is reaching perfection, or attaining godhood.

> By using harmonia in the aforesaid ways-either presenting a harmonia to each soul by similarity or by contrariety-you will disclose the inferior *ethos* lying hidden, heal it, and instill a better one.[54]

The Greek modes were an important element of the harmonics having an effect on the soul. The modes consisted of different tunings for instruments or musical scales with different proportions or intervals between the tones.[55] Some were thought to be too chromatic in their harmonia and were avoided as one would avoid developing bad habits.[56] Instruments were eventually invented that could modulate or switch modes in the middle of a piece;[57] this was also considered to be a source of bad harmonia because it caused a shift from one *ethos* to another.[58] Sources give conflicting accounts of mode and it is impossible to say for certain how many different modes there were at any given time, but Claudius Ptolemy

51 Leslie Bunt, "Music Therapy", *Grove Music Online* ed. L. Macy Internet. <Available from http://www.grovemusic.com>, accessed 03/07/05.
52 Anderson, *Ethos*, 103.
53 Mathieson, *Harmonia*, 268.
54 Ibid., 368.
55 Landels, 88.
56 Eric Csapo, "The Politics of the New Music," in *Music and the Muses: The Culture of 'Mousike' in the Classical Athenian City*, ed. Penelope Murray and Peter Wilson (Oxford, NY: Oxford, 2004), 236.
57 Ibid., 212.
58 Barker, *GMW*, 132.

describes seven species of *tonoi*, or mode, in his treatise, *Harmonics*.[59] These were named after the different places and people with whom they originated.[60] Three common modes included the *Dorian*, the *Phrygian*, and the *Lydian*[61]. Each mode was based around a system of tetrachords (four-note scales) in which the two outer tones were fixed an interval of a fourth apart but the two inner tones were variable.[62] Two types of modes with which society is still familiar are the Major and Minor keys or scales. We know major keys to be more bright and extroverted than their aloof and often sorrowful counterpart, the minor keys. The reason for these different effects is the soul's natural resonance with harmony, or musical ratios.

> Indeed, our souls are thoroughly affected together with the actualities of the melody, recognizing as it were the kinship of the ratios of its own constitution and modeled by the movements peculiar to the specific character of the mele, so that sometimes they are led to pleasures and relaxations and other times stimulated and awakened, sometimes turned to rest and moderation and other times to madness and divine suffusion, and so on, when the melos itself modulates and leads our souls to the dispositions established from the similarity of the ratios.[63]

This excerpt from Ptolemy explains the therapeutic benefits of music and may indicate the roots of music therapy in classic Greek culture. Aristides Quintilianus also seemed to support the idea of music as therapy. He divided the soul into different parts, each associated with a different mood.[64] A mode was attached to each part of the soul and was supposed to be imitative of that particular mood. The modes could then lead the soul back to its correct condition by means of mimesis.[65]

The modes are most easily identifiable by the scalar pattern of the tones, but there was no such thing as perfect pitch in ancient Greece.[66] Relative pitch was the rule, but mode did not always refer only to the scale pattern; it also indicated starting pitch.[67] Higher pitches require more tenseness in the voice or the strings of an instrument while lower pitches are usually more relaxed. Classicist M.L. West said, "Certainly the modes appear to have been marked in some cases by differences of

59 K. Marie Stolba, *The Development of Western Music: A History*. (Boston, Mass: McGraw-Hill, 1998) 16.

60 Gioseffo Zarlino, *On the Modes: Part Four of Le Istitutioni Harmoniche*, 1558. trans. Vered Cohen. ed. Claude V. Palisca.( London, UK: Yale University Press, 1983) 2.

61 West, *Ancient Greek Music*, 179-181.

62 Comotti, 80.

63 Mathieson, *Apollo's Lyre*, 483.

64 Ibid.

65 Ibid.

66 Anderson, *Ethos*, 17.

67 Ibid., 14.

tessitura-differences in the degree to which high or low singing was required."[68] He continued, "The meaning of 'tense' and 'slack' in this context is made plainer by Aristotle's remark that the tense *harmoniai* are not easy for old men to sing; nature offers them the slack ones instead. Clearly a 'tense' mode involved more high notes and was taxing for that reason."[69] Often the modes were identified according to which instrument they were played on or what kind of a rhythm was used. M.L. West further observed that "no doubt there were other differential characteristics that do not appear from the bare scales. Some types of rhythm were probably felt to go with one mode rather than another."[70] The differences between the modes involving range, rhythm, and instruments are due to the origins of each mode from a different group of people, some associated with different cults. For instance, the kithara, a stringed instrument like a lyre, was associated with Apollo, the god of wisdom.[71] The aulos, an oboe-like wind instrument, was associated with Dionysus, the god of wine and revelry.[72] As a result of these differences, music of a frenzied nature was played on the aulos and music of a calm nature was played on the kithara.

There were some ancient Greek philosophers and teachers who opposed the theory of *ethos* as it has been described. The Hibeh Papyri were discovered in Egypt around 1905 provide some of the opposing evidence.[73] These writings were attributed to Hippias of Elis, a contemporary of Socrates.[74] Hippias scorned the idea that moral effects could be attributed to harmonies and would not accept the idea that music could express the qualities of inanimate objects, particularly if the music used no words.[75] "They realize that the chromatic will not produce cowardice, any more than the enharmonic will produce bravery, in those who employ it,"[76] the papyrus reads, but Hippias also said, "Certain persons pretend to knowledge outside their proper fields without realizing it."[77] It would appear that Plato's position on *ethos* was sharply under attack for his lack of personal music experience, but there seems to be little evidence that Hippias exhibited any real musical talent himself. In the Greco-Roman period,

68 West, *Ancient Greek Music*, 178.
69 Ibid., 179.
70 Ibid., 178.
71 Martha Maas: "Kithara", *Grove Music Online* ed. L. Macy Internet. <Available from http://www.grovemusic.com>, accessed 03/07/05.
72 *The New Grove Dictionary of Music and Musicians*, 2001 ed., s.v. "Greece" by Thomas J. Mathieson, Dimitri Conomos, George Leotsakos, and Sotirios Chianis/Rudolph M. Brandl, 662.
73 Herbert M. Schueller. *The Idea of Music: An Introduction to Musical Aesthetics in Antiquity and the Middle Ages* (Kalamazoo, MI: Western Michigan University, 1988), 28.
74 Ibid.
75 Ibid., 28-29.
76 Barker, *GMW,* 184.
77 Anderson, *Ethos*, 148.

Philodemus was also an important critic in the field of *ethos*.[78] He criticized the theories of the Pythagorians who are known to have calculated numbers and ratios and the relationship between music and the universe:

> Even granting that the movement of the sun and moon and the distance between them have analogies with the movement (and spacing) of musical sounds, and that the zodiac (is comparable) to the system of division on the monochord, the fact of relationship is not established, since many factors which bear upon determining the nature of the analogy show the greatest conceivable difference.[79]

He also accuses early theorists of being insensible regarding musical theory and called them ignorant of celestial phenomena.[80] He criticized the idea of different parts of the soul and music's effect thereon:

> These people divide up the parts of the soul in the most absurd way in the world. For one thing, it is not "right" to look on the forms of... melodic composition, which are in the realm of music, but music conceived wholly with relation to its end. For another, the parts of the soul are not arranged... as they claim; it is obvious foolishness to say that one part is settled and ordered while another is restrained and passionate.[81]

*Ethos* in music was and continues to be a subject for philosophical dispute. There are few original or primary sources and a majority of what is known has been pieced together from the words of ancient philosophers. However, scientists and musicologists have returned to the study of the effects of music. It is now a scientifically proven fact that music aids in learning and healing therapy.[82] This concept has its critics, but music is a science as well as an art form which has thrived over the thousands of years since the Hellenes introduced it to the world. It is not easy to understand the nature of the power the ancient Greeks attributed to music, but it is interesting to observe how similar some of their ideas about music are to modern-day thought. The Greeks showed wisdom beyond their time in the field of philosophy; their observations concerning music show wisdom which continues to be, in many ways, beyond our own.

78 Ibid., 153.
79 Ibid., 155.
80 Ibid.
81 Ibid., 169.
82 Leslie Bunt, "Music Therapy", *Grove Music Online* ed. L. Macy Internet. <Available from http://www.grovemusic.com>, accessed 03/07/05.


UTAH VALLEY STATE COLLEGE
1941

# A House Uniter or a House Divider?

## A Historiographical Survey of the 1858 Illinois Senate Campaign

Luke E. Peterson

From the close of his life at Ford's Theatre to the present day, historians have wrestled with the question of how to judge Abraham Lincoln. For the general populace, he has always remained "Honest Abe" and "the Great Emancipator." A number of historians, however, have questioned the validity of this accepted image. For a number of reasons, the 1858 Illinois Senate Election Campaign between Abraham Lincoln and Stephen A. Douglas has consistently served as a focal point in the controversy over how Lincoln ought to be judged.

The historian Phillip Paludan has noted that each of the major scholars who have treated the Lincoln-Douglas 1858 campaigns have "all demonstrated the ways in which Americans have turned to Lincoln over the years to support their political positions or to anoint and exemplify their hopes and dreams."[1] Paludan further argues that this tends to produce a number of "alternate Lincolns" according to the particular agenda that the individual historian is attempting to promote.[2] This unique trademark of historians who have treated the issue of the Lincoln-Douglas 1858 Senate campaign allows for a separation of these authors into three distinct schools of thought.

Some have used the Illinois Senate campaign of 1858 in an attempt to dispel the generally accepted image of Lincoln as "Honest Abe" and expose the 'true Lincoln' for what he really was: a demagogue, an opportunist, a racist, and the architect of an unnecessary war.

A handful of scholars who point to the moral basis of Lincoln's arguments as made throughout the course of the debates have also utilized the 1858 campaign to defend the traditional image of "Honest Abe" as the "true Lincoln" and to underscore his legal and moral brilliance. Led by historian

1 Phillip Shaw Paludan. "Emancipating the Republic: Lincoln and the Means and Ends of Antislavery" In *We Cannot Escape History*, ed. James M. McPherson, (Chicago: University of Illinois Press, 1995), 45.
2 Ibid.

Harry V. Jaffa, these scholars have also used Lincoln comments from the 1858 campaign in order to justify a new method of interpreting the U.S. Constitution.

Finally, several recent historians have sought to answer the claims raised by both Lincoln detractors and Lincoln defenders, without attempting to impose any given value judgment on Lincoln or Douglas. These scholars have also sought to understand the importance of the event in its own right, without seeking to advance a particular agenda.

### *The "Needless War" Heroes*

Lincoln was immediately memorialized after his death with a number of popular histories which lauded the President for his moral stature and for leading the nation through its darkest crisis. John G. Nicolay and John Hay, Lincoln's personal secretaries, wrote a popular biography of Lincoln which was published originally in serial form in Century Magazine. The history comprised several volumes when finished and utilized a tremendous wealth of documents, photographs, and first-hand accounts collected over the course of many years. Others followed in their footsteps, including Ida Tarbell, a prominent female journalist, who wrote a two-volume biography that was published in serial form in McClure's magazine at the turn of the century. Tarbell's work provided a more progressive look at Lincoln.

After World War I, the first school of Civil War revisionists began to question the heretofore accepted image of Lincoln. These historians developed a view of the Civil War as an "avoidable conflict" or "needless war" and, in order to explain this claim, they inevitably turned to Lincoln and the 1858 Illinois Senate Campaign.

Authors such as Nathaniel Stephenson, Edward Channing, Max Farrand, Philip Auchampaugh, and Robert R. Russel began to speculate in the 1920s on choices that, perhaps, could have pre-empted the Civil War and thus avoided what had been termed a senseless loss. Even Frederick Jackson Turner began to speculate over the necessity of the war. As questions began to mount, this newly-emerging school began to turn its attention to the man who presided over "the needless war", Abraham Lincoln. It is worth noting that this move in the revisionist school was led primarily by Southerners who found their outlet in *The Journal of Southern History*.

The historian Avery Craven had labeled the Civil War "the work of pious cranks and politicians" and certainly chief in both categories was Lincoln himself.[3] Craven contended that neither slavery nor sectional economic and cultural differences were sufficient causes to make war inevitable. With the same broad brush Craven painted the target for blame

3 Avery Craven "Coming of the War Between the States: An Interpretation." *The Journal of Southern History* 2, no. 3 (August 1936): 305.

not on slavery, but on the moral inflexibility and self-centered aspirations of a few. Craven, in his 1936 article, "Coming of the War Between the States," painstakingly outlined the evolution of the abolitionist movement as an artificial force representing the views of a vocal minority which found its political vehicle to legitimization in the Republican Party.[4]

Craven finds the point of no return on the road to the Civil War in the Senate campaign of 1858. He argues that the Republicans were on the verge of accepting Douglas' popular sovereignty doctrine when Lincoln "prevented himself and his party from being thrust aside by a desperate appeal to old moral foundations." Craven criticizes Lincoln for his moral inflexibility, as expressed in the "house-divided" speech, which he claims removed the last chance for peaceful resolution.[5] By Craven's judgment, there was little difference in application between Douglas' "popular sovereignty" and Lincoln's containment and "eventual extinction" policy. His condemnation of Lincoln springs from the fact that he rejected a system which produced the same end that he sought, simply because it was "not born of moral conviction."[6]

Adding to the notion of Lincoln as inflexible spoiler was George F. Milton. Milton was an authority on the life of Stephen A. Douglas. He viewed the "little giant" as the architect of a program which represented the last hope for peace; popular sovereignty.[7] Milton similarly condemns the "house-divided" doctrine as one of the major causes of the Civil War, though not the ultimate one. He charged Lincoln with having developed a doctrine that was nothing more than a "rotten plank" destined to give way to sectional warfare.[8]

James G. Randall, widely considered the leading Civil War historian of the time, was also associated with the "needless war" revisionist school. Randall was an exceptional scholar and not only utilized a wide variety of primary and secondary sources in doing his research, but also thoroughly scrutinized these sources to ascertain their validity. Through the 1930s Randall demonstrated an increasing sympathy with revisionist history, which culminated in a full embrace of the doctrine in 1940 in his article *The Blundering Generation*. Here Randall examines the causes of the war in terms of human emotion, proclaiming that the influence of such events as "the Sumter maneuver, the election of Lincoln, abolitionism, slavery in Kansas, cultural and economic differences..." can be considered the true causes for war only if "...one omits the elements of emotional unreason and overbold leadership."[9]

4 Ibid, 317.
5 Ibid, 319.
6 Ibid.
7 George Fort Milton "Stephen A. Douglas' Efforts for Peace." *The Journal of Southern History* 1, no. 3 (August 1935): 261.
8 Ibid, 270.
9 J.G. Randall "The Blundering Generation." *The Mississippi Valley Historical Review*, 27, no. 1. (June 1940): 15.

Randall takes a much more broad view of the underlying cause of the war, attempting to discern the "mind of America" in the antebellum period and expose the doctrines and prejudices which lead to the "needless war".[10] He prefers to place the blame on the American mindset rather than on any one leader. Craven and Milton, on the other hand, placed the blame for the war squarely on Lincoln's moral inflexibility in 1858. Randall also tends to be an apologist for Lincoln, on whom he wrote an extensive biography. He prefers to place blame on more polemic political figures in both parties and points to the moderate nature of Lincoln's stand on slavery.[11]

The "needless war" school died off towards the beginning of the 1950's, but a revival of this movement seems to have recently re-appeared on the scene. The new revisionist school, led by Thomas DiLorenzo and Robert Johannsen, is focused less on the causes of an unnecessary war and more on debunking its architect than their predecessors.

DiLorenzo, a self-professed Libertarian and economics professor specializing in economic history, is most concerned with revealing, as the title of his book indicates, *The Real Lincoln* (2003). DiLorenzo takes earlier revisionist doctrine espoused a step further by accusing Lincoln of conspiring to drag America into the war in order to further his goal of centralizing government power to the benefit of northern industrial interests.[12] But DiLorenzo does not stop there; he seeks to fully revamp the American image of Abraham Lincoln on all fronts. In doing so, he frequently turns to the Lincoln-Douglas Debates of the 1858 campaign to support his claims.

In supporting the claim of Lincoln's power centralizing agenda, DiLorenzo describes the Lincoln-Douglas debates as more of a referendum on the issue of state sovereignty versus federal primacy than one on the morality of slavery.[13] Johannsen utilizes the Lincoln-Douglas debates to make precisely the same argument, citing Douglas himself: "Lincoln goes for consolidation and uniformity in our government while I go for maintaining the confederation of the sovereign states."[14]

DiLorenzo further utilizes the Lincoln-Douglas debates to argue that the "Great Emancipator" was, in fact, a racist opposed to social and political equality for African Americans.[15] DiLorenzo claims that the Lincoln's purported views of racial inferiority on the part of non-white races is contradictory to the Declaration of Independence, which Lincoln also cites to underline his opposition to the institution of slavery.

10 Ibid, 16.
11 James G. Randall, *Lincoln, the President*, Vol. I, (Urbana: University of Illinois Press, 2000), 75.
12 Thomas J DiLorenzo, "The Great Centralizer." *Independent Review* 3, Issue 2 (Fall 1998): 243.
13 Thomas J DiLorenzo, *The Real Lincoln* (New York: Three Rivers Press, 2003), 56.
14 Robert Johannsen, *Lincoln, the South, and Slavery*: The Political Dimension (Baton Rouge: Louisiana State University Press, 1991), 92.
15 DiLorenzo, *The Real Lincoln*, 11.

DiLorenzo asserts that this apparent hypocrisy indicates that Lincoln was not concerned with the morality of slavery and, instead, used the "slavery as evil" argument only to further his power-centralizing agenda.[16]

DiLorenzo often takes on a polemic tone in his work, and in less formal articles he often resorts to name calling with those who disagree with his viewpoint. The second edition of *The Real Lincoln* even has an afterword solely for the purpose of responding to criticisms of his work.

### *Lincoln's Defenders*

Despite the "needless war" revisionist school, the vast majority of Americans still view Lincoln as "Honest Abe." It is this popularity, combined with Lincoln's propensity to make moral claims, which leads so many historians to reinterpret Lincoln as the spokesman of their agenda. For these defenders/renovators of Lincoln, the 1858 Senate campaign is an essential focal point due to its emphasis on moral issues. It is during this campaign that we are given the most complete illustration of Lincoln's views on public policy, political and moral theory, and the Constitution. These elements have become the bricks and mortar for constructing a new defense of Lincoln and making him larger than life.

This paper will treat only the most prominent historian to come to Lincoln's defense, noted political scientist and historian, Harry V. Jaffa. Jaffa' work is so pivotal to those who have sought to defend Lincoln that this school might well be called the 'Jaffa School.' Jaffa wrote the seminal work on the Lincoln-Douglas debates, *Crisis of the House Divided* (1959), in direct response to the "needless war" authors. In this book, Jaffa subjects the debates to intense scrutiny, analyzing every aspect of their content in order to respond to the claims of Craven, Milton, and Randall. Only a few historians have seriously attempted to challenge Jaffa; these are, notably, DiLorenzo and Johansen.

Jaffa's work is also a careful historiography of the Civil War revisionist treatment of the 1858 Illinois Senate campaign. He focuses much attention on analyzing the statements of these other historians paragraph by paragraph. He bolsters his research with primary documents, some recently made available at the time that the book was written.

16 Ibid, 12-13.

Focusing on the moral substance of the debates, Jaffa gave careful attention to Lincoln's interpretation of the constitution. Jaffa argued that the U.S. Constitution must be understood in conjunction with the Declaration of Independence and its espousal of unalienable universal rights.[17] Jaffa, in his in-depth analysis of Lincoln's constitutional interpretation, laid out an intricate method for using the Declaration of Independence as the framework for interpreting and understanding the Constitution. He was so successful in making this case that he is credited as being one of the primary architects of a new school of constitutional thought known as Liberal Originalism.[18]

In essence, he argued that the fundamental point of contention in the debate is this question of how to best understand the Constitution, with opposing proposals being offered by Lincoln and Douglas. Douglas, as the advocate of popular sovereignty, made the case that the will of the majority is supreme in any matter not expressly forbidden by the Constitution.[19] Lincoln, on the other hand, was the proponent of a system whereby 'popular will' cannot override the universal laws on which the nation was founded; i.e. that all men are created equal.[20]

Jaffa thus roundly criticized and rebuked the "needless war" revisionists for their opposition to Lincoln's morally anchored platform. Jaffa states that it was the viewpoint of Lincoln that to "...attempt to legitimize the extension of slavery was impossible without denying the Negro's humanity or without denying the moral right of humanity or both."[21] According to Jaffa, by taking a moral stand against popular sovereignty, Lincoln was not removing the middle ground for compromise as the Civil War revisionists had claimed, but was rather affirming the only context in which the government can properly operate. This stance was assumed presumably out of a respect for universal precepts of equality and justice.[22]

Jaffa so strikingly and successfully utilized the Lincoln-Douglas debates to innovate and create a new field of political and constitutional thought that he now stands as a category unto himself among historians. Timothy Sandefur, a legal scholar, has declared Jaffa's conclusions to be some of the most fundamental underpinnings of the legal theory of Liberal Originalism.[23]

17 Harry V. Jaffa *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* (Chicago: Chicago Press 1959), 308.
18 Timothy Sandefur "Liberal Originalism: A Past for the Future" *Harvard Journal of Law and Public Policy* 27, (Spring 2004): 497.
19 Jaffa, *House Divided*, 310.
20 Ibid, 313-315.
21 Ibid, 313.
22 Ibid, 328-329.
23 Sandefur, *Liberal Originalism*, 497.

*The 'Objective' Authors*

The last field of historians that should be addressed consists of those who approach the 1858 Illinois Senate Campaign with a claim of objectivity. These authors have studied a few distinct aspects of the debates, primarily in response to the questions raised by Craven, Milton, Randall, DiLorenzo, Jaffa, and others. The elements studied by these authors can be broken down into two additional subcategories: issues of constitutionality and legality, and issues of political impact and consequence.

Following the impressive claims of Jaffa, several authors have sought to more thoroughly engage the issue of Lincoln's interpretation of the Constitution. Jaffa set a standard that has been much explored since 1959. Thomas J. Pressly wrote an impressive treatise in which he explored some of the possible incongruities in Lincoln's 1858 appeals to the Declaration of Independence, and his treatment of Southern secession as an act of treason. While Lincoln had clearly affirmed his support for the claim of the universal equality of man as supported by the Declaration of Independence, he has also, at differing times in his political career, both opposed and supported the "Right of Revolution" found in the same document.[24] According to Pressly, Lincoln finally rejected the South's "Right to Revolution" on the basis that it had no reasonable claims of violations to their universal natural rights as necessitated by the Declaration of Independence.[25]

One author who added significantly to the constitutional inquiry springing from Jaffa's analysis of the 1858 Senate Race was Gary J. Jacohbson. Jacohbson set about comparing the concept of judicial review espoused by Lincoln with that of the noted legal scholar John Hart Ely. Jacohbson undertook this task with the express purpose "to suggest the distance we have traveled in a century of jurisprudence."[26] In making the comparison between Ely and Lincoln, Jacohbson is able to clarify Lincoln's view on judicial review and explain its origin. He argues that Lincoln had never given thought to the question of judicial review until forced into it by the Dred Scott decision.[27] Jacohbson contended, therefore, that many of Lincoln's arguments were experiments in coming to a full but gradual realization of his own stand on the issue.

Lincoln, Jacohbson argued, held the view that the decisions of the court might be held as final and effective, but not permanent. According to Jacohbson, Lincoln considered the Constitution subject to interpretation, particularly if the decision was in opposition to the natural rights granted

24 Thomas J. Pressly "Bullets and Ballots: Lincoln: and the 'Right of Revolution'" *The American Historical Review* 67, no. 3 (April 1962): 649.
25 Ibid, 658-659.
26 Gary J. Jacohbson "Abraham Lincoln 'On this Question of Judicial Authority': The Theory of Constitutional Aspiration." *The Western Political Quarterly* 36, no. 1 (March 1983): 52.
27 Ibid, 55.

by the Declaration of Independence. If such was the case, the decision must respected as final for the moment, but one could still hope and maneuver towards a repeal of said court decision.[28]

Robert M. Spector wrote an article in 1971 that explored the differences between the constitutional interpretation of the infamous Chief Justice Roger B. Taney with Lincoln's mode of constitutional interpretation. Spector argued throughout the article that the two men actually had much in common in their constitutional and political views, and that Taney himself abhorred slavery as an institution as much as Lincoln.[29] Once again using the "House-Divided" speech as a point of reference, Spector demonstrated that the disagreement between Taney and Lincoln was not one over the morality of slavery, but a question of the proper method of interpreting the constitution. He argued that Taney was a strict constructionist going by the letter of the law and what he perceived as the original intent of the founding fathers while Lincoln used a looser construction to argue what the intent of the founding fathers may have been and should have been.[30]

Finally, in issues of political impact and causality, few authors have attempted to address whether the 1858 Illinois Senate Campaign truly produced some of the consequences claimed by the "needless war" revisionists, and whether Lincoln truly had revolutionized Republican thought.

One historian who has ventured into this area is Jean Baker. Baker wrote an excellent article which explores the philosophical roots of, and consequences of, the political arguments made by Lincoln and Douglas. Baker noted that while the arguments offered by both sides certainly make moral appeals, they are by their very nature partisan arguments.[31] He contended that Lincoln had a clearly defined argument that drew primarily upon Jeffersonian concepts of individual liberties, which Lincoln had simply extended to African Americans.[32] Douglas, on the other hand, was far less clear as to the philosophical origins for his popular sovereignty. Douglas' ideals were far more appealing to Republican notions of a cooler democracy, where 'popular will' would reign, though an emphasis on order through respect of law must be paramount.[33] Baker argued that Douglas' appeal to Republican principles was, by 1858, an outdated notion. The rise of liberalism under Jackson had created an ever increasing trend toward individual liberty as the paramount value of antebellum society.[34]

28 Ibid, 54-55.
29 Robert M. Spector "Lincoln and Taney: A Study in Constitutional Polarization." *The American Journal of Legal History* 15, no. 3 (July 1971): 211-212.
30 Ibid, 213.
31 Jean Baker "From Belief into Culture: Republicanism in the Antebellum North." *American Quarterly* 37, no. 4 (Autumn, 1985): 532.
32 Ibid, 533.
33 Ibid, 533-534.
34 Ibid, 535.

Don E. Fehrenbacher has contributed most substantially to the question of the political impact of, and consequences stemming from, the 1858 Illinois Senate campaign. Fehrenbacher has written several articles on antebellum issues, and is notable for his analysis of primary documents and careful questioning of the validity of secondary sources.

Laying the foundation for Bakers' work which would come some twenty years later, Fehrenbacher wrote "The origins and purpose of Lincoln's 'House Divided' speech" an excellent article which does much to explain the philosophical underpinnings of Lincoln's political position. Here Fehrenbacher argued that in order to fully understand the significance of the "House Divided" speech, it was necessary to understand the context in which it was given. Fehrenbacher noted that the speech was given as an informal acceptance speech after the Illinois Republican party had adopted a resolution endorsing Lincoln as their "first and only choice for the United States Senate."[35] Fehrenbacher explained that this unique resolution was a reaction by the Illinois Republican Party to claims from eastern Republicans that they should not stand in the way of Douglas' re-election. His popular sovereignty policy had made Douglas very popular among even some of the more abolitionist Republicans.[36]

According to Fehrenbacher this fact is significant for several reasons. It meant that Lincoln was transformed into a nationally recognized leader of the Republican Party virtually overnight.[37] Such a strong resolution in favor of a candidate opposing one of the most popular Senators in the nation was an incredible boon to Lincoln. It is doubtful that Douglas would have agreed to the Lincoln-Douglas debates had Lincoln not received such a resounding endorsement. Lincoln wanted to debate Douglas throughout the state, but Doulgas only reluctantly agreed to seven debates after this Republican endorsement.[38] It is essential to a complete understanding of Lincoln's intended point in the "House Divided" speech.[39]

Fehrenbacher also examines a document which he claims was mistakenly attributed to May of 1858, as another key to understanding Lincoln's intent.[40] Lincoln, he argues, had long been planning this speech and had begun his authorship in December of 1857, possibly in anticipation of challenging Douglas in 1858.[41] Lincoln, Fehrenbacher argues, used his more eloquent introduction to establish his belief that the issue of slavery would be decided in an absolute term; either the nation would become all slave

35 Don E. Fehrenbacher "The Origins and Purpose of Lincoln's 'House Divided' Speech." *The Mississippi Valley Historical Review* 46, no. 4 (Mar. 1960): 615.
36 Ibid, 617.
37 Ibid.
38 Ibid, 616.
39 Ibid, 619.
40 Ibid, 640.
41 Ibid, 638-639.

or all free.[42] The second section of the speech, he maintains, outlined Lincoln's partisan conspiracy claim that Douglas, in creating room for slavery's expansion, was actually an agent for pro-slavery factions working to erode the moral high ground that prevented a universal adoption of slavery.[43] Fehrenbacher further asserts that this was an attempt by Lincoln to demonstrate the folly of Republican support for Douglas, and to establish himself as a moderate, though morally absolute, pioneer in the Republican Party.[44]

In "Lincoln, Douglas, and the 'Freeport Question", Fehrenbacher addressed the impact of the "Freeport question" on the 1860 election. In this article, he challenged the traditionally held belief that Douglas's answer to Mr. Lincoln's second question at the Freeport debate (which focused on whether territories must enforce the Dred Scott decision and allow slavery in their boundaries) lead to victory for Douglas in Illinois, but cost him the presidency. It is argued that Douglas, by answering that any territory may in effect ban slavery through "unfriendly legislation", cost himself the support of Southern Democrats and thus the 1860 election. Fehrenbacher instead argued strongly that the impact of Douglas' answer was far less significant. He reasoned first that Douglas' answer cannot be reasonably construed as a turning point in his Illinois victory, and therefore the argument is a moot point for three main reasons.[45] First, he noted that with regard to the answer costing Douglas the election and splitting the Democratic Party, the issue had already been much debated and the Democratic Party was clearly on shaky ground for a few years prior. He followed this argument with the contention that Douglas' response actually received wide praise and approval by both northern and southern Democrats.[46] Fehrenbacher made the final point in saying that it was Douglas' opposition to the Lecompton Constitution for Kansas, which was a concrete issue that ultimately cost him the election and promoted the split within the Democratic Party.[47]

### *Conclusion*

The 1858 Illinois Senate Campaign has been the subject of continuous revision and revisitation precisely because it was unlike any other Senate campaign in American History. So much of the antebellum period culminates in this last great scene prior to the opening acts of the Civil War; the

42 Ibid, 623-624.
43 Ibid, 630.
44 Ibid, 642.
45 D. E. Fehrenbacher "Lincoln Douglas, and the Freeport Question" *The American Historical Review* 66, no. 3 (April 1961): 605.
46 Ibid, 608-609.
47 Ibid, 610-611.

characters, questions, morals, plans, and politics that shaped an era were all squeezed onto this tiny Illinois stage. Each of these elements demands continual re-examination so that they might be better understand as the reasons and causes behind the war.

Despite the great division among the historians who have written about the Lincoln-Douglas campaign, it is clear that there is a universal acceptance of one important fact; that the 1858 Illinois campaign was far more than a Senate race between two political giants. The moral content of the candidates' debates also lends potent significance to the event. It is this focus on morality that serves as both the divider and uniter of the scholars who have treated the subject of the Lincoln-Douglas campaign. The Civil War revisionists saw the 1858 campaign as the last great chance for peace and then claim that peace was destroyed by Lincoln's unnecessary moralizing. The defenders of Lincoln saw in the 1858 campaign not only a defense of Lincoln as a moral crusader, but also discovered an entirely new way of understanding and interpreting the U.S. Constitution. Finally, the neutral authors who have sought simply to answer the many questions raised by detractors and supporters of Lincoln have done much to clear the issue of distortions and misrepresentations.

Whatever the conclusion of the authors, it is likely that this momentous event of the antebellum era will be visited again and again in order to shape and color our understanding of these two men, their era, and the principles that would govern the nation, for generations to come.


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# Lincoln and the Suspension of Habeas Corpus during the Civil War

Ted Memmott

Abraham Lincoln suspended the writ of *habeas corpus* during the Civil War as a means of protecting the Union against spies and traitors. This was a very controversial action at the time and even today there is some debate as to whether or not the suspension was in violation of the Constitution. Over the years, scholars have taken both sides of the issue. The power to suspend *habeas corpus* is found in Article 1, Section 9, of the Constitution, which deals with the powers of Congress. In spite of this, some constitutional experts have argued in favor of the president having the suspension power. The experts' arguments are not convincing in light of research showing that the Framers of the Constitution purposely gave the power to suspend *habeas corpus* to the legislative branch, not the executive branch, of the government. Before Lincoln's time, there had been cases favoring Congress as the proper branch of government to suspend *habeas corpus*. This would suggest, therefore, that Lincoln's suspension did violate the Constitution.

The phrase "*habeas corpus*" is Latin for "produce the body." In practical application, this meant that if a person were wrongfully imprisoned he could ask that a writ of *habeas corpus* be issued on his behalf, and as a result of this, he would be able to go before a judge. The judge would then determine whether the imprisonment was just or whether the prisoner should be set free on principle. The concept of *Habeas Corpus*, like the concepts of due process and trial by jury, originated in the English Magna Carta.[1] In England, the *Habeas Corpus* Act went into effect in 1679. This was the culmination of hundreds of years of struggle to expand the original common law writ that first came about in the fourteenth century.[2]

In the early history of English *habeas corpus*, the royal courts used it to win struggles for jurisdiction against the local courts. The writ had also

1 William F. Swindler, *Magna Carta: Legend and Legacy* (New York: The Bobbs-Merrill Company, Inc., 1965), 148.
2 Ibid., 201.

been used to combat competition within the Chancery courts and eventually the Prerogative courts. Later, Elizabeth I and the Stuart kings began the imprisonment of political agitators without a hearing, and *habeas corpus* began to be used to combat the action of imprisonment in the following way: The unlawfully detained individual was to be produced, and then the courts were to set him free pending the formal trial, unless the court itself ordered his recommittal to prison.[3] This application of *habeas corpus*, as a safeguard of personal liberty, is what we are familiar with today.

It was important to many of the Framers at the Constitutional Convention that the new government provided for the right of *habeas corpus* so citizens could get a timely trial in the case of a questionable detainment. The Framers were accustomed to having this right, as most of the colonial charters allowed for it.[4] On August 20, 1787, Charles Pinckney of South Carolina proposed, "The priviledges and benefit of the writ of *habeas corpus* shall be enjoyed in this government in the most expeditious and ample manner."[5] This statement is the way by which the Constitution borrowed *habeas corpus* from the Magna Carta. The Framers gave the power to suspend *habeas corpus* to the legislative branch of the government, not to the executive branch; as shown by the ultimate placement of the clause in Article 1 of the Constitution.

The Civil War began on April 12, 1861, with the Confederates firing on Fort Sumter off the coast of South Carolina. Shortly after this, a pro-Confederate Baltimore mob blocked the passage of Union troops to the capital. This worried President Lincoln, so he asked his Attorney General, Edward Bates, whether there was a way to bypass normal judicial proceedings to counter the mob more swiftly. Bates, contrary to what Lincoln wanted to hear, said that the judicial proceedings could not be bypassed legally. Despite this, on April 27th, Lincoln issued an order authorizing the commander of the Union Army, General Winfield Scott, and his officers to suspend *habeas corpus* along the military line separating Washington, D.C., and Philadelphia.[6] Specifically, the letter sent to General Scott gave the general and his officers the authority to suspend *habeas corpus* in the interest of the public safety, at any point where resistance occurred.[7]

Initially, the authorization given to General Scott did not attract much attention from those, in either the North or the South, who should have had a stake in the crisis. This changed, however, with the arrest of John

3 Ibid., 202.

4 William F. Duker, *A Constitutional History of Habeas Corpus* (Westport, CT: Greenwood Press, 1980), 115.

5 Eric M. Freedman, *Habeas Corpus: Rethinking the Great Writ of Liberty* (New York: New York University Press, 2001), 12.

6 Daniel Farber, *Lincoln's Constitution* (Chicago: The University of Chicago Press, 2003), 158.

7 *The Collected Works of Abraham Lincoln*, eds. Roy P. Basler, Marion Dolores Pratt, and Lloyd A. Dunlap, Vol. 4, *The Abraham Lincoln Association: Springfield, Illinois* (New Brunswick, NJ: Rutgers University Press, 1953), 347.

Merryman.[8] Merryman, who was the lieutenant of a secessionist drill company, was arrested for taking part in the destruction of a railroad bridge for the purpose of inhibiting the Union army. Under orders from General Scott, Captain Samuel Yoke, who was in charge of protecting the railroad, arrested Merryman and had him imprisoned at Fort McHenry in Baltimore, Maryland. To counter this, Chief Justice Roger Taney (who was on circuit as a federal district judge, but acting as a Supreme Court Justice from chambers) issued a writ of *habeas corpus* on May 26, 1861, directing General George Cadwalader, the commandant of the fort, to release the prisoner to stand before him [Justice Taney] in court.[9]

The next day, a military officer acting on behalf of the president, returned the writ to the Chief Justice and refused to produce John Merryman.[10] After this turn of events, Taney ruled that the president had acted outside of the law. He warned the president against contradicting the oath he took to "take care that the laws be faithfully executed." Lincoln, preoccupied with the seriousness of the impending war, ignored Chief Justice Taney's ruling.[11]

Lincoln's suspension of *habeas corpus*, and Chief Justice Taney's reaction to it, aroused much discussion. Perhaps surprisingly, Lincoln received considerable criticism of his suspension of the writ from those within his own Republican Party. In the December 1861 session of Congress, Republican Senator Lyman Trumbull of Illinois introduced a resolution asking Secretary of State, William H. Seward, "whether in the loyal States of the Union, any person or persons have been arrested and imprisoned and are now held in confinement by orders of him or his Department; and, if so, under what law said arrests have been made."[12]

In the Congressional debates that followed, Republicans mostly contended amongst themselves over the issue. Some of the Democratic senators from the border states crossed party lines to speak out in support of Senator Trumbull's resolution, but most of the Democrats from the North were content, for the time being, to let the Republicans debate the embarrassing issue without interfering. They did not want to risk being labeled as unpatriotic when the Republicans were handling their usual role for them.[13]

In spite of the political infighting amongst the congressional Republicans over the issue of Lincoln's suspension of *habeas corpus*,

8 David H. Donald, *Lincoln* (London: Jonathan Cape Random House, 1995), 299.
9 Duker, 147.
10 *Ex Parte Merryman*, 17 Fed. Cas. 144, 1861.
11 Donald, 299.
12 Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991), 189.
13 Ibid.

eventually there emerged a written Republican defense of Lincoln's policy. This defense came from Horace Binney, a prominent Philadelphia lawyer, and it was entitled *The Privilege of the Writ of Habeas Corpus under the Constitution*. Binney published it privately in Philadelphia a few days into the new year of 1862. This provoked the Democrats to respond with pamphlets of their own that contested Binney's claims. Binney's defense of Lincoln's policy caused the Democratic opposition to unite.[14]

One of the prominent Democrats who responded to Binney's pamphlet was Charles Heebner Gross. Binney had presented several arguments for why he thought Lincoln's suspension was in accordance with the Constitution. Ignoring the placement of the suspension clause in Article 1 of the Constitution, his first point was that "suspending a privilege" was an executive act, and because of this it must be made by the president. Binney's reasoning for this assertion is somewhat vague. He claimed that the wording itself that was used ("suspending a privilege") indicated that the power belonged to the executive branch. Charles Gross asserted in his pamphlet that suspending a privilege was not necessarily an executive act. In his own words, "It may be either an executive or a legislative act. The words themselves determine nothing, one way or the other, on this point."[15]

Another of Binney's arguments was that Gouverneur Morris of Pennsylvania, one of the most influential Framers of the Constitution had, in his written motion proposing the suspension clause of the Constitution, crossed out the word "legislature" on the 28th of August 1789. Binney claimed this meant that the power was intended to be given to the executive. According to Gross, this was not the case. Gross stated that the word "legislature" had been previously omitted by Pinckney in his proposal because he did not think there would be any doubt as to which branch of the government should exercise the power. Gross then argued that, in Pinckney's next motion on August 20th, he reinserted the word "legislature" to avoid all "shadows of doubt." Gross went on to reason that when Gouverneur Morris omitted the word in his motion eight days later, it was because he thought the issue had been made sufficiently clear by that juncture.[16]

On July 4th, Lincoln attempted to justify his actions in the suspending of *habeas corpus*. In a special message to Congress, he made an argument for necessity by asking, "Are all the laws but one to go unexecuted, and the

14 Ibid.

15 Charles Heebner Gross, *A Reply to Horace Binney's Pamphlet on Habeas Corpus* (Woodbridge, CT: Research Publications, 1990. Originally printed in Philadelphia, 1962), microfiche, 5-6.

16 Ibid., 21.

government itself go to pieces lest that one go violated? Even in such a case, would not the official oath be broken if the government should be overthrown, when it was believed that disregarding the single law would tend to preserve it."[17] Lincoln seemed to admit that he was violating the Constitution, but that it was necessary for the preservation of the Union. In the same speech, he stated, "But the Constitution itself is silent as to which or who is to exercise the power [of suspension]."[18] This quotation contradicted the first one, in that the first one admitted that a law had been broken for the sake of the Union, and the second quotation claimed that no law had been broken.

The Constitution is not silent on the issue of who has the power to suspend *habeas corpus*. In Article 1, Section 9, Clause 2, the Constitution reads, "The priviledge of the Writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." The part of the Constitution that is quoted did not specifically say that the power was given to Congress, but it is well known that Article 1 of the Constitution is related to the powers of the legislative branch of the government; it is Article 2 that relates to the powers of the executive branch.

Congress eventually settled the controversy by enacting a statute on March 3, 1863, that gave President Lincoln the authority to suspend the writ of *habeas corpus* throughout the country whenever he felt that the public safety required it.[19] Under the authority of the statute, a military officer could respond to a writ of *habeas corpus* by simply stating that the person was detained on the authority of the president. The wording of this part of the statute was purposely vague about whether Congress was allowing the president to use its power, or whether it was his rightful power to avoid additional controversy.[20]

There is no evidence to suggest that Congress was conceding that the Constitution gave the suspension power to the president. In the opening sentence of the statute, the authority to suspend *habeas corpus* is given to the president, and the careful wording used was, "during the present rebellion." The sentence indicated that Congress delegated the power to the president temporarily, without making a large issue out of it.[21]

In attempting to interpret the Constitution, it is helpful to consider it from the point of view of the Framers as they were the ones responsible for the content and wording of the document. When we look at the

17 *Speeches of Abraham Lincoln: Including Inaugurals and Proclamations*, ed. G. Mercer Adam (New York: A.L. Burt Company, 1906), 328.
18 Ibid., 329.
19 Congress, 37th Cong., 3rd sess., 1863.
20 Farber, 159.
21 Congress, 37th.

Constitution in the context of the time and place that it was written, it helps us to have the perspective needed to understand their intent.

Charles Pinckney of South Carolina was perhaps the most outspoken advocate of *habeas corpus* at the Constitutional Convention. On August 20, 1787, he gave his opinion at the Convention of which government branch should have the suspension power. Part of his motion on that day was as follows, "The writ of *habeas corpus* shall be enjoyed in this government in the most expeditious and ample manner: and shall not be suspended by the legislature except upon the most urgent and pressing occasions, and for a limited time not exceeding [blank] months."[22] He seemed very matter-of-fact about the legislature being the proper branch of government having the power to suspend *habeas corpus*; and by implication seemed to suggest that the branch of government vested with suspension power was not an issue. Pinckney's motion was sent to the Committee of Detail without debate.

Others gave their opinions on the subject at the Convention. John Rutledge of Virginia opposed allowing the suspension at all; he did not think a suspension would ever be necessary at the same time through all the states. (From Rutledge's quote it seems that he may have thought a state should be able to suspend *habeas corpus* within its borders, but there is no record of him having said as much). James Wilson of Pennsylvania doubted that the suspension would be necessary in the executive or the legislative branch, because of a judge's ability to keep the accused in prison by denying bail.[23]

Although opinions in the preliminary discussions varied, the consensus was that the suspension should not be allowed or, if allowed, should be given to the legislature. None of the delegates that were present suggested that the executive branch should possess the power, and Wilson's suggestion that the power to suspend was unnecessary because of the role of judges, was an aberration.[24]

The Committee on Style at the Convention placed the clause regarding the suspension of *habeas corpus* in Article 1, which exclusively deals with the powers of Congress. Later, when the subject of the suspension power came up in the state ratification debates, those present seemed to accept that Congress should possess this important power.[25] In the state conventions of Pennsylvania, Massachusetts, Virginia, Rhode Island, New York, and North Carolina, there was much discussion over *habeas corpus*, but it was not over which branch of government should possess the power. Rather,

22 Freedman, 12.
23 Duker, 128-129.
24 Ibid., 129.
25 Farber, 161.

the discussion was over the possibility of the suspension clause being in violation of states' rights. Some of the delegates, including Patrick Henry, were worried about the federal government having the right to suspend *habeas corpus* but, ultimately, the suspension clause had enough support to become part of the Constitution.[26]

Many years after the Convention, Chief Justice Roger Taney gave his opinion regarding what the intent of the Framers had been concerning the branch of government that should have the power to suspend *habeas corpus*. In his opinion in *Ex Parte Merryman* (May 1861), Chief Justice Taney stated, "If the president of the United States may suspend the writ, then the constitution of the United States has conferred upon him more regal and absolute power over the liberty of the citizen, than the people of England have thought it safe to entrust to the crown; a power which the queen of England cannot exercise at this day."[27]

Although Lincoln's actions in suspending *habeas corpus* were uncommon, they were not unprecedented. One similar instance occurred in 1777, when the Continental Congress recommended that disloyal persons in Pennsylvania and Delaware be arrested. In accordance with the recommendation of the Continental Congress, the Pennsylvania legislature passed a statute approving the measure and indemnifying the state executive. Meanwhile, the prisoners obtained a writ of *habeas corpus* from a Pennsylvania court (the exact court was not named in the secondary source), which the state executive ignored.[28] Although this example came before the creation of the Constitution, it still has value as a precedent in the argument over which branch of the government should be able to suspend *habeas corpus*.

Unlike Lincoln, Thomas Jefferson refused to suspend *habeas corpus* when he had the opportunity during the Aaron Burr conspiracy of 1806-1807. Instead, he deferred to Congress.[29] Apparently, Lincoln did not see Jefferson as establishing irrevocable precedent on the topic.

In 1805, toward the end of his vice-presidency, Burr began to plan a vast conspiracy that would make him the president of his own country. He planned to remove the western states from the American union, and combine them with Mexico to form his own empire.[30]

The grand schemes that Burr planned never had a realistic chance. Fewer than five hundred men supported his plans. To get their support he

26 Duker, 133-134.

27 *Ex Parte Merryman*.

28 Farber, 160.

29 George M. Dennison, "Martial Law: The Development of a Theory of Emergency Powers, 1776-1861." *The American Journal of Legal History* 18 (Jan. 1974): 56.

30 Milton Lomask, *Aaron Burr: The Conspiracy and Years of Exile*, 1805-1836 (New York: Farrar, Straus, and Giroux, 1982), 4.

lied to those very young men, saying that he was leading them in an attack against Mexico and that the plan was a secret mission sponsored by President Jefferson's government. In December of 1806 (over several days' time), troops from several states systematically crushed most of Burr's expedition. On January 17, 1807, Burr turned himself over to the state authorities of Mississippi.[31]

Before Burr and his followers had been defeated, the federal government did not know what to expect from the uprising. President Jefferson, not wanting to underestimate Burr and his followers, proclaimed that "a treasonable conspiracy threatened the Union." Jefferson ordered General James Wilkinson in New Orleans, to do what was necessary should the city be threatened. Wilkinson thought that he might need more power to protect the city, so he urged President Jefferson to suspend the writ of *habeas corpus*. Jefferson refused to suspend *habeas corpus* for the reason that only a legislature could possess that power.[32] Apparently, Jefferson accepted that the power could only be exercised by a legislature, such as Congress, and he never even considered attempting it himself.

There is another related incident that involved Andrew Jackson before he was president, when he was the commanding general (and thereby a representative of the executive branch of the federal government) at New Orleans during the War of 1812. On February 28, 1815, Jackson ordered all who were of French nationality to evacuate New Orleans and go to Baton Rouge; he did not want anyone in the city who would not help defend it. Three days later, a man named Louis Louaillier who was a member of the House of Representatives of Louisiana, wrote an article for the *Louisiana Courier* criticizing the Jackson order, and suggesting that he should reverse it. Jackson had Louaillier arrested two days after the article was published.[33]

Judge Dominick A. Hall of the United States District Court for the state of Louisiana, heard about what Jackson had done and issued a writ of *habeas corpus* on behalf of the prisoner.[34] When Jackson heard this, he immediately suspended the writ. Next, he sent an officer to have the judge arrested and to obtain the original writ of *habeas corpus*. In the meantime, Jackson convened a court-martial to try Louaillier. The court-martial acquitted the prisoner of all the charges.

31 *The Writings of Thomas Jefferson*, eds. Andrew A. Lipscomb and Albert E. Bergh, Vol. 11, *The Thomas Jefferson Memorial Association* (Washington D.C., 1904), 128.

32 Dennison, 57.

33 *Life of Andrew Jackson*, Vol. 2, ed. James Parton (New York: Houghton, Mifflin and Co., 1860), 312.

34 *Arrest and Trial of E.L. Louallier.* (Woodbridge, CT: Research Publications, 1983. Originally printed in 1843), microfiche, 2.

Jackson disagreed with the ruling of the court-martial and defended his actions, stating that under martial law every man in the designated area was in essence a soldier, and Louaillier was certainly guilty by this reasoning, as a soldier would be granted less leniency in a case of this sort than an ordinary citizen.[35] Next, the United States District Court ordered Jackson to prove why he should not be held in contempt of court for "wresting an original document from the court" (the writ of *habeas corpus* in the Louaillier case), for disobeying the writ of *habeas corpus*, and for putting the judge in prison. Jackson refused to answer the court.[36]

The judge fined Jackson $1000, and he paid it out of his own pocket. The value of this precedent certainly did not support the executive, in this case, Jackson, as having the right to suspend *habeas corpus*. Not only did the court disapprove of Jackson's actions in suspending *habeas corpus*, and his other illegal actions, but they fined him a very large sum of money.[37] The records are not clear on the point, but it is possible that Jackson himself did not think he was justified in his actions because he paid the fine without incident. Jackson had never been one to back down from a fight if he thought he was justified in his actions, and he did back down in response to the fine.

There were several occasions when *habeas corpus* was suspended by the legislature as it was intended to be; such as the case of Shays' Rebellion, an uprising led by Daniel Shays in 1787. The Massachusetts General Court initiated this rebellion by raising poll and land taxes in an effort to pay off the large debt of the state. These taxes were hardest on farmers and the urban poor, who then petitioned the State Legislature for relief from these taxes that they could not afford to pay. When the legislature did nothing to help them, several western counties rebelled against the state.[38]

Armed mobs roamed the countryside, closing the courts and preventing the foreclosing of farms. Daniel Shays raised a small "army" and marched, albeit unsuccessfully, on an arsenal at Springfield. The state militia crushed this revolt relatively quickly.[39] In the midst of this crisis, however, the state legislature suspended *habeas corpus* rather than the state governor.[40] Although this example is on the state level, it is an example that a legislature suspending *habeas corpus* was the normal course of action.

35 Ibid., 12.
36 William G. Sumner, Andrew *Jackson as a Public Man: What he was, what chances he had, and what he did with them* (New York: Haskell House Publishers Ltd., 1968), 46.
37 Farber, 160.
38 Paul Finkelman and Melvin I. Urofsky, *A March of Liberty: A Constitutional History of the United States*, Vol. 1 (New York: Oxford University Press, 2002), 89.
39 Ibid.
40 Farber, 160.

Dorr's Rebellion was an uprising in Rhode Island, where a state legislature again suspended *habeas corpus*. In 1776, all of the new states except Rhode Island and Connecticut adopted a constitution with a democratic government. For many years, Rhode Island kept its original government that had derived from the royal charter of 1663 and by the 1840s the written government badly needed revision. Among its many defects were the problems that it only allowed for narrow suffrage and it did not provide for equal representation in the legislature.[41]

In October 1841, many who were frustrated at the inadequacies of the old constitution held a convention to construct a new constitution. Thomas W. Dorr, a Providence attorney, led the movement. Two months after the convention, an extralegal gathering approved the new constitution. On April 18, 1842, an unofficial election selected new state officers, including Dorr as governor.[42]

The original state government did not acknowledge the new government, and continued to operate under the old charter. The conflict between the two governments became a crisis when Dorr attempted to seize a state arsenal at Providence. The effort failed, and resulted in Dorr and many of his followers fleeing the state. The governor, Samuel King, worried that Dorr would soon regroup and mount an invasion, so in the hysteria he declared martial law.[43] Although the governor had declared martial law, it was the state legislature that next suspended *habeas corpus*, as had been the case in Shays' Rebellion.[44] The two previous cases show the normal, legislative, route of suspension of *habeas corpus* during the time period.

Prior to Lincoln's suspension, two Supreme Court justices offered their opinions on who should rightfully have that power. In February 1807, Chief Justice John Marshall gave the opinion of the Supreme Court in the case of *Ex Parte Bollman*. He used this assertive language, "If at any time, the public safety should require the suspension of the powers vested by this act [*habeas corpus*] in the courts of the United States, it is for the legislature to say so." He went on to say, "That question depends on political considerations, on which the legislature is to decide; until the legislative will be expressed, this court can only see its duty, and must obey the laws."[45]

Justice Joseph Story believed that it was necessary to suspend *habeas corpus*, although temporarily, in the case of an emergency or in the case of rebellion or invasion. In 1833, he stated that, "It would seem, as the power

41 Finkelman and Urofsky, 333.
42 Ibid.
43 Ibid.
44 Farber, 160.
45 *Ex Parte Merryman*.

is given to Congress to suspend the Writ of *habeas corpus*, in the cases of rebellion or invasion, that the right to judge whether the exigency had arisen must exclusively belong to that body."[46]

In their comments, we find that these two Supreme Court justices accepted the constitutional interpretation that authority to suspend *habeas corpus* was given to the legislature; in this case, Congress. They did not acknowledge that there was another option.

Lincoln's general, Ambrose Burnside, made the most famous arrest of a civilian during the Civil War on May 1, 1863. The man arrested was Clement L. Vallandigham, an ex-congressman and Democrat from Ohio. The next day, a military commission sentenced him to prison for the duration of the war.[47] The official charge against Vallandigham was, "Publicly expressing, in violation of General Orders No. 38, from Head-quarters Department of the Ohio, sympathy for those in arms against the Government of the United States, and declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion."[48]

Shortly after his arrest and sentencing, Vallandigham applied for a writ of *habeas corpus*. By this time, *habeas corpus* had already been suspended across the country, and Congress had created a statute to give the president the authority to do this. So Vallandigham's petition of the court was ineffectual.[49]

The Vallandigham situation caused uproar across the country. There were protests across the North and newspapers condemned the actions of the Lincoln Administration.[50] The protests brought the *habeas corpus* issue to the forefront, and Lincoln had no choice but to address the issue again. He chose to do this in a letter he wrote to Erastus Corning and other Democrats who had protested the arrest of Vallandigham. The president thought it was best to defend the actions of Burnside and of his administration, but privately was not happy about the arrest of Vallandigham.[51]

Vallandigham was not the type of person who was supposed to be arrested. The policy was supposed to be utilized against dangerous Confederate sympathizers, those who destroyed Union bridges and railroads, and draft dodgers. When defending his policies, Lincoln admitted that under the system that was in place, innocent people would occasionally be arrested.[52]

46 Ibid.
47 Neely, 65.
48 *The Trial of Clement L. Vallandigham by a Military Commission* (Cincinnati, OH: Rickey and Carroll, 1863), 11.
49 Donald, 420.
50 Ibid.
51 Neely, 66-67.
52 Ibid., 67.

Lincoln's cabinet members also had doubts about the arrest and trial of Vallandigham. Gideon Welles stated bluntly, "It was an error on the part of Burnside."[53] In a letter to Secretary of State Seward, Secretary of the Treasury Chase said, "The other gentlemen [some in Ohio that were in favor of the arrest of Vallandigham] so far as I know enjoy the confidence of their fellow-citizens. Perhaps I ought to add, however, that I am obliged to differ from them as to the expediency of arresting Mr. Vallandigham."[54] Even the close personal friend of Lincoln, David Davis, a Supreme Court justice, stated, "military trials under these circumstances were unconstitutional and wrong."[55] The criticism surrounding the arrest of Vallandigham went beyond the typical partisan bickering; in this case, many of Lincoln's own supporters seemed to realize that the administration's policy of suspending *habeas corpus* had gone too far.

It was not until the Civil War had ended that the Supreme Court was able to rule on the issue of Lincoln's suspension of *habeas corpus*. Lambdin Milligan had been a Peace Democrat (a group that did not think saving the Union was worth the cost of the war) who became a member of a radical anti-war group, the Sons of Liberty. During the war, some of the members of this group had planned to release Confederate prisoners or raid Union army supplies. It is unclear whether Milligan himself was involved in these plans.[56] Notwithstanding, on October 5, 1964, the authorities arrested and imprisoned Milligan.

A military court tried Milligan for treason, and he was found guilty and sentenced to hang. Milligan then petitioned the United States District Court for the state of Indiana, to issue a writ of *habeas corpus* on his behalf. The Indiana court was split on whether or not to grant the writ, so they appealed to the Supreme Court. The Supreme Court accepted the case, and oral arguments commenced on March 5, 1866. On December 16th, of the same year the high court announced their 9-0 decision. The court settled the argument once and for all when it reversed the conviction of Milligan.[57]

Justice David Davis gave his opinion on a president's right to suspend *habeas corpus*. "They [the military court] cannot justify on the mandate of the President because he is controlled by law, and has his appropriate sphere of duty, which is to execute, not to make, the laws."[58] Apparently, Justice Davis thought President Lincoln had gone outside of his authority

53 Donald, 420.

54 *Department of War, official records of the Union and Confederate Armies.* Series 2, Vol. 2. Washington D.C., 1897. 128.

55 Donald, 420.

56 Farber, 164-165.

57 *Landmark Decisions of the United States Supreme Court* 4, eds. Steve Gilbert and Maureen Harrison (La Jolla, CA: Excellent Books, 1994), 57.

58 *Ex Parte Milligan*, 71 U.S. 2, 121 (1866).

in suspending *habeas corpus*. After being freed from prison by the Supreme Court, Milligan sued the United States Army for false imprisonment. The jury awarded Milligan the amount of $5.00.[59]

Faced with the immense task of keeping the Union united, Lincoln suspended the writ of *habeas corpus*. Although many have thought his motives were appropriate, this action violated the Constitution. The intent of the Framers and early precedent cases have shown that the power to suspend resided with Congress. What is more important is that the suspension clause is found in Article 1 of the Constitution, which is associated with Congress. Article 2 is devoted to the executive branch of the government, but the clause was not put there. Lincoln thought he needed to suspend *habeas corpus* to protect the Union, but the Constitution did not allow for this action to be taken.

59 *Landmark Decisions*, 74.


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# Woman as Technology in the Weimar Republic

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Popular culture identifies the overall likes and dislikes of a society. It can both describe and promote cultural values as it explores the humanities and history through art, film, music, advertising, and other means. Germany's Weimar Republic, in the time period between World War I and before Hitler came to power (1919-1933), experienced a rich influx of popular culture. It was the peak of modernity in industry as well as art. Film was a new medium that promoted further experimentation with art and exploration of society and storytelling. Modernity was evident in nearly all aspects of the Weimar Republic: industry and factory labor, social and political philosophies, art and leisure, and changing gender roles.

The confusion associated with modern life and the changes that had taken place during and just after World War I greatly affected the appearance of women in the media. Gender identity was changing and the media attempted to help the public understand these changes as it also prescribed what society should now look like. Evolving gender roles and the enigmatic nature of modern technology led to stress and confusion about both. Society simultaneously celebrated and condemned technology and female liberation. For this reason, the two became synonymous. This led to a popular culture that represented women as machinery. Women were modern, just like technology, and their bodies and fashions experienced the same changes as technology. Categorizing women as technology helped to ease anxiety and calm the chaos men experienced because of societal and economic changes that took place during and immediately after World War I. The popular culture of the Weimar Republic reflected this equation of women with technology, leading to a new category of women in the media.

*Historical Development*

World War I epitomized mechanized conflict in Europe.[1] Using technology for destruction contrasted sharply to former views of technology as a means of progression. The Weimar philosopher Walter Benjamin further explained this by stating that "The destructiveness of war furnishes proof that society has not been mature enough to incorporate technology as its organ, that technology has not been sufficiently developed to cope with the elemental forces of society."[2] The Industrial Revolution of the preceding century had vastly changed the European economy and daily life. Machines, mass production, and technology in general overtook industry quickly. No one knew quite how to use it solely to benefit society. Industry developed too rapidly to create standards that would prevent machinery from being used for destruction, as in World War I.

World War I destroyed Germany to such an extent that it had to create a new nation. The founders of the new government decided to build what they thought would be the most democratic government possible. The first challenge for them was to choose a seat of government separate from Berlin, which held the stigma of a defeated and militaristic Germany of the late nineteenth and early twentieth centuries. By choosing Weimar as the new capital, and ratifying the new constitution there in July 1919,[3] the creators of the new republic sought to return to Germany's roots as represented by Johann Wolfgang von Goethe and Friedrich Schiller.

It was an opportunity to relive the beauty of romantic German artists and writers who inspired humanity rather than the military dictators who destroyed the country. Weimar typified the beauty that Germany had to offer through its national heroes. The Weimar Republic gave Germany the chance to be reborn as a cosmopolitan and humanistic country rather than ag purely nationalistic entity.[4] It was an opportunity to overcome the defeated Germany of the war and re-establish Germany as a land of beauty, harmony, art, and learning.

The main goals of the Weimar Republic were emancipation for all, freedom of thought and assembly, and the production of a society "based on tolerance, mutual respect, openness, and democracy."[5] The Weimar Constitution specifically gave women and men equal rights. Article 109 stated that all Germans were equal before the law and that men and

1 Matthew Biro, "The New Man as Cyborg: Figures of Technology in Weimar Visual Culture," *New German Critique* 62 (Spring-Summer 1994), 71.

2 Walter Benjamin, "The Work of Art in the Mechanical Age of Reproduction," 242.

3 Richard W. McCormick, *Gender and Sexuality in Weimar Modernity*, (New York: Palgrave, 2001), 3.

4 Stephen Lamb and Anthony Phelan, "Weimar Culture: The Birth of Modernism," in *German Cultural Studies*, ed. Rob Burns, (New York: Oxford University Press, 1995), 56-7.

5 Lamb and Phelan, 57.

women were to have the same rights and privileges under the law.[6] At a time when the United States had not even given women the right to vote, Germany legalized gender equality.

*Weimar Economy*

A major challenge for Germany after World War I was to rebuild its economy. The Treaty of Versailles forced Germany to rebuild and restructure its industry. French occupation of Western German land meant that German industry had to reconcentrate its industry elsewhere. It took some time for Germany to secure raw materials, but the country eventually did so with great success.[7] The Dawes Committee Report of 1924 declared that Germany had effectively rebounded from World War I.[8] After the French withdrew their troops from the Ruhr Valley, industrialization prospered further. In 1925, the US government provided loans to Germany to help rebuild its economy and reduced and extended reparations payments. Big corporations built new factories and eliminated smaller competitors. Workers began earning six percent more than they had before the war, and Germany's Gross National Product rose twelve percent above pre-war levels. According to Claudia Koonz, the author of *Mothers in the Fatherland: Women, the Family, and Nazi Politics*, Germany was so successful in recovering industrially from World War I that it earned an international reputation for its modernity.[9]

*Foreign Influence*

Changes throughout the world also created changes in Germany. Values and beliefs from other countries influenced the love affair Germany had with technology while simultaneously threatening German tradition. According to the Weimar writer Stefan Zweig in a 1925 article titled, "The Monotonization of the World," "America is the source of that terrible wave of uniformity that gives everyone the same: the same overalls on the skin, the same book in the hand, the same pen between the fingers, the same conversation on the lips, and the same automobile instead of feet."[10] He went on to discuss how the Soviet Union was pressing the same

6 *Weimarer Reichsverfassung*, 11 August 1919, Article 109. Internet <Available from http://www.uniwuerzburg.de/rechtsphilosophie/hdoc/wrv1919.html>.

7 Erwin Kupzyk, "Postwar Concentration in the German Iron Industry," in *The Weimar Republic Sourcebook*, ed. Anton Kaes, Martin Jay, and Edward Dimendberg, 75-77, (Los Angeles, CA: University of California Press, 1994), 76

8 "Dawes Committee Report," in *The Weimar Republic Sourcebook*, 64-65.

9 Claudia Koonz, *Mothers in the Fatherland: Women, the Family and Nazi Politics*, (New York: St. Martin's Press, 1968), 41.

10 Stefan Zweig, "The Monotonization of the World," in *The Weimar Republic Sourcebook*, 399.

monotonization, just in a different form: "the will to the compartmentalization of the individual, to uniformity in world views, the same dreadful will to monotony."[11] Instead of being the unique, proud Germany under the Kaiser, technology and international thought began creating a Germany that was no longer unique, but a mechanized and monotonous country. This, at least, was the fear of those who saw mass production as a threat to German heritage.

The Soviet Union significantly influenced German thought. Communism and socialism played significant roles in the Weimar Republic. The influence of communism created an industry-centered, equal society.[12] Yet the Communist Party only indirectly promised women's liberation. Its first goal was a revolution that would solve the problems of capitalism. After the initial liberation from class antagonisms, all men as well as women would be sexually liberated.[13] This second liberation would be a natural consequence of the economic liberation. Rather than fearing technology and industry, communism grasped onto it and glorified it. Communism provided a means to understand modernity and to rejoice in it. At the same time, communism posed a serious threat to German political stability.

*Cultural Shifts*

Modernity brought with it changes in art and culture. Particularly important was the evolution of the film industry, which had quickly become a phenomenon of moving and talking pictures. It also changed the role of actors. Benjamin explained how film took humanism out of art. Actors were merely props who no longer had to provide genuine reactions and expressions as in a play. He expressed his sorrow in "The Work of Art in the Age of Mechanical Reproduction" by stating, "Nothing more strikingly shows that art has left the realm of the 'beautiful semblance' which, so far, had been taken to be the only sphere where art could thrive."[14] The film actor also has no contact with his audience. He worked in a type of factory, with film machines rather than in front of a live audience, building the actor-spectator relationship. Benjamin said, "This [film] market, where [the actor] offers not only his labor but also his whole self, heart and soul is beyond his reach."[15] The cult following of movie personalities aggravated

11 Zweig, 399.
12 "Manifesto for International Women's Day," in *The Weimar Republic Sourcebook*, 198.
13 Renate Bridenthal and Claudia Koonz, "Beyond *Kinder, Küche, Kirche:* Weimar Women in Politics and Work," in *Liberating Women's History: Theoretical and Critical Essays*, ed. Berenice A. Carroll, (Chicago, IL: University of Illinois Press, 1976), 304-5.
14 Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," 230.
15 Benjamin, "The Work of Art," 231.

the idea of a soulless film actor. The actor became a commodity to the public-an image rather than an individual.[16] Film in itself took personality away from people. It mechanized them and forced them into movie machines. It took away the unique human relationships developed in stage acting.

Despite the negative consequences film brought to the individual, it still had positive potential. Film provided art and culture with the ability to analyze itself. Benjamin said, "The camera introduces us to unconscious optics as does psychoanalysis to unconscious impulses."[17] By utilizing various camera techniques, film added meaning to stories or characters. Whereas the soul of the actor disappeared, the life of a movie character came to life. Film did-and still does-provide a means to further analyze everyday occurrences.

Architecture also reflected modernity through its emphasis on machine-like, geometric forms. The Bauhaus Movement was a significant influence in styles and trends. Hannes Meyer, a Weimar writer, said in 1926 in "The New World" that Bauhaus architecture represented an international art form that was pure.[18] It was not constrained by the traditional architecture of any specific country, and it abhorred the gaudiness of the Victorian Era. The Bauhaus Movement reacted to the ostentatious decorating of buildings and endeavored to bridge the gap between the artist and the craftsman, thereby transcending nationality and tradition. Through the Bauhaus Movement, Germany witnessed a cultural peak, particularly in its ability to combine art and technology. The Bauhaus Manifesto defined this type of architecture as the "building of the future."[19] Such art addressed the needs of an emerging mass consumer society which was being expanded by women in developing "useful" forms of domestic design.[20] Art became functional while seeking a better form. The Bauhaus movement emphasized architecture, yet it impacted every aspect of culture.

### *Changes in Gender Roles*

Despite the promise of absolute equality in the Weimar Constitution, most womens' lives did not change dramatically in the Weimar Republic. Judges and civil servants who had been appointed by the Kaiser before 1914 did not enforce gender equality.[21] Decisions about family law, property rights, wages, and working conditions continued to sustain the inequali-

16 Benajmin, "The Work of Art," 231.
17 Benjamin, "The Work of Art," 236.
18 Hannes Meyer, "The New World," in *The Weimar Republic Sourcebook*, 448.
19 Walter Gropius, "Bauhaus Manifesto," 1919, Bauhaus-archive Museum fur Gestaltun. Internet. <http://www.bauhaus.de/bauhaus1919/manifest1919.htm>.
20 Lamb and Phelan, 75.
21 Koonz, *Mothers*, 29.

ty between men and women.[22] Centuries-old traditions and policies would not be changed in only a few years, yet the Weimar Republic set up the process that could provide this drastic change.

Some women took advantage of their right to vote, though fewer women bothered to vote with each election. Ironically, the largest proportion of women voted for conservative parties such as the Catholic Center and National Fatherland. It was not the Communist Party with its promise of total female liberation that won the majority of women voters.[23] However, both the Catholic and the Socialist representation in the Reichstag had the highest percentages of women.[24] The conservative parties took advantage of the traditional role of women as housewives and mothers and used this to persuade women to vote for them. In contrast, socialists had to "re-form women's view of themselves from 'wife' to 'worker' before their propaganda could be fully effective."[25] Thus the parties that allowed women to maintain their traditional roles yet just progress within that station were most successful with female voters.

Society also expected women to still fulfill their roles as wives and mothers. The modern historian Helen Boak, in "Women in Weimar Germany: The 'Frauenfrage' and the Female Vote," said, "While women were being told that they were emancipated, the traditional role of the German mother and housewife was still being praised lavishly."[26] Women questioned whether or not emancipation had really brought them anything positive. Boak continued by stating that women did not fit in German society until they were married. They looked forward to marriage as a career in itself because it signified security and status, both of which were absent in most fields of employment open to German women.[27] Even women's movement groups emphasized motherhood, and women were expected to work only in jobs such as social work and domestic service, which used their "natural qualities and virtues."[28]

22 Bridenthal and Koonz, 303.
23 Bridenthal and Koonz, 303-4.
24 Koonz, 30.
25 Bridenthal and Koonz, 307.
26 Helen L. Boak, "Women in Weimar Germany: The 'Frauenfrage' and the Female Vote," in *Social Change and Political Development in Weimar Germany*, ed. Richard Bessel and E.J. Feuchtwanger, 155-173, (Totowa, NJ: Barnes and Noble Books, 1981), 167.
27 Boak., 166.
28 Paul Bookbinder, *Weimar Germany: The Republic of the Reasonable*, (New York: Manchester University Press, 1996), 182.

*Working Women*

Despite the lack of freedom from traditional roles, the rise of technology both during and immediately after World War I assisted women's emancipation. Increased production meant more jobs, and more jobs meant more opportunities for women. Work was, and still is, seen as a necessary step to emancipate oneself because this was how women could become economically independent.[29] Because of the deaths of their husbands during the war, many women gained this financial independence either by working or receiving support from the government. In 1925, over half the female workforce was unmarried, and these women were predominantly in manual labor, white-collar employment, and domestic service.

Work, however, was either typically a temporary phase before marriage or reserved for widowed women. Boak stated that women were almost always paid a fraction of men's wages.[30] German feminism scholar Patrice Petro argued in "Perceptions of Difference: Women as Spectator and Spectacle" that "the vast majority of women in Weimar...lived on unearned income, or pensions, or the earnings of children or husbands."[31] This grew worse once the government cut back aid to mothers and families due to the depression.[32] In *Women in the Metropolis*, author Katharina von Ankum gathered complementary statistics indicating that the increase in the female workforce was not that great: by 1925, 35.6% of all women worked, only 0.7% more than in 1907.[33] While these statistics may not prove a huge increase in female employment during the Weimar Republic, comparing them to statistics from the United States at the time shows just how emancipated women had entered the workplace. During this time, the United States had fifteen percent of the workforce occupied by women at the end of the 1920s. In comparison, one third of the workforce in Germany-more than double that of the United States-was occupied by women.[34]

The presence of women in the workplace increased and modified the field of female employment. Women were not forced to be domestic servants or factory workers. In fact, the increased number of female workers gender-specialized office professions, thus forcing a decline in servant girl employment. According to Boak, of working women, young single women dominated white-collar work, as opposed to other types of labor, with 90.6

29 Boak 164.

30 Boak, 162.

31 Patrice Petro, "Perceptions of Difference: Woman as Spectator and Spectacle," in *Women in the Metropolis*, ed. Katharina von Ankum, (Los Angeles, CA: University of California Press, 1997), 61.

32 Bookbinder, 191.

33 Katharina von Ankum, ed. *Women in Metropolis*, 4.

34 Koonz, 45.

percent of female workers being in this field.[35] This segment had a higher social prestige than any other, so it was much sought after. They received an average of 90 percent of men's wages, yet they typically remained in junior positions that provided very little income.[36] Though they had not achieved equal employment privileges with men, they had achieved greater economic independence than ever before. They were now able to seek entertainment, buy new fashions, and enjoy things they could not have obtained without personal income. Women grew to enjoy and be proud of this financial independence, and they did not want to give it up.[37] Popular culture targeted its new clientele: women who lived a life of modernity.

*Woman's New Image*

Besides providing employment opportunities for women, technology influenced the look of the new woman. Modernity was almost always represented as a woman,[38] as seen in Weimar visual culture. New forms of popular culture were themselves modern as they defined what a modern woman should be. Stephen Lamb and Anthony Phelan, in "Weimar Culture: The Birth of Modernism," suggested that the whole process of technological modernization made its greatest impact through films, illustrated papers, and magazines. These forms of media thus characterized the cultural experience of Weimar as a whole.[39] Because women increasingly patronized these forms of media, they were thereby influenced in relation to fashion and attitudes. Films, advertisements, and popular culture in general told women what they should or should not be.

Popular culture worked along with the evolution of society in the Weimar Republic. While some women did not see a change in their lives, the war and emancipation from the Weimar constitution dramatically transformed the image of women. The woman of yesterday transformed into the woman of today-the New Woman. The Weimar woman Elsa Hermann in *So ist die neue Fra u* explained that the New Woman developed out of the economy and culture of the past decades. Hermann saw the goal of liberation not as being completely equal to men but rather women being recognized as human beings with a unique physical constitution whose accomplishments should be respected.[40] So while the New Woman did not equal man, she did represent a woman with unique abilities and needs. "An older

35 Boak, 163-4.
36 Boak, 163-4.
37 Kristine von Soden, *Die Sexulaberatungsstellen der Weimarer Republik* 1919-1933, (Berlin: Edition Hentrich Berlin, 1988), 44.
38 Petro, "Perceptions of Difference," 41.
39 Lamb and Phelan, 93.
40 Elsa Herrmann, "This is the New Woman," in *The Weimar Republic Sourcebook*, 208.

generation believed that women must choose between careers and marriage; a younger generation wanted both."[41] Woman cherished her traditional role but was ready to expand upon it by forging a career. She was "youthful, educated, employed, socially free, and autonomous."[42]

*Reaction of Women*

Woman may have been politically and economically emancipated, but she was still controlled by a "male, technological world that [disregarded] her achievements."[43] Despite the obvious benefits of technology and modernity, it has been said that "of all the issues confronting Germans in the 1920s, the question of technology and its proper role in modern society was among the most hotly debated."[44] Technology and female liberation were siblings that confused both men and women. Women tried to balance and define their shifting roles just as industrialists sought to balance the positive and negative aspects of modern technology. Emancipated life and industrialized life were not necessarily easier or happier than the old life.

According to the Weimar writer, Marianne Weber, in "The Special Cultural Mission of Women," women had a special duty to the men coming back from World War I. She explained the struggles men had to face on the battlefront as well as the trials they would face upon returning home and attempting to find peace in civilian life. She called upon women to have sympathy for the returning men: "This is why many women and mothers, awaiting their husbands and sons with tremendous longing and secret fears, are facing the immediate prospect of continued hard times."[45] Clearly, Weimar women knew that the transition from war life to post-war life could provide even greater challenges than during the War. Women themselves had changed, perhaps in different ways than the men. Rather than maintaining traditional gender roles or even the new modern roles developed during the war, women now had a transcendent duty to care for war veterans.

Not all German women welcomed suffrage, and throughout the life of the Weimar Republic, politics remained dominantly a male concern.[46] Much of this came in the difficulty of balancing tradition and modernity. Trying to balance the roles of working woman and a mother was too burdensome

41 Koonz, 35.
42 Koonz, 42.
43 Maria Makela, "The Misogynist Machine: Images of Technology in the Work of Hannah Hoch," in *Women in the Metropolis*, 116.
44 Mekela., 106.
45 Marianne Weber, "The Special Cultural Mission of Women," in *The Weimar Republic Sourcebook*, 197.
46 Boak, 156.

for many women. "My Workday, My Weekend," was a 1930 publication for German textile workers. It described a busy workday and the subsequent weekend of a female factory worker. The descriptions included the details of working in a factory, the struggles of working while pregnant, the business of trying to accomplish everyday tasks that simply do not have time to be done, and the housework that continued everyday. For the working woman, weekends and vacations provided no rest. The article concluded with the statement, "So those are the famous weekend joys of a working woman. Isn't it understandable that I often wonder what I live for, and why everything is so unequal?"[47] The opportunity to work was supposed to give greater economic and social equality to woman. Clearly, not everyone perceived this as such.

Working in male territory also proved difficult for many women in the Weimar Republic. Henrietta Fladrich was a teenager during the early 1920s in Hamburg, Germany. After finishing her education, she obtained employment in a tailor's shop. Her male boss continually treated her disrespectfully and provided unjustly critical feedback of her work. She excelled in her occupation, but working in a male-dominated career caused her great persecution and frustration. She eventually quit the job because of her boss's harsh treatment.[48]

*Reaction of Men*

For men, the "shock of modernity" brought on a crisis of traditional male identity and authority.[49] For centuries, society had accustomed itself to patriarchal social relations. Economic, social, and political modernization triggered anxiety in German men, and they perceived industrialization, warfare, and technology as a threat to the traditional order and identity for both men and women.[50] Modernity and its offspring threatened the masculine sense of stability as men returned home from World War I.

It would be difficult for men to come home from the war and to comprehend the changes women made. In a 1931 article titled "Twilight for Women?" Hilde Walter acknowledged this displacement and explained the problems of women in the workplace. She said that a female workforce promoted anxiety and fear among male colleagues who saw women as unfair competition. In addition, the media glamorized the working woman more than working men had ever been glamorized.[51] Women had been given an opportunity to adapt to modernization because modernity

47 "My Workday, My Weekend," in *The Weimar Republic Sourcebook*, 208-210.
48 Personal History of Henrietta Fladrich Peterson.
49 McCormick, 3.
50 McCormick, 21.
51 Hilde Walter, "Twilight for Women?" In *The Weimar Republic Sourcebook*, 80-1.

seemed to target them so precisely in the media. In contrast, men saw both women and technology as an enigma. The media would need to be used to help men understand recent societal changes.

In the Weimar Republic, men were in a state of confusion and instability, having experienced warfare and returning home to unrecognizable and unstable society. Men wanted to retake the control they had lost during World War I, yet women were a threat because they prevented a return to normalcy. According to the German scholar, Klaus Theweleit, men have often seen working women as a threat. They have even sometimes been equated with whores.[52] If women were not seen as whores, they were seen as completely innocent.[53] Categorizing women into extremes made them somehow easier to understand, however inaccurate the categories. Because technology was also perplexing, men equated technology with female liberation. Both could be either an element of social progress or a means for social destruction. Both had to be balanced appropriately to maintain a stable society.

## *Pop Culture Analysis*

### *The Blue Angel*

Josef von Sternberg's *The Blue Angel*[54] defines attitudes about sexuality and how these changes in society affected men in the Weimar Republic. In this film, Lola, played by Marlene Dietrich, is a seductive nightclub singer who attracts the attention of sailors and schoolboys. Immanuel Rath, a school teacher played by Emil Jannings, is frustrated at the attention his pupils give to Lola, so he goes to the nightclub, *The Blue Angel*, to persuade Lola and the manager to restrict his students from patronizing the club. His plans turn against him as he himself falls in love with Lola. They eventually marry, and this ends up producing Immanuel's downfall.

From the first time the audience sees Lola, it is clear that she is a temptress. One of the first things she says to Immanuel is "Anything goes here." By the end of the film, she proves this statement to be true through her own infidelity. At first glance, Lola may seem like an unsympathetic character because of her social circumstances. On the other hand, she at no point in the film loses her confidence or aura of sensuality. She remains a breadwinner, even after her marriage to Immanuel. To Lola, traditional marriage is unthinkable. When Immanuel proposes, she laughs hysterically and exclaims, "Me? Marry?" Up through the end of the film, Lola remains a success. The final shot of her portrays her singing beautifully to a crowded

52 Klaus Theweleit, *Männer Phantasien*, (West Germany: Stroemfeld/Roter Stern, 1985), 90.
53 Theweleit, 88.
54 *Der Blaue Engel*, directed by Josef von Sternberg, 1930, 99 min. Kartes Video, 1984. Videorecording. *blaue Engel*, directed by Josef von Sternberg, 1930.

audience. She represented the modern Weimar woman: earning her own money, beautiful and sexy, and able to stay up with the times. Lola - and Marlene Dietrich - truly exemplified the ideal emancipated woman of the Weimar Republic.

Immanuel, on the other hand, remains stuck in traditional ways. He first seeks to deny his love for Lola and then denies that she is an immoral woman. He convinces himself that he will be able to have a traditional marriage with her. After he is unable to provide financially for the two of them, his demise is quick. He literally goes crazy. The final shot of the film is the most powerful in impacting the understanding the reaction of men to the social changes in Weimar Germany. This scene shows Immanuel Rath with his head on his former workplace desk. A single light shines on him as the church bell chimes. With the final stroke of midnight, the audience sees the end of the film, the end of Immanuel Rath, and the end of male dominance.

A conservative male would not have been happy with the end of Immanuel Rath. Most likely, the conservative male in Weimar Germany would have considered Lola as the one who should have faced demise because of her immorality. The presence of women in industry and in the cinema presented a threat to men[55] and Immanuel Rath's demise proved the seriousness of this threat. Not only were women a threat to a male's job stability, but they were also a threat to traditional society. Men were clearly impacted by changes in women's roles, and Immanuel Rath's anxieties in *The Blue Angel* poignantly described larger fears concerning modernity and the destabilization of traditional gender roles inherent in the larger Weimar context.[56]

*Berlin: Symphony of a Great City*

The city of Berlin represented the epitome of modernism in reality. It was the most populous and industrialized German city and, according to Petro, became "the symbol of an almost indescribable dynamic."[57] For artists and intellectuals, it represented technological innovations as well as a metaphor for modernity. Walther Ruttmann's *Berlin: Symphony of a Great City* beautifully shows the symbolic role of Berlin by illustrating a typical day in the city.[58] This montage film consists of shots, mostly brief, beginning with the arrival of the 5 a.m. train. Then workers file off to their jobs, and the typical day begins. The film continues showing snippets of Berliners' lives and ends with Berlin's lively nightlife. *Berlin: Symphony of*

55 Petro, "Perceptions of Difference,"59.
56 McCormick, 126.
57 Petro, "Perceptions of Difference," 41.
58 *Der blaue Engel*, directed by Josef von Sternberg, 1930.

*a Great City* illustrates the modernity and excitement found in the premiere city of the Weimar Republic.

Technology and industry play important roles in *Berlin: Symphony of a Great City*. Beginning with the opening shots of a train, this mode of transportation continues to be the main character of the film. Trains criss-cross with other trains, and hundreds of people board the train on their way to work. Other elements of modern transportation occupy the film as well. The streetcar and the automobile zoom through city streets as pedestrians dodge them. Even the airplane takes a position in the film. Several shots throughout the film depict this interaction between humans and mechanized transportation.

The factory and machinery further emphasize Berlin as the epitome of modernity. Near the beginning of the film, men and women crowd into their workplaces to begin a day of work in the factories. They bottle milk, print newspapers, and weld railroad tracks. The film emphasizes this reliance on machinery by showing through long, detailed shots the intricate workings of the machines. A sequence with telephones particularly accentuates this by showing several people on the telephone and the switchboard. Another illustrative sequence involves typewriters. Extremely brief shots show women typing and the shots get faster and faster until the typewriters spin and turn into a black and white hypnotic spiral. The women and the machines combine their pieces into a dizzying image. Technology clearly played an important yet confusing role in modernity, as seen in *Berlin: Symphony of a Great City*.

Modernity in Berlin was not just evident within technology. The role of women also played a prominent role. *Berlin: Symphony of a Great City* gives equal time to the role of women as it does to the role of men. While the men go to their jobs, the women fulfill their traditional roles by cleaning their homes. Women and men walk the streets together and dance together. The women in the film represent a new woman who shows her shapely legs and wears modern 1920s fashions. Several shots throughout the film depict female mannequins in the shop windows, thus emphasizing the newest clientele who is able to buy freely. The new independence women had within modernity in the Weimar Republic is emphasized as a woman pays a taxi driver for his services. She, without the assistance of a man, supervises her own finances.

Female angst also appears within *Berlin: Symphony of a Great City*. A series of shots couching one woman's suicide provides interesting insight to the role of women. First, plain words such as "murder," "marriage," and "money" flash on the screen, and the word "money" flashes several times and then spins. This transforms into a roller coaster ride, then a black and

white spiral followed by revolving doors. A beggar woman stands outside a window after which the camera shows a woman's fine hand pulling a necklace from a jewelry window display. Wind then captures the screen and leads the viewers to leaves fluttering about followed by a roller coaster. The audience enters a series of confusing spins and falls on the wide, terrified eyes of a woman leaning over the railing on a bridge. The viewer sees her eyes, then the water below, then her eyes again, followed by the crash of waves. The crowd rushes to see what happened, but the film moves to shots of women in fashionable clothing. Who was this woman on the bridge? Was it marriage or money that drove her to commit suicide? She could have been the beggar or the woman buying the fancy necklace. No one knows who she was or why she committed suicide, but *Berlin: Symphony of a Great City* clearly shows the pressures she faces. Modern life was a roller coaster ride filled with new fashions, financial problems, and crowds of spectators who only offer help once it is too late.

Berlin was an inhumane city,[59] as seen in nightclub entertainment that emphasized mechanization. Berlin was also a city that could satisfy the entertainment needs of all social classes.[60] *Berlin: Symphony of a Great City* shows this by juxtaposing shots of chorus lines, circus performers, and actors. The film particularly emphasizes the legs of the chorus line dancers, with their synchronized and erotically mechanical movements. This mechanized entertainment in nightclubs emphasized a love affair with technology. The revue with groups of synchronized dancers, such as the Tiller Girls, was indeed popular at the time. In revues, these synchronized groups of dancers provided mechanization to entertainment and pleasure. The individuality of each girl was deemphasized and no longer produced anxiety, but pleasure. According to Nancy Nenno, author of "Femininity, the Primitive, and Modern Urban Space: Josephine Baker in Berlin," "The female body became a screen on which fears regarding modernization and modernity could be projected and subsequently fetishized into a pleasurable experience."[61] Through sexual entertainment, technology was symbolized as a sexually-liberated woman that provided climactic experiences for its patrons. The pleasure industry brought excitement that coincided with an obsession with machinery.

The entire film of *Berlin: Symphony of a Great City* is edited through montage. Brief shots follow each other as each one provides its own story that further creates an even larger story. Such editing techniques were pop-

59 Erich Kästner, "The Cabaret of the Nameless," in *The Weimar Republic Sourcebook*, 563.
60 Joseph Roth, *What I Saw: Reports from Berlin 1920-1933,* Translated by Michael Hofmann, (New York: W.W. Norton and Company, 2003), 173.
61 Nancy Nenno, "Femininity, the Primitive, and Modern Urban Space: Josephine Baker in Berlin," in *Women in the Metropolis*, 149.

ular with Soviet filmmakers in the 1920s.[62] Montage allowed the filmmaker to select specific shots and to juxtapose them thematically, creating meanings that could not have been created in longer, more traditional shots.[63] At the same time, montage was dehumanizing. Rather than showing people as complete beings, montage focuses on pieces-showing only hands or legs or wheels rather than an entire entity.

*Berlin: Symphony of a Great City* documents modernity in the Weimar Republic. It provides an interesting perspective into the hustle and bustle of life in Berlin. In addition, the film emphasizes that modern technology and gender liberation were dizzying and difficult despite the obvious benefits they provided.

*Metropolis*

"Nowhere was the impact of technology on culture more apparent than in film."[64] Fritz Lang's 1927 film, *Metropolis*,[65] proves this point as it exemplifies the abuse of technology and its clash with society. This film follows Freder Fredersen, played by Gustav Fröhlich, as he recognizes the evil surrounding his father's factory. In the massive city of *Metropolis*, workers must perform mundane, strenuous work while the elite classes spend their time in the gardens of pleasure. Maria, played by Brigitte Helm, from one of the lower classes, provides guidance to the oppressed workers. Freder meets Maria and joins her crusade to help the proletariat. Meanwhile, the scientist Rotwang, played by Rudolf Klein-Rogge, creates a robot that looks like Maria. The "fake Maria" is promiscuous and wreaks havoc in the city. After the workers riot and the city is about to be flooded, Freder and Maria at last unite "the hands and heart" and make peace between the upper and lower classes.

This fairy tale type of science fiction film shows the fear of technology felt by many people in the Weimar Republic. Technology was seen as an enemy to peace and a means of oppression. The robot Maria represents this fear of technology. The human Maria is a type of savior to the people whereas the mechanized Maria destroys people's souls. Technology, as embodied in a woman, created immorality and destruction. This peaks within the film as the robot Maria urges the workers to destroy their own machines[66]-technology destroying technology. This is an example of the

62 David Bordwell and Kristin Thompson, *Film Art: An Introduction*, 7th ed, (San Francisco, CA: McGraw Hill, 2004), 504.
63 Louis Giannetti, *Understanding Movies*, 9th ed. (Upper Saddle River, NJ: Prentice Hall, 2002), 155.
64 Lamb and Phelan, 88.
65 Metropolis, directed by Fritz Lang, 1927.
66 Biro, 94.

"castration anxiety" that many men may have felt.[67] They feared that both technology and women would take away their identities as wage earners and valuable employees. Both technology and female liberation, as accentuated in the robot of Maria, posed a threat to masculine power. Technology was a prostitute that stole the souls of men. Public duty required the workers to burn the robot Maria-a solution for the 1920s fear of both technology and sexual liberation.[68]

This view can also apply to woman's changing role in the Weimar Republic. *Metropolis* simplified the role of women and proved to the modern Weimar woman that she could not be sexually liberated and remain noble. Andreas Huyssen in "The Vamp and the Machine: Technology and Sexuality in Fritz Lang's *Metropolis*," explained this further, "The myth of the dualistic nature of woman as either asexual virgin-mother or prostitute-vamp is projected onto technology which appears as either neutral and obedient or as inherently threatening and out-of-control."[69] The traditional role of an obedient virgin-mother was obviously better. Yet while technology only threatened the men who worked the machines, female sexuality threatened the whole of society through the robot seeking to destroy the entire city.[70] Technology was a concern, but it was sexual liberation that had to be eliminated.

In contrast, technology could be regulated. The conclusion of *Metropolis* does not eliminate technology altogether, as it had done with the sexually wild robot of Maria. Freder was the leader who was able to control the chaos of technology. The critic R. L. Rutsky, in "The Mediation of Technology and Gender: *Metropolis*, Nazism, Modernism," explained the need to regulate technology. A mediator "[heals] the wound of modernity."[71] Technology had to be destroyed - like the robot Maria - or mediated.[72] Just as technology needed to be mediated, perhaps woman could return to her traditional place within society and have increased freedom while not going wild. Just as the hearts and hands were joined together to make technology work, *Metropolis* provided Weimar society with the hope that woman could also learn to maintain a balance between her new found freedoms and her traditional place within society.

67 R. L. Rutsky, "The Mediation of Technology and Gender: Metropolis, Nazism, Modernism," *New German Critique* 60 (Autumn 1993): 13.
68 Patricia Mellencamp, *A Fine Romance: Five Ages of Film Feminism*, (Philadelphia, PA: Temple University Press, 1995), 131. The author describes the creation of sexuality as the film's problem and it's destruction a public solution.
69 Andreas Huyssen, "The Vamp and the Machine: Technology and Sexuality in Fritz Lang's *Metropolis*," New German Critique 24/25 (Autumn 1981-Winter 1982), 229.
70 Huyssen, 232.
71 Rutsky, 15.
72 Rutsky, 32.

*Metropolis* defines Weimar Germany because of its emphasis not only on technology, but also on sexual promiscuity. Men, and women, may have feared that technology and sexuality would create chaos in this most democratic of all republics, yet others could have hoped that technology and sexual liberation would bring to pass a brighter future. Modernity meant enjoying the benefits of freedom and taking advantage of changes in society and technology. Feminist film scholar Patricia Mellencamp further explained the equation of women and technology in *Metropolis* by stating that the technologies of power and the technologies of sexuality are simultaneously celebrated and condemned as "technology is elided with the female body."[73] This concept is clear throughout the popular culture of the Weimar Republic.

*Photomontage*

Among the Dada circle in Berlin, Hannah Höch was the only female, thus providing a unique perspective of Dada art.[74] Höch's photomontage called *The Beautiful Girl* represents the combination of women and technology. It shows no clear picture of a female, rather, it shows pieces that might make up a woman: her torso and legs, her hair, a face without eyes, and a hand. These elements are juxtaposed with a light bulb, a tire, a watch, BMW insignias, and other aspects of industry. *The Beautiful Girl* indicates that woman is mass-produced, much like the latest automobile. Her identity is jarred by her new associations with technology-her role in the workplace and her progression within society. In this photomontage, technology takes away the identity of woman and leaves her as an impersonal commodity within undefined characteristics or role.

Höch's piece entitled *Marlene* pays homage to Marlene Dietrich, the star of Josef von Sternberg's *The Blue Angel*. Through this film, she became a sexual icon. She represented a sexually-liberated woman as well as the sophisticated and self-conscious woman.[75] Thus Höch's piece places Dietrich's legs on a pedestal as men in the bottom right corner admire. Dietrich became the ideal for many women. The fact that just her legs are represented is also significant. Marlene Dietrich was a movie star – a commodity to be purchased and admired. She was her image, and her image was sexual. Consequently, Höch shows the objectification of women as mere pieces of machinery.

*Architecture*

Architecture also affected the look of woman as she became subject to the Bauhaus Movement. According to Janet Ward, author of *Weimar*

73 Mellencamp, 122.

74 Patrice Petro, *Aftershocks of the New: Feminism and Film History*, (New Jersey: Rutgers University Press, 2002), 114-5.

75 Petro, *Aftershocks of the New*, 122.

*Surfaces: Urban Visual Culture in 1920s Germany*, fashion sought to combine form and function to bring beauty and industry together; consequently, the new fashion and new architecture were one in the same.[76] Just as Bauhaus architecture created a sleek and modern look for buildings, it created an image of woman that was tall, slender, and simple. As woman became an element of Bauhaus, this built a marriage of sex appeal and technology.

A magazine cover from *Lette-Haus* in 1929 showed a picture of a woman in front of some buildings and said, "The spirit of the new fashion corresponds with the spirit of the new architecture."[77] The woman herself is a sleek tower that stands higher than the Bauhaus-style buildings below her. This picture urged women in Weimar to allow themselves to look like architecture; to be stylish they needed to look like a building. Woman became not just a work of modern architecture but also a building to house offices and industries. Another magazine cover from *Die Dame* in 1930, titled "The Woman and the City"[78] shows much of the same comparison between Weimar women and Bauhaus architecture. In this advertisement, the woman is literally the city as she blends into the skyscrapers behind her. Bauhaus architecture typified modernity as did the emancipated woman and the city of Berlin.

*Lustmord*

As men came back from World War I, they converted their war weariness and shell shock into, according to Petro, "world-weariness and male violence against women."[79] Petro explained this phenomenon further as she said that men brought their battlefield experiences home and transformed war weariness into sexual pathology. The women, whose bodies had remained intact and had even gained great advances during and immediately after the war, became "omnipotent sexual and social subjects,"[80] and thus became potential victims to male disillusionment and sexual anxiety. Huyssen agrees with this phenomenon: "It is this threat of otherness which causes male anxiety and reinforces the urge to control and dominate that

76 Janet Ward, *Weimar Surfaces: Urban Visual Culture in 1920s Germany*, (Los Angeles, CA: University of California Press, 2001), 82.

77 "Entspricht dem Geist der neuen Architektur," Magazine cover, *Lette-Haus*, 1929, as reproduced in Janet Ward, *Weimar Surfaces: Urban visual culture in 1920s Germany*, figure 14, (Los Angeles, CA: University of California Press, 2001).

78 "The Woman and the City," Magazine cover, Die Dame, 1930, as reproduced in Patrice Petro, *Joyless Streets: Women and Melodramatic Representation in Weimar Germany*, figure 5, (Princeton, NJ: Princeton University Press, 1989).

79 Patrice Petro, *Aftershocks of the New: Feminism and Film History*, (New Jersey: Rutgers University Press, 2002), 100-1.

80 Petro, *Aftershocks of the New*, 106.

which is other."[81] Women were much changed when men returned from the war, which left the men felt threatened sexually. This anxiety showed itself in *Lustmord* images from the time.

In *Lustmord* paintings, there was a demonstrated misogynistic response of artists to social changes within the industrial world, particularly the increasingly visible women's movement and the unsettling of gender roles within the bourgeoisie.[82] One writer, Otto Weininger, believed that "As pure sexual being, the female, living only for the phallus, threatens all that is transcendent and godlike in the male."[83] *Lustmord* art portrays sexual violence or murder and the tense relationship between the liberated female and the threatened male. The "sentence of death against women" in images of *Lustmord* was a result of contemporary cultural and social misogyny. These images forced spectators to "recognize the extent to which artists were marked by contemporary fears and anxiety."[84]

The Heinrich Maria Davringhausen's 1917 painting *The Sex Murderer*, shows this male anxiety. At first glance, it looks to be just a picture of a nude woman. Yet on the table next to her is a pistol, which the man underneath the bed is carefully eyeing. The nude woman is the sexually-liberated woman. The man under the bed sees the pistol as he plots to kill the woman, thus symbolizing the male desire to end female liberation.

Even more gruesome is the Otto Dix's 1922 painting of *The Sex Murderer, Self-Portrait*. This self-portrait of a sex murderer shows his grisly face somehow satisfied with the female appendages surrounding him. His triumph is ripping the woman apart. The victim in this painting is not an entire woman. The viewer sees only pieces of her body, thus dehumanizing her as a fragmented being who never truly existed. For Dix, woman was a machine that could be taken apart piece by piece using a simple tool-a knife.

### *Cultural and Historical Relevance of the Topic*

Women in popular culture have typically represented two stereotypes: virgin and whore. Either woman is the sweet and pure Mary figure, or she is the harlot who persuades men to sin. Such stereotyping simplifies the role of women. Within social history, women have been stereotyped as more than just a virgin or a whore, and the Weimar Republic's culture chose to mechanize woman. Andreas Huyssen calls this a "machine vamp."[85] Woman was technology. She was an enigma in much the same way that

81 Huyssen, 228.
82 Beth Erwin Lewis, "*Lustmord*: Inside the Windows of the Metropolis," in *Women in the Metropolis*, 206
83 Lewis., 209.
84 Lewis., 226.
85 Huyssen, 223.

modern technology confused people. Both woman and machine "had become a mesh of signification which all had one thing in common: otherness; by their very existence they raised fears and threatened male authority and control."[86]

Paul Bookbinder, in *Weimar Germany: The Republic of the Reasonable*, stated that "The life that most women led also contrasted sharply with the new film image coming from Hollywood or the UFA film studios in Germany."[87] The average German woman was neither Marlene Dietrich nor a sensual robot, despite the media's anxiousness to persuade her to be both. In the same way, she was also not only a hand or a leg that operated like a piece of machine. Neither was she a building or a potential sex murder victim. Woman is a complex being that cannot be easily categorized as a virgin, a whore, or a piece of technology.

The desire to remain a wife and mother remained the primary goal for most women in Weimar Germany. Thus when Hitler urged women to fulfill their duties as mothers and bearers of the new Aryan generation, women took this as an opportunity to return to the home. Renate Bridenthal and Claudia Koonz, authors of "*Beyond Kinder, Küche, Kirche*: Weimar Women in Politics and Work," held the belief that "The fate of women's emancipation shared the fate of the Weimar Republic itself."[88] The Weimar Republic had been an exciting experiment with democracy. Yet a country that had just come from the reigns of a strong Kaiser could not easily adjust to his absence. Recent history proved that Germans eventually wanted a strong leader, and, according to Rutsky, the social chaos of the Weimar Republic proved that the absence of an authority led to social degradation and violence.[89] Because both democracy and women's emancipation had been accepted grudgingly,[90] politicians supported another form of government just as quickly as they had accepted a democracy.

Modernity in the Weimar Republic created both hope and fear. During the Weimar Republic, women experienced greater freedom than they had ever known. The technological advances and increased need for women in the workplace developed a popular culture that encouraged equality between men and women. Various political and social beliefs encouraged this emancipation while simultaneously venerating technology. In contrast, men and women alike feared this increased equality and technology. Emancipation along with rapid industrial changes created psychological chaos and overall confusion. To deal with this, the popular culture of the

86 Huyssen, 226.
87 Bookbinder, 187.
88 Bridenthal and Koonz, 320.
89 Rutsky, 14.
90 Koonz, 47-8.

Weimar Republic created an ideal woman who was modern, mechanized, emancipated, and looked optimistically towards the future. Equating women with technology made each one easier to comprehend. Woman could not remain one extreme or the other. She became the elusive machine that both liberated and threatened society.


UTAH VALLEY STATE COLLEGE
1941

# Impacts Associated with Rapid Growth in Emery County, Utah

Kris Torp

During the 1970s, the United States began seeking forms of domestic energy production to stave off the recent energy crisis. All over the nation, energy boom towns had sprung up in rural communities, bringing with them miners, construction workers, and a host of new problems for the people involved. Emery County, Utah, was no exception. The area desperately needed an economic boost because of its decreasing population and decline in agricultural production. The population, however, grew faster than the infrastructure could handle. The result of this rapid growth was inadequate housing, utility problems, and discontent among the people. Despite the many difficulties that arose, however, the residents of Emery County adapted to the new situation and preserved their community by keeping ties with their past, promoting community improvements, and integrating the industrial and agricultural atmospheres.

Emery County is a large desert area in central Utah with only a few major towns, such as Castle Dale, Green River, Huntington and Ferron. Most of the land consists of the uninhabited San Rafael Swell, which is surrounded by these small cities near the mineral-rich mountains. The area contains an abundance of coal, uranium, vanadium, helium, potash, gas, oil, gypsum and other minerals, as well as land for raising livestock and agriculture.[1] Originally named "Castle Valley" by its first settlers, Emery County is a geological paradise filled with castle-like sandstone formations and remnants of the Fremont Indians.

The county seat, Castle Dale, was founded by Mormon settlers in 1877 though ranchers had been using the land for years. For the Mormon settlers, the land was primarily used for farming. Concerns over Indians, water supply, and the limits of arable land caused the area to be settled later than most Utah cities.[2] Hannah Seely, one of the first settlers, said of the land,

1 Emery County Development Committee, *Land of Va riety: Castle Valley, Emery County, Utah*, (travel brochure) Special Collections, Harold B. Lee Library, Brigham Young University, Provo, UT.

2 Edward A. Geary, *A History of Emery County* (Salt Lake City: Utah State Historical Society, 1996), 55-56.

"Damn the man who would bring a woman to a place like this!"[3] Despite the harsh conditions, numerous generations have lived in Emery County and find the desert a welcoming home.

Like many other towns in rural Utah, those in Emery County began as Mormon farming communities which evolved into mining towns and gradually moved back toward agriculture and livestock. The United States' entry into World War I created a minor boom as demand for agriculture increased prices, and labor shortages in mining caused higher wages. Along with most of the United States, the 1930s brought a severe economic collapse to the county. In addition to the Great Depression, severe droughts in 1931 and 1934 intensified the economic hardship in the county and forced young people to seek careers in areas other than farming, causing them to move away.

In the 1950s and 60s, mining slowed nationwide, and the county's population, which had peaked at 7,072 in the 1940s, began declining. By 1970, the population was 5,137.[4] According to Edward A. Geary, a former resident of Emery County and a professor at Brigham Young University, the chief cause of the population decrease was a sharp fall in agricultural prices and a decline in coal production in the 1950s.[5]

As the population shrank, so did the economy. As more people moved away, the future of Emery County seemed unsure. In 1973, the energy crisis and Arab Oil Embargo offered a solution to the economic problems of the county. Emery County, home of the coal-laden Wasatch Plateau Field on the west and the Book Cliffs on the east, was a prime location for coal-fired power plants. In 1973, Utah Power and Light (UP&L) made plans for a four unit coal-fired power plant near Huntington and another south of that between Castle Dale and Ferron. Having plants near the coal mines would allow for ease of transport from the mine to the plant. Said Governor Scott Matheson when visiting Emery in 1983, "The name of the game in this county is to produce and sell coal."[6] By using the nearby coal facilities, Utah Power & Light created a large demand for miners and construction workers, and thereby boosted the local economy. The effects of the resultant boom created a mixture of benefits and difficulties.

Boom studies became of interest to sociologists during this time because similar situations were happening all over the country. Most of the focus was on large coal mining towns, such as Gillette, Wyoming, and

3 Ibid., 57.

4 Pam Perlich, "Population Growth In Utah: 1970-1995," *Governors Office of Planning and Budget: Demographic and Economic Analysis* [database online]. Internet <Available from http://governor.utah.gov/dea/Publications/Utah90s/Chapter1.htm>. accessed 25 September, 2003.

5 Geary, 316.

6 *Castle Dale* (Utah) *Emery County Progress*, 19 October, 1983.

Craig, Colorado. Smaller areas like Emery County remained relatively unstudied, with the exception of impact statements and histories written by local residents.

The early sociological literature on energy boom towns focused mainly on the negative aspects of rapid growth. There was a general feeling among rural sociologists that social impacts were overlooked due to the strong desire for increased economic prosperity. Therefore, community well-being in relation to the effects of rapid growth became a major focus for rural sociologists. This well-being can be easily disrupted by the increased pace of life for the established residents and a lack of activities for the newer ones.

These studies began with Eldean Kohrs in Wyoming where he argued that the booms caused severe, negative social effects. The term "Gillette Syndrome" was used to describe increased divorce, crime, suicide, juvenile delinquency and other social problems. He and several others emphasized crowding and excessive demands on public services as sources of distress.[7]

Charles F. Cortese of the University of Denver universalized the "Gillette Syndrome" to include most rural towns experiencing an energy boom.[8] The prosperity and increased business were small rewards for the toll the boom was having on communities. In his studies, he found that original residents believed the boom would bring greater prosperity and welcomed it. Oftentimes it did. There was more business for local companies and opportunities for entrepreneurs. This in turn created more jobs and increased wages.[9]

However, Cortese was more concerned with increasing anonymity and bureaucratization than economic prosperity.[10] Like others studying rapid growth, he wanted to know if development was worth the social costs. For Cortese, the only solution was not to allow development to occur.[11] Modernization, however, was inevitable. For those in Emery County, the threatened loss of any economic prosperity posed a greater threat to their community than the potential social troubles.

Though most scholars appeared to agree on negative social changes, not all agreed on who was most greatly affected. Cortese found that

7 Eldean V. Kohrs, "Social Consequences of Boom Growth in Wyoming," presented at the annual meeting of the Southwestern and Rocky Mountain Section, American Association for the Advancement of Science, (1974).

8 Charles F. Cortese and Bernie Jones, "The Sociological Analysis of Boom Towns," *Western Sociological Review* 8, no. 1 (1977): 80.

9 Ibid.

10 Ibid., 87.

11 Charles F. Cortese, "The Impacts of Rapid Growth on the Provision and Financing of Local Public Services," in *Coping With Rapid Growth in Rural Communities*, ed. Bruce A. Weber and Robert E. Howell (Boulder: Westview Press, 1982), 132.

previous residents, "old-timers", were the most negatively affected.[12] They felt less of a sense of community, knew less people, and noticed poor intergroup relations.[13] Conversely, Kurt Finsterbusch, concludes that "booms disrupt social patterns and cause psychological stress for old timers, but most adapt rather well and on the whole show as much satisfaction with life as old timers in non-boomtowns. Newcomers to boomtowns seem to do less well than old timers."[14] He cites studies that found they experienced greater psychological stress and greater dissatisfaction.[15] It was evident that a universal theory like the "Gillette Syndrome" would not be applicable to all boom towns.

Stan L. Albrecht, a former sociologist from Brigham Young University, believed that the problems occurring from large-scale energy development in the rural West were a result of the breakdown of community, "that is, as a direct function of rapid growth and the diversification of the local economy and the composition of the local population, the community loses, at least temporarily, its ability to provide its inhabitants such things as a sense of place, purpose, identity, and personal worth."[16] He believed the community is fragile and can be easily disrupted by change and the increased need for infrastructure and public services.[17]

Like Cortese, Albrecht placed greater emphasis on the social rather than economic effects. He said the rate of change, that is, the quick growth that occurred in these towns was too fast for the communities to adapt and fill the increased needs. The "virtual absence of a well-developed infrastructure in the form of adequate schools, medical facilities, and so on increases the potential of severe impacts, at least during the early stages of growth."[18] The lack of adequate infrastructure produced increased social problems because the needs of residents were not being meant. Rapid growth puts more strain on the existing resources.

This strain prevented further growth from occurring in Emery County because they would not be able to meet the projected needs. For example, in 1977, Intermountain Power Plant did an impact study for a generating unit near Emery County. They estimated the need for 14 nurses and 14 hospital beds without mentioning the need for a hospital. If the plant was

12 Cortese and Jones, 83.
13 Ibid.
14 Kurt Finsterbusch, "Boomtown Disruption Thesis: Assessment of Current Status," *Pacific Sociological Review* 25 no. 3 (July 1982): 317.
15 Ibid., 313.
16 Jessie L. Embry and Howard A. Christy, eds., *Community Development in the American West: Past and Present Nineteenth and Twentieth Century Frontiers*, (Provo, Utah: Charles Redd Center for Western Studies, 1985), 42.
17 Ibid., 31.
18 Stan L. Albrecht, "Commentary," *Pacific Sociological Review* 25 no. 3 (July 1982): 303.

approved, an estimated 5,000 more people would move to the county. The community would not only need to find a way to stretch their budget to accommodate salaries, but buildings, housing, and roads as well.[19] The power plant was eventually constructed west of Emery County in Delta, Utah.

Cortese, like Albrecht, found that rate of change and inadequate infrastructure were some of the leading problems with which communities dealt.[20] Albrecht also addressed the worry that, "busts are often built into the booms since many of the projects involve the construction of large power plants requiring large but temporary labor forces."[21] As the temporary construction workers move away, there are less jobs, and the economy begins to slow creating an economic bust.

Despite the increased conflict, Albrecht believed that communities were generally responding more effectively to the changes that are being imposed upon them.[22] As time went on, into the early 1980s, other scholars began to alter their bleak outlook on communities experiencing rapid growth. While it was clear that negative situations were caused by the boom, many agreed that the severity had been exaggerated. In 1982 an article was published in the Pacific Sociological Review which called many of the early studies into question. The authors were Kenneth P. Wilkinson of Pennsylvania State University, James G. Thompson of Western Research Corporation, Robert R. Reynolds Jr. of U.S. Geological Survey, and Lawrence M. Ostresh of the University of Wyoming. They state,

> Thus we do not know, on the basis of scientific evidence, whether energy development leads to increased rates of divorce, crime, mental illness, alcohol abuse, child abuse, and other disruptions in small towns; and we do not know...whether a rural form of community life is being overrun, as claimed, by the urban society in its quest for energy. On the other hand, booms generally improve the economic position of pre-boom residents and newcomers, so the effects are not clear.[23]

Wilkinson, et al., claim that Kohrs' and other studies were based on undocumented claims and unfounded research, and that the idea of social disruption in western communities is based on "undocumented assertions, questionable interpretations of evidence, and superficial analyses."[24] They believe the research is inconsistent with the history and with recent developments in community research.

19 *Castle Dale* (Utah) *Emery County Progress*, 17 February, 1977.
20 Cortese 79-81, 85.
21 Embry and Christy, eds., 35.
22 Ibid., 33.
23 Kenneth P. Wilkinson and others, "Local Social Disruption and Western Energy Development: A Critical Review," *Pacific Sociological Review* 25 no. 3 (July 1982): 288.
24 Ibid., 275.

Albrecht agrees with Wilkinson, et al., that the majority of research tended to quote each other without empirical support for their claims. There was a tendency to draw conclusions without any real evidence that the problems are causally related to growth. He says, "This does not mean that the early research on social impacts has affected energy development policy in an irresponsible way. Rather, it has helped convince the industry and state and local decision makers that truly social impacts must be fed into the decision making equation."[25]

It was evident that communities needed to be studied in different stages of the growth.[26] As the earlier claims were refuted as assumption, rural sociologists adopted an emphasis on longitudinal data and accurate interpretation.[27] Even Cortese admits to assuming a decline in neighborliness with no hard data to support it.[28] The history of the communities and their ability to respond to the conflict needed to be considered.

As sociologists learned more about the boomtowns they were studying, more began to look at the historical context of the affected communities. Many have rejected the use of short-term data and look more for the long-term impacts.[29] Sharham Paksima theorized in his BYU masters thesis that most of the earlier studies are flawed and need to be put in historical context. They were conducted while towns were in the process of rapid growth, or shortly after a bust phase. He believes that the main aspects missing in the research are the long-term effects on mental well-being, and the long-term economic effects on different groups, especially poor women. Paksima hypothesizes that "though rapid growth in rural communities does result in significant, short-term social disruptions in social and mental well-being...in the long-term, they recover to pre-boom levels."[30]

William Freudenberg of the University of California at Santa Barbara further supports the idea of long term adaptation. He says, "I think there is fairly strong evidence that boomtowns do cause social and psychological problems, though not in all cases and not necessarily for all types of problems in a single case."[31] Freudenberg has also concluded that though booms disrupt social patterns, most individuals are able to adapt effectively with no substantial loss in well-being.[32]

25 Albrecht, 304.
26 Cortese, 132.
27 Wilkinson and others, 277, 280.
28 Cortese and Jones, 85.
29 William R. Freudenberg and Scott Frickel, "Digging Deeper: Mining-Dependent Regions in Historical Perspectives," *Rural Sociology* 59, no. 2 (1994): 266-288; and Sharham Paksima, "Boom or Bust: A Longitudinal Look at Boomtown Theory and Rapid Growth's Impact on Mental and Social Well-being in Delta, Utah," (M.S. Thesis, Brigham Young University, 2002), 12-15, 17-19.
30 Paksima, 19.
31 William R. Freudenberg, "Balance and Bias in Boomtown Research," *Pacific Sociological Review* 25 no. 3 (July 1982): 310.
32 Finsterbusch, 312.

More recently, Ralph Brown and Lynn England of Brigham Young University have discussed the nature of extractive communities, concluding that "Early research claimed that the boom phase was highly disruptive to the social fabric of the communities and the region in question. Subsequent research, however, has 'generally revealed that rapid growth is not associated uniformly with extreme disruption, disorganization, and social malaise.' "[33] They found that most endure the out-migration of young workers and the community persists, though its structure has changed. [34]

Boom studies began from sociologists noticing the negative social impacts that growth can have on a community. This was important to address in order to find ways to resolve the conflicts. The history and long-term adaptability of these areas, though, was not considered until the 1980s when previous studies were called into question. After longitudinal studies had been performed, many sociologists found the social disruptions related to the boom were short-term.

Short-term social disruptions are exactly what occurred in Emery County, including inadequate infrastructure, housing, and water, and social discontent. Though aware of the potential for societal disruptions, the people of Emery County were generally in favor of development. As Cortese found, they believed it would help bolster business opportunities and create better schools.[35] The boom revived the declining population and allowed the community to survive. Several positive impacts included an increased state support of the communities in long-awaited infrastructure improvements, and a higher average income.

Emery County's history plays a significant role in its ability to survive and adapt to its changing economic status. After economic success in the 1920s, Emery County felt the harsh realities of the 1930s. Notwithstanding, Depression relief programs such the Works Progress Administration and Civilian Conservation Corps benefited many Emery County residents. Roads, bridges, and other public lands projects were completed by workers in these programs.

After the end of World War II, the county found itself in a period of great economic prosperity. The county library system was put into place. The county modernized with new water and sanitation systems, improved roads, and even a telephone system. There was also a small uranium rush at the end of the 40s and into the mid 50s due to the demands of Cold War

33 Ralph B. Brown and Lynn England, "Community and Resource Extraction in Rural America," in *Challenges for Rural America in the Twenty-First Century*, ed. David L. Brown and Louis E. Swanson (University Park, Penn: The Pennsylvania State University Press, 2002), 323.

34 Ibid.

35 Stan L. Albrecht, Rodney D. Millar, and Evan Turner, eds., *The Impacts Associated with Energy Developments in Carbon and Emery Counties, Utah*. Vol. 2, *Socio-cultual Impacts*, by Stan L. Albrecht (Salt Lake City, Utah: Office of the State Science Advisor, 1975), 24-25.

weapons programs. Emery County was once suggested as an ideal sight for a nuclear power plant because of its uranium ore deposits.[36]

The onset of World War II stimulated the economy, but brought with it rationing, scarcity, and a higher cost of living. From 1945 until 1970, there was a strong out-migration trend caused mainly by a deteriorating local economy.[37] Coal production remained strong into the 1950s but declined well into the 1970s. Without an adequate water storage system, agriculture still suffered from varying water supplies. Worsening the problem was new pressure from the State Board of Health to improve the water systems, or they would remove their grade-A rating from the county's dairies. The sewer systems all emptied into the nearby creeks, creating a health hazard, not to mention a stench. Many of the communities made improvements in 1950, but by 1957, not a single water system was listed as approved.[38]

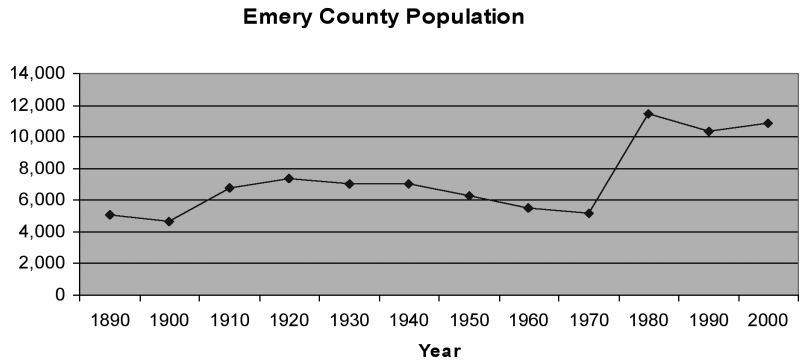
In 1953 and 1954 oil and gas fields were discovered near Huntington. Another field was discovered near Ferron in 1957, and over a period of 20 years produced 7.5 billion cubic feet of gas and 165,337 barrels of oil. This would be important for Emery County in the future as it looked for ways to diversify its economy. [39]

The Emery County Project, completed in 1966, was the county's solution for water storage. It captured the excess spring water runoff to use in the dry, later months. Though small reservoirs helped somewhat, it was clear a large scale project would be needed, but the residents couldn't afford construction or to repay the cost of development. The Colorado River Storage Project Act, passed by Congress in 1956, brought that assistance. It created Joe's Valley Reservoir, the Swasey Division Dam and Huntington North Reservoir. The Emery County Project is located in the Green River Basin near Huntington, Castle Dale, and Orangeville. This provided a more dependable water supply and provided recreational areas.[40]

During the 1960s the shrinking population became more apparent (see figure 1). According to Geary, people remained in Emery during this time because of, "the open spaces and wide views, the easy access to the mountains and the desert, the neighborliness of the close-knit communities, and ties to the land that had in some instances belonged to the family since the settlement period."[41] A declining economy and lack of jobs did nothing to aid the declining population.

36 *Castle Dale* (Utah) *Emery County Progress*, 16 March, 1978.
37 Geary, 316.
38 Ibid., 327.
39 *Castle Dale* (Utah) *Emery County Progress*, 20 January, 1977.
40 Geary 350-51.
41 Ibid., 343.

Figure 1[42]




The completion the of the seven-year Interstate 70 project in 1970 was of great significance for Emery County. It was the first major transportation road to not go through Salt Lake City. After a two day tour of the San Rafael Swell highway officials decided to show off the Swell and build the highway right through it. Although the scenic beauty from the highway is breathtaking, there were no economic benefits for any cities except Green River. This highway, along with the uranium boom helped bring more awareness of Emery County's scenic wonders including Goblin Valley State Park, created in1965.[43]

Even as the mines were closing down for lack of markets, major corporations were busy acquiring coal properties in the county. In the late 1960s, Utah Power began a campaign making the residents of Emery County aware that they had plans to build a reservoir and coal-fired power plant near Huntington Canyon. Though some residents had reservations about development, the general feeling was this was the county's best means of securing its future.

In the 1970s, Carbon and Emery Counties supplied 97 percent of Utah's coal production.[44] This region contained large deposits of bituminous coal. Along with the energy crisis came the creation of the Environmental Protection Agency and a demand for the low-sulfur, high BTU content coal that is abundant in Emery County. From 1975, the exploitation of coal on a grand scale created rapid economic expansion.

42 Demographic and Economic Analysis, Utah Office of Planning and Budget, *Utah Demographic Report*, (Salt Lake City: 1989), table 6.
43 Ibid., 355.
44 Keith J. Burnett, *Overall Economic Development Program 1976 of the Southeast Utah Economic Development District* ([Price, UT, 1977]), 12.

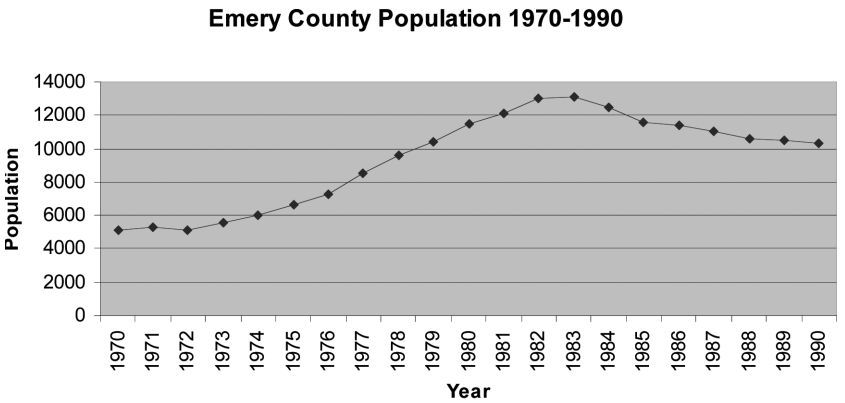
In 1974, over 50 percent of Albrecht's Emery County survey respondents said they were "very much satisfied" with their community, while an additional 40 percent were only "pretty much satisfied." These figures are lower than those expressed by other rural residents in Utah and Southern Idaho in similar surveys. Says Albrecht, "In these other instances, frequently 80 percent and more of the respondents were very much satisfied."[45] This data demonstrated the need in the area for development, and the opportunities it would provide for the people.

The most obvious positive impact was on the local economy. The tax revenue from the plants went to the county, and the assessed county value rose from $10 million in 1970 to $36 million in 1974.[46] In 1975, the average monthly wage for Utah was $732; in Emery County it was $969, the highest in the state.[47] Average individual income in Emery County increased by 170 percent from 1969 to 1975.[48] While the county led the state in average personal income in the 1970s, it also led the state in the rate of population growth.

The Denver Research Institute has determined a community cannot grow faster than 10 percent annually without a detrimental effect, especially with families. An annual growth rate of 15 percent or more "seems to cause breakdowns in local and regional institutions."[49] The population of Emery County grew by 155 percent between 1970 and 1980 with an average growth of 11 percent from 1975 to 1980. It was the highest in the state, peaking at 13,100, in 1983.[50] This growth occurred in towns nearest to the Castle Dale Power Complex and Huntington Canyon Power Complex. Between 1970 and 1980, the population of Castle Dale grew from 541 to 1,910, and Huntington grew from 857 to 2,316 (see figure 2).[51] On the eastern side of the county, Green River, which possessed the largest population in the county in 1970, had the only population to decrease in 1980. Its location on the county's eastern border excluded it from the power plant developments.

45 Albrecht, Millar, and Turner, eds., vol. 2, 8.
46 Geary, 374.
47 Burnett, 18.
48 *Castle Dale* (Utah) *Emery County Progress Leader*, 16 June, 1977.
49 Department of Housing and Urban Development, Office of Community Planning and Development, *Rapid Growth From Energy Projects: Ideas for State and Local Action* (Washington: 1976), 2.
50 Geary, 366, Perlich, and David W. South and others, *Sunnyside Combined Hydrocarbon Lease Conversion: Socioeconomic Technical Report* (Washington: U.S. Dept. of the Interior, Bureau of Land Management, 1984), 10-11.
51 South and others, 11.

Figure 2[52]




The first plant to be built was the Huntington Plant, located in northeast Emery County in March 1971.[53] In addition to plant construction, much more needed to be built for it to be operational. Water to cool the plant would come from Electric Lake, about 18 miles from the plant. A reservoir needed to be constructed to provide long-term water storage. In order to complete this, Highway 31 needed to be rerouted, requiring numerous construction workers. This provided the first paved highway across the Wasatch Plateau.[54] The second plant was built south of Huntington, near Ferron. Though originally named the Emery Plant, the name was changed to Hunter Plant after Utah Power & Light's president, E. Allen Hunter.[55] A new coal-haul road was constructed to keep the heavy traffic out of Orangeville. As the demand for construction rose, so did the amount of workers moving into the area.

As the demand for labor increased, many experienced miners found themselves in an advantageous position. The demand for development workers was so great that many miners and construction workers had to be imported both from other counties, as well as out of state.[56] Between 1974 and 1977, contract construction workers rose from 710 to 1180 and miners from 640 to 1255.[57] Nearby, the College of Eastern Utah helped

52 Utah Industrial Development Information System, *Utah County Economic Facts: Emery County 1977*, ( Salt Lake City: 1974), table 24.
53 Geary, 367.
54 Ibid., 368.
55 Ibid., 369.
56 Ibid., 374.
57 Utah Industrial Development Information System, *Utah County Economic Facts: Emery County 1974*, ( Salt Lake City: 1974), and Utah Industrial Development Information System, *Utah County Economic Facts: Emery County 1977*, ( Salt Lake City: 1977).

meet the industry's needs by offering classes in mining technology.[58] This helped increase the efficiency of the miners and allowed more to enter the labor force. The improved job market was a welcome relief after the previous slow decades.

As was expected, difficulties arose quickly. When surveyed before the boom in 1974 for the impact statement, the community's favorite aspect of their town was the small population. They enjoyed the security of living in a small town, despite any shortcomings it faced.[59] Their concerns about growth were valid. Plans for accommodating the rapid population growth were sometimes slow in coming; however, many communities passed zoning ordinances and funded improvements through bonds.

The leading problems that occurred from rapid growth centered around infrastructure. According to the Southeast Utah Economic Development District,

> The main problem is that local governments cannot use the expanded tax base brought by an increase in industrial activity (and this resultant population increase) until that increase in industry and population has occurred. And the large lead time necessary for the construction-installation-of needed facilities and services means that by the time local governments are able to finance improvements they are probably made obsolete by additional increases in industry and population.[60]

Without the available funds to adapt to the population change, the community found itself with water shortages, increased crime, unavailable medical care, decreased farming, and a significant lack of housing. Most of the towns had water and sewer system problems, mainly from a lack of funding. There was not enough local money to expand and upgrade the required facilities. The South Utah Economic Development District predicted, "And unless funding is found, projected economic growth will be dangerously disrupted or restricted."[61]

The current infrastructure was not able to accommodate a large influx of people. Because the power plants paid county property taxes, the county would be better able than the towns to deal with the improvements needed, but their budgets and personnel were already stretched beyond capacity.[62] In 1979, Utah Power offered to help by building a 350-home subdivision; however, the early cancellation of plant construction ended this development.[63]

58 Burnett, 20.
59 Albrecht, Millar, and Turner, eds., vol. 2, 11.
60 Ibid., 19.
61 Ibid., 6.
62 Geary, 375.
63 Ibid., 376.

Even the Department of Housing and Urban Development warned the individual communities that problems would arise from distributed revenues coming too late. "The taxes imposed on the energy project come in after the project is completed. Revenues may be distributed without regard to need. The taxes on the plant usually go to the county, while the major impacts are in the cities where the people live."[64] The population problems arose while the plants were being built. At this time, there was no revenue to pay for housing, utilities, and water and sewage improvements that were desperately needed.

Water quality and availability was and continues to be the greatest environmental concern for the county and the state. The threat of drought dominated the newspaper, and drinking water was barely sufficient or healthy. In the early seventies, the State Division of Health did not approve any of the available culinary water for consumption unless it was treated. Coliform bacteria threatened the health of some communities, further emphasizing the need for water treatment plants. The citizens responded with a 5 million dollar bond election in January 1977 to provide water and sewer needs that passed with a 95 percent approval.[65]

According to the Southeastern Utah Economic Development District, at the beginning of the boom, all the communities had reached the limits of their water and sewer systems. This severely limited the county on needed residential expansion it needed.[66] There just was not enough water to go around. The increasing urgent water and sewer needs left "little or no money available for public safety or for roads that were also in need of repair or upgrading."[67]

The communities needed large sewer treatment plants and had to obtain the water rights along with them. Difficulty in attaining those water rights arose because the high prices set by new industry drove up the selling price. These new industries were able to outbid the communities for those rights because they had more money.[68] The industrial needs were centered on coal and electric power production that required large amounts of water primarily for cooling in the power plants. Hunting, fishing, and recreational activities increased, further burdening the existing water resources.

There was limited land usable for agriculture in the area. With the decreasing water supply, in an already arid region, agriculture was hit hardest.[69] Many of the local farmers sold their land for development as a way to help the county's housing needs.

64 HUD, 2.
65 *Castle Dale* (Utah) *Emery County Progress*, 20 January, 1977.
66 Burnett, 11.
67 Geary, 376.
68 Albrecht, Millar, and Turner, eds., vol. 3, 117.
69 Burnett, 28.

As more people moved in, crime rates also rose, especially in vandalism. Between 1973 and 1975, vandalism increased in the county by 24.5 percent, theft by 101.9 percent, burglaries by 173.3 percent, and assault by 160.9 percent.[70] Castle Valley contains a large number of archaeological sites. The State Historic Preservation Officer indicated "that although a known site(s) exists in the project area, the proposed project will have no known effect on any recognized or potential National Register historical, archaeological survey or cultural site(s)."[71] Although the area was approved for development, an archaeological survey conducted showed that as traffic increased, so did vandalism in the area. By 1974, eighty percent of the 480 discovered sites had been vandalized.[72]

The increased auto traffic made the poor road conditions more apparent. Insufficient transportation facilities spread throughout the county. Lack of rail service meant the coal had to be hauled out on large trucks that damaged the already inadequate roads. In 1976, ninety bridges in Emery County needed repair work done before they could be considered safe.[73]

Environmental deterioration concerned many people in the 1970s. Citizens became more aware and concerned about energy developments, resource depletion, and pollution. Environmental problems occurred primarily from the influx of people and the waste they created, though, surprisingly, not from power plant waste. As more people moved in, they drove more cars and threw out more garbage. Increased road usage resulted in more environmental degradation. It was believed that the area could eventually become the "energy center" of the Southwest United States. However, the land could only support population in a few areas and did not allow for much flexibility.[74] The county had a small water supply which made support of large populations difficult.

As the local economy became more focused on coal, it began to lack diversity, which intensified economic problems. When there is only one major source of income, if anything happens to it, the social effects can be devastating. Freudenberg calls this "addictive economies," meaning that these communities rely too heavily on one economic source, which becomes much like the drug of the addict. The communities, like the addict, are unable to notice the signals of addiction and diversify their

70 Ibid., 32.
71 United States. *Rural Electrification Administration, Deseret Generation and Transmission Cooperative. Final Environmental Impact Statement Adoption Proceeding of the BLM FEIS by the REA* (Washington: 1980), 16.
72 Dale L. Berge, *An Archaeological Survey in the Castle Valley Area, Central Utah* (Provo, Utah: Department of Anthropology and Archaeology, Brigham Young University, 1974), 16.
73 Burnett, 23.
74 Ibid., 28.

economy.[75] Brown and England further explain, "Because they occupy the bottom of the economic food chain, fluctuations in the economy are amplified for extractive industries."[76]

The unpredictable economy created a poor impact on the quality of human life. The South Utah Economic Development District believed there was a definite connection between fluctuating economic activity and an unstable social environment.[77] "These problems are further complicated by the physical and environmental problems that are a result of the complex nature of the land in this area. Because the economy in this area has fluctuated greatly in the past, social and cultural problems are also apparent."[78]

According to the Department of Housing and Urban Development, the first impact of quick growth is on local housing. "Housing problems are often the first negative impacts of rapid growth to surface in a community."[79] Available rental units are quickly snatched up even with rate increases.[80] Any vacant houses are soon occupied, whether by permanent or temporary residents, says HUD. "The most visible sign of the energy boom is the mobile home."[81] These alone are not a problem, but the lack of control over siting and inadequate amenities is.[82] Some residents complained of being awakened in the middle of the night by newcomers asking to use a telephone because several communities had no public phones in service.[83]

Along with the temporary construction workers came those seeking permanent residence who could not obtain it. Historically, boom-bust cycles left economies poor and unstable as local banks were unwilling to finance home loans they did not think would be repaid. Although it was believed by economists the economy would stay stable because of the energy crisis, banks remained unwilling to lend to commercial and industrial needs.[84]

Before development began, there was already a shortage of housing facilities in most of the communities. Most of the construction workers lived in trailers, which they often moved on their own. This was a fast way to provide housing for the large influx of people though it resulted in trailer sprawl. By the end of 1973, Huntington had more mobile homes than houses. In 1976, of 643 dwelling units in Huntington, "only 259 were

75 William R. Freudenberg, "Addictive Economies," *Rural Sociology* 57 no. 3 (Fall 1992): 329.
76 Brown and England, 323.
77 Southeastern Utah Economic Development District, 22.
78 Burnett, 98.
79 HUD, 21.
80 Geary, 375.
81 HUD, 2.
82 Ibid.
83 Geary, 375.
84 Ibid., 25.

conventional single-family homes while 268 were mobile homes in parks and an additional 107 mobile homes were situated on single lots."[85]

Zoning laws were passed by the County Commission in Castle Dale limiting singlewide mobile homes to designated trailer parks. Previously they could be built alongside single family homes, and this left newcomers with even fewer options for housing.[86] Two years later, the Emery County Commissioners passed an amendment to the county's zoning ordinance Feb. 1 that toughened requirements for dwellings placed on county land. Residences could be no less than 800 square feet, which essentially eliminated travel trailers which are not designed for full-time use. Recreational vehicles (those less than 8 feet by 40 feet) could also not be used as a house. Furthermore a person could not park a mobile home on land that they did not own. This amendment was passed, "in order to preserve the health, safety, convenience, peace, and general welfare of Emery County' and its inhabitants."[87] It was a difficult scenario for the county. Short-term housing was a long-term investment that wouldn't pay off. There was no incentive to build housing for temporary residents.

If housing problems did not create enough tension, relationships between established residents and the newcomers were not always pleasant. One particular incident left many residents with ill feelings. In February of 1978, local business owner Montell Seely wrote a letter to the Cottonwood Creek Irrigation Company, urging them to not sell unissued water shares to the County. In the course of his letter Seely says, "We have some 'White [sic] trash' who always follow industrial growth and scavage [sic] off the fringe areas like rats around a feed yard."[88] Though Seely insists he was speaking not of construction workers, but to people who follow industrial growth for their own gain. This incident was the impetus of a protest outside Seely's co-op about his remarks and rumors of a two-price system where old-timers were being charged less than newcomers.

Ann Collier moved to Emery in 1976 with her family when her husband was asked to help with the development. They found themselves living in Huntington Canyon with other construction workers because of the lack of housing or space for their trailer. After working all day on construction the men came home to haul water up the canyon and garbage out of it.[89] She says of her experience, "This was fun at first."[90] But permanent camping began to wear on her. She discusses in a letter to the editor, the difficulties construction families face when moving to a new area. Many of

85 Ibid., 375.
86 *Castle Dale* (Utah) *Emery County Progress*, 5 August, 1976.
87 Ibid., 9 February, 1978.
88 Ibid., 23 February, 1978.
89 Ibid., 5 August, 1976.
90 Ibid.

them are seen as outsiders who make life harder for the old-timers. "It isn't the construction workers that raise prices-it's the town's business people. Therefore we are disliked by the town folk."[91]

She is an example of the many construction families who follow their fathers and husbands to the jobsite. They live transient lives and are faced with the stresses and difficulties of moving every two to three years. Though she makes valid points about the hardships of construction life, Collier ends by saying, "Let's take a giant step forward for progress...to build more trailer spaces and adequate housing so that these power houses can be built and help Emery County...to stand along."[92]

In a letter to the editor, established local resident Virginia Talbot wrote, "Because of the population influx and lack of housing, people are living in the canyons in tents, camped out in trailers and even living in the back of cars. And this is just the beginning." She went on to mention that the lack of available furnished rentals and expensive housing could drive away the transient newcomers. "You say you do not want all these construction workers? Okay, if they go away because of lack of housing and high local prices, that will leave you just were you have been these last 60 years, with no one to pay the taxes and pick up the burden of your heavy welfare roles."[93] This is a reminder why the community wanted the power plants originally.

The boom coincided with the 1977 centennial celebration of the founding of Emery County. There was an air of nostalgia as the celebration ensued, in part from the rapid changes which had taken place. That year, as a sign of renewed historical interest in the local history, the Castle Dale Historical society was organized and in 1981 published a history of the Castle Valley area, *Emery County 1880-1980*.[94]

By the end of the 1970s, Emery County had the highest wages and lowest unemployment in the state. But indications of a bust were looming. The energy crisis proved merely to be a passing phase. A recession set in and demands for electricity declined. In March of 1982, Utah Power cancelled plans for a fourth unit at the Hunter Plant, while strikes and mining suspensions caused more than 1,000 miners in Carbon and Emery counties to lose their jobs that year. By 1983, unemployment climbed from 4.2 percent the previous year to 9.7 percent.[95] The population reached its peak of 13,100 in 1983 and followed the descending trend of the economy for the rest of the decade.

91 Ibid.
92 Ibid.
93 Ibid., July 28, 1976.
94 Geary, 390.
95 Geary, 395.

In 1983 the need for coal began to slow. What was believed to be the beginning of an oil shortage was simply a minor dip in supply and demand. In November 1984, Utah Power announced it would not be building the fourth unit in the Hunter Plant. Some county officials believed this decision would hurt Emery County because the young people had no incentive to stay. If enough people moved away, it would decrease the tax base, making it difficult to pay back bonds. Mary Bentley, president-elect of the Emery County Chamber of Commerce, was not worried. The majority of jobs this affected were in construction. Utah Power made it clear it would not affect mining jobs.[96]

The end of 1984 brought with it a year of mining strikes, economic slowdown, and the worst disaster in Emery County history. On Wednesday, 19 December 1984, around 9:30 PM a fire started in the mine and trapped 27 miners, killing all of them. The tragic disaster brought out the best in the residents. Food and donations flooded to the victims families. The Wilberg Mine accident marked the beginning of the bust phase.

Agriculture, again, faced many difficulties, though mining remained steady. During the boom, much of the water shares were diverted from agriculture to industrial and municipal use. Also, the remainder of the county's farmers were aging and very few young people had the finances and drive for successful farming. Despite a slow economy, many of the mines in Emery County remain active. The county has taken advantage of available funds to make infrastructure improvements on roads, water systems, and public buildings.[97] The power plants and mines have found ways to be useful and continue high production.[98] Emery County's population has held relatively steady, between 10,000 and 11,000 people since 1987.

According to Edward A. Geary, "The county's ties with its past have been strengthened and reaffirmed by historic preservation activities of the Emery County Historical Society...."[99] Ultimately, what continues to bring people back is the history. The area is their home and their families' home. Because of the non-renewability of extractive industries, the county has begun to focus more efforts on tourism and recreation, further diversifying their economy. As long as Emery County can continue to adapt it will survive.

An historical context allows for a more comprehensive look at the negative impacts associated with energy developments despite the foreseen difficulties that arose. The community remained strong, throughout

96 *Castle Dale* (Utah) *Emery County Progress*, 28 November 1984.
97 Geary, 414.
98 Ibid., 413.
99 Ibid., 414.

the boom, and was able to integrate the changes with their old way of life. Geary supports this, saying:

> Like other energy boomtowns in the West, local communities faced immense challenges in accommodating rapid growth with an infrastructure barely sufficient for the existing population. Unlike some other areas, however, in which change virtually obliterated the established lifestyle, Emery County succeeded in fashioning an industrial-rural way of life that preserved much of what long-time residents most valued while at the same time reversing, at least temporarily, the depopulation trend and restoring young families to the community mix.[100]

The people still maintained their commitment to their community and funded initiatives to improve public facilities, including the construction of Interstate 70.

Clearly, the impact of rapid growth in Emery County was a complex situation that cannot be reduced to being either "good" or "bad". The Department of Housing and Urban Development also concludes that the benefits of energy developments are long-range and regional, and the negative impacts are immediate and local.[101] Both short-term and long-term effects need to be reconsidered, along with the situation before the boom. The obstacle was the rate at which the growth occurred, because the infrastructure and the economy could not handle it. In the Emery County area, the communities sustained some detrimental boomtown effects; however, with time, the community adapted to its new situation. Historically, this area is used to the boom-bust cycle that comes with mining and was not as adversely affected as it could have been. The boom created growth and brought life back into a dying area. Without the boom, the population may have continued to decline, leaving scattered ghost towns in the "Valley of Castles."

100 Geary, 366.
101 Ibid.


UTAH VALLEY STATE COLLEGE
1941

# Sharpening the Sword in Defense of Islam:

## The Evolution of Jihad from the Seventh Century to Today

Lee Koelliker

Radical Islam's notorious acts of terrorism continue to wage wars in the present and modern age, broadening the span of holy warfare across the world to all of Islam's enemies. Radical Islam, in the view of non-Muslims, portrays all of Islam as terrorist and the Qur'an as a propagator for killing in the name of Allah. Yet today, Islam is divided into different sects of Sunni and Shiite Muslims who express different interpretations and viewpoints of the Qur'an. This lack of unity, mixed with the absence of a supreme and universally excepted religious leader of Islam, provides radical Islamic groups with room to interpret and adapt the Qur'an and laws of Shar'ia, or Islamic law; this includes interpretations of jihad.[1] Jihad continues to evolve from its seventh century roots to today because of the lack of a unitary religious leader and the difference in religious interpretations by Muslim sects and radical groups.

In 610, the angel Gabriel appeared to Mohammad and gave him a divine revelation or message from Allah, which brought forth the creation of the Qur'an.[2] This revelation defined the meaning of jihad. According to the Qur'an, "Permission to fight is given to those upon whom war is made because they are oppressed, and most surely Allah is well able to assist them."[3]

The Arabic root word for jihad is *jihada*, meaning "to exert one's utmost power, effort endeavors, or ability in contending with an object of disapprobation."[4] Dr. Tahera Qutbuddin, an Assistant Professor of Arabic Languages at the University of Chicago, stated at a Panel discussion, "Jihad has a sense of fighting against something that is not right, that is bad and

1 John Bowker, *World Religion: The Great Faiths Explored and Explained* (New York: DK Publishing, Inc., 1997), 181-185.

2 Bowker, 181-182.

3 *The Qur'an*, Translated by M.H. Shakir (Elmhurst: Tahrike Tarsile Qur'an, Inc., 2002), 22:39.

4 Reuven Firestone, Jihad: *The Origin of Holy War in Islam* (New York: Oxford University Press, 1999), 16-17.

evil. Mostly, jihad for Muslims is to struggle everyday against one's own soul, going against earthly pressures."[5]

Out of this, jihad is differentiated into two different categories, "greater jihad" and "lesser jihad." Jihad of the sword, considered the lesser jihad, is used in the defense of Islam from the oppression of dominant infidels who suppress the Islamic religion, its growth, and the destruction of Muslims.[6] Jihad of the tongue, jihad of the hands, and jihad of the heart are all considered the greater jihad: overcoming personal faults and weaknesses and fulfilling personal goals within the faith.[7] Thus, humans' greatest and most powerful enemy is within them.

Mohammad taught that by practicing the greater jihad, one would be able to inherit Paradise. In book 37 of the Hadith translated by Sunan Abu-Dawud, the prophet Mohammad preaches that the best method in fighting (jihad) is to speak words of justice rather then by the spilling of blood.[8] Due to the aggressive persecutions by the Persians and the Byzantines throughout the seventh century C.E., Mohammad received the revelation to defend Islam by jihad of the sword.[9] Mohammad learned even though the greater jihad was preferred by Allah, sometimes Muslims would have to defend their faith. Dr. Mumtaz Ahmad, a Professor of Political Science at Hampton University, stated the only reasons for jihad of the sword were for self defense, freedom of religion, to prevent from being driven from a homeland, and to remove an unjust leader.[10]

In the Qur'an, Allah guarantees his hand in the preservation of the Islamic faith, "Our Lord is Allah. And had there not been Allah's repelling some people by others, certainly there would have been pulled down cloisters and churches and synagogues and mosques in which Allah's name is much remembered; and surely Allah will help his cause, most surely Allah is strong, mighty."[11]

5 Ahmad, Mumtaz, Aminah Assilmi, Ibrahim Hooper, Aminah Beverly Mcloud, and Takera Qutbuddin, "Toward Understanding the Concept of Jihad: Why Do Many Muslims Seem to Harbor Hostility for the West and the United States," A Symposium on Contemporary Islam; Brigham Young University, 19 March 2005.

6 Firestone, 16-17.

7 Bowker, 184-185.

8 *The Hadith*, Book 37 Number 4330 [on-line]. Internet <http://www.usc.edu/dept/MSA/fundalmentals/hadithsunnah/abudawud/037.sat.html>, accessed 29 September 2004.

9 Sheikh Hani al-Jubayr, "It is Not an Islamic Duty to Initiate Aggression Against Peaceful Neighbors," [on-line], Internet <http://www.islamtoday.net/english/fat_archives/print_me.cfm?q_id=312>, accessed 24 January 2005.

10 Symposium.

11 *The Qur'an*, 22:39-40.

In the seventh century C.E., jihad of the sword was given to Islam as a defense mechanism, guaranteed to preserve the faithful Muslims. Sheikh Hani al-Jubayr, a judge at the Jeddah Supreme Court, said in 2003 "Jihad of a military nature was only permitted to help Muslims defend their religion and remove oppression from the people.[12] In the seventh century, the Chosroe of Persia desired the death of Mohammad and in doing so ordered his commander in Yemen to kill Mohammad.[13] The Byzantines, in that same century, took up arms against Mohammad and confronted Islam in the battles of Mu'tah and Tabuk.[14] Because of these offensive strikes against Islam, Mohammad declared jihad of the sword against the Byzantines, Persians, and all those who primarily engaged in fighting with Muslims; it was Mohammad's last resort against annihilation.[15] In the Qur'an, Allah promised to support those who support and defend him and his people.[16] Therefore, jihad of the sword defended Islam from oppressive groups and armies. Yet even though jihad of the sword warrants holy war for the preservation and the defense of Muslims, Muslim's participating in jihad of the sword must follow certain methods of declaring jihad of the sword against a foe. Dr. Ahmad said that only after Muslims have exhausted all measures of peaceful resolution and that the success of the proposed conflict involving jihad of the sword is guaranteed, then a proper religious legal authoritative figure may declare jihad of the sword if it is based on pure motives.[17]

Even when Muslims fight in jihad that has been properly ordained for a pure cause by a legitimate legal authority, they must also abide by certain laws to prevent them from committing sin. Ali, the last Righteous Caliph, said once a Muslim decides to fight in anger, he is no longer fighting in jihad; instead of receiving Paradise for his deeds, the Muslim will be punished for murder.[18] The Sunnah, which are accounts of the Prophet Mohammad's life handed down by his disciples states, "When a prophet sent an army out to fight, he would say, march in the name of God and by his aide and on the religion of the messenger of God. Kill not the old man who can not fight, nor the children nor women, and steal not the spoils of war, but put your spoils together; and quarrel not among yourselves, but be good to one another, for God loveth the doer of good."[19]

12 Al-Jubayr.
13 Al-Jubayr.
14 Ibid.
15 *The Sunnah*, [Medieval Sourcebook on-line]. Internet. < available at http://www.fordham.edu/halsall/source/sunnah-horne.html>, accessed 29 September 2004.
16 The Qur'an, 22:39-40.
17 Symposium.
18 Ibid. 2
19 *The Sunnah*.

Omar, the second Righteous Caliph or *Khalifa* and successor of Mohammad, laid down ten rules to be observed in jihad. "Do not act treacherously, do not stray from the straight path, do not mutilate the dead, do not kill the children; or the women, or old men; do not harm trees, especially those bearing fruit; do not kill flocks of the enemy except for food; do not kill monks."[20] Also those who wish to perform jihad, must have their parent's permission to do so unless the jihad is not obligatory by a Muslim ruler or religious leader.[21] These rules of jihad were strict and precise, based on the teachings of the Qur'an; thus, they could not be broken by any messenger of Allah or through jihad itself.

According to the Qur'an, Allah desired that Muslims would have faith in him, and those who had no fear and desired to serve Allah with all their conviction were promised Paradise for their service and martyrdom. The Qur'an states, "You shall prepare for them with all the power you can muster, and all the equipment you can mobilize, that you may frighten the enemies of Allah, your enemies as well as others who are not known to you; Allah knows them."[22] Also stated in the Qur'an is that those who readily fight for the cause of Allah and are killed or attain victory, are rewarded a place in paradise and given a great recompense for their martyrdom.[23] A martyr is one who suffers for a certain cause. In Islam, those who die in jihad are considered martyrs and are honored.[24]

In 711 ,Tarik, a Muslim leader in Spain, addressed his soldiers pertaining to the glory in fighting in the name of Allah. "Remember that if you suffer a moments in Patience, you will afterward enjoy supreme delight. Do not imagine that your fate can be separated from mine, and rest assured that if you fall, I perish with you, or avenge you."[25] For a Muslim being a martyr and fighting for Allah is glorious and the most honorable means of dying. Martyrdom guarantees Muslims who fight, in an authorized jihad, a place in Paradise; yet, Muslims use martyrdom as a motivational symbol, like Americans use patriotism to inspire their soldiers.[26] Mohammad said in regards to fighting for the glory of Allah, "Be he in whose hand my self is! I would like to fight in the way of Allah and be killed, then be brought to life

20 Bowker, 183-185.

21 Permanent Committee of Saudi Arabia for Fatwa and Research, "Parents' Permission for Jihad," [on-line], Internet <Available at http://www.islamtoday.net/english/fat_archives/print_me.cfm?q_id=311>, accessed 24 January 2005.

22 *The Qur'an*, 8:60-61

23 *The Qur'an*, 4:74-75

24 Philip D. Morehead, *The New American Webster Handy College Dictionary*, 3d ed. (New York: Penguin Group, 1995), 419.

25 Tarik, "Tarik's Address to His Soldiers, 711," [Medieval Sourcebook], Internet. <Available at http://fordham.edu/halsall/source/711Tarik.html>, accessed 29 September 2004.

26 Symposium.

again so I could be killed, and then brought to life again so I could be killed."[27] Jihad, established by the Qur'an and brought forth through the example of Mohammad in the seventh century, was an honorable system of preserving the Islamic faith and spreading the true teachings and will of Allah throughout the lands of the infidel. It is this foundation that once anchored the law of jihad of the sword, which has evolved into an act of terrorism today in the modern era.

For non-Muslims and many moderate and liberal Muslims, in the modern age, jihad of the sword represents terrorism, rather then defense of one's faith. Radical Islamic groups, who claim to practice accurate interpretations of jihad, are in constant struggle with the West in acts of terrorism.[28] Terrorism is any use of terror or intimidation to gain one's political objectives, yet radical Islam claims to be following the Qur'an and teachings of Mohammad. Much of the terrorism today can be traced to Arab-Israeli conflict.

Many historians label the Balfour Declaration as an official start to the Arab-Israeli conflict.[29] Michael Adams wrote, "Before the publication of the Balfour Declaration in November 1917 there was no Palestine 'problem.'"[30] In the Balfour Declaration, Lord Balfour wrote to Lord Rothschild, the foreign secretary of England, that the British Government vaguely viewed in favor of establishing a Jewish state in Palestine. Yet, the British were promising the Jews something that wasn't theirs and caused many Arabs to lose their homes, thus giving Muslims a reason to declare jihad of the sword against Israelis.[31]

During World War I the Ottoman Turks, who controlled Turkey and much of the Middle East, allied themselves with Germany against England and France. The Arabs living in the Ottoman Empire were more loyal towards the Turks then the other subject races due to their common religion.[32] Yet even though the Turks and the Arabs shared a common religion, Arab nationalism produced a stronger foundation then a religious commonality.[33]

27 *The Hadith*, Book 21 Number 21.14.27 [on-line]. Internet, <Available at http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muwatta/021.mmt.html>, accessed 24 January 2005.

28 Osama Bin Laden, "Text of Fatwa Urging Jihad Against Americans," 23 February 1998 [article on-line]. Internet. <Available at http://www.ict.org.il/articles/fatwah/htm>, accessed 24 January 2005.

29 Michael Adams, "What Went Wrong in Palestine?" *Journal of Palestine Studies* 18 (Autumn 1988): 72.

30 Ibid., 72.

31 Ibid., 72.

32 Aouni Bey Abdul Hadi, "The Balfour Declaration," *Annals of the American Academy of Political and Social Science* 164 (November 1932): 12.

33 Ibid., 12.

In 1915, Sherif Hussein of Mecca and Sir Henry McMahon, the British High Commissioner in Egypt, entered into negotiations to become allies and to drive the Turks out of Palestine, Syria, and Arabia.[34] In trade for the help of Arab military operations against the Turks, the British agreed reluctantly to recognize an independent Arab state.[35] While Hussein thought the British meant they would recognize all Arabic-speaking nations as the Arab state, the British were reluctant to define the exact boundaries. Without all details exact, Hussein trusted the British pledge and declared war on the Turks.[36] Along with the British, the Arabs were able to free themselves from Turkish rule, yet during the fighting, the British and the French had secretly divided up the Ottoman Empire as if it was their spoils of war. This alliance was called the Sykes-Picot treaty. The Sykes-Picot treaty, signed in 1916, placed Palestine under control of international administration.[37] Some historians defend the Sykes-Picot treaty by claiming Hussein to have never set apart any precise area as an Arab state.[38]

However, on November 7, 1917, the British Government would openly speak rhetoric to create a Jewish state. This rhetoric came in the form of a letter written by Lord Balfour which said that the British Government would facilitate and recognize the establishment of a national home for the Jews in Palestine. By setting Palestine aside for the Jews, it broke a previous promise to the Arabs.[39]

Lord Balfour knew about the ambiguities of terms like a "national home," the Jews, through Political Zionist movements from people like Theodor Herzl and the Congress in Basle in 1897, were looking for help to provide them a national state where they could escape persecutions from European and Russian governments.[40] Eight to nine thousand Jewish immigrants came to Palestine every year between 1920 and 1932 When Hitler came into power in Germany in 1933, immigration to Palestine increased to forty thousand immigrants per year.[41]

The Balfour declaration initially stated that no prejudice to civil and religious rights would be inflicted against non-Jews, since Arabs in 1917 made up ninety percent of the population. By the late 1930's the Arabs felt threatened from being displaced and now were almost outnumbered by

34 Ibid., 13.
35 Joe Stork, "Understanding the Balfour Declaration," *MERIP Reports* 13 (November 1972): 9.
36 Hadi, 14.
37 Ibid., 14.
38 Charles D. Smith, "The Invention of a Tradition: The Question of Arab Acceptance of the Zionist Right to Palestine during World War I," *Journal of Palestine Studies* 22 (Winter 1993): 49.
39 Stork, 10.
40 Arnold Toynbee, "Arnold Toynbee on the Arab-Israeli Conflict," Interviewed by Louis Eaks, *Journal of Palestine Studies* 2 (Spring 1973): 5.
41 Adams, 74.

the Jews.[42] Arabs who stood their ground in Palestine found their homes and livelihood destroyed with the Jewish state being built on the ruins of the Arab Palestine.[43] Because of the force used against them and the mistrust that ensued, Arabs felt that jihad of the sword was permitted in Palestine to retain their homes.

The Arab-Israeli conflict continues to fuel much of the radical Muslim's desire for justice through jihad of the sword. Aminah Assilmi, the current Director of the International Union of Muslim Women, said many Muslims desire only justice. "There is no peace without justice."[44] Justice is so difficult to achieve, many Muslims believe there is no justice for them, thus they are somewhat seeking the United States to help all Muslims to find justice.[45] Assilmi said, "The United States needs to apply a fair and equal hand to all Muslims to give them justice, the ones who are left out feel angry towards the U.S."[46] The Arabs and radical Muslims see United States involvement with and aide to the Israelis and desire that aide. Professor Ahmad explained that, "Many Muslims hate the United States because they have been deprived of the same freedoms, the democracy, and the rights that the United States have."[47] Because radical Muslims feel that they are not receiving aide and justice, they lash out and attack through terrorism.

Osama Bin Laden stated on November 9th, 2001, concerning the terrorist attacks of September 11th of that same year, "In my view, if an enemy occupies a Muslim Territory and uses common people as a human shield, then it is permitted to attack that enemy. For instance, if bandits barge into a home and hold a child hostage, then the child's father can attack the bandits."[48] Many radical Islamic groups believe that the West is interfering and threatening their way of life, and in the protection of their religion and their people, they have declared jihad on the West.

Creating confusion in the West and, ultimately, among many Muslims, Islam has changed drastically since the times of Mohammad and the four Righteous Caliphs. Today Islam consists of different sects, the two major sects being the Sunni and the Shiite. Within each larger sect, there are numerous smaller sects such as Hamas and Wahhabi's. Furthermore, Islam does not have one authoritative clergy leader, Mulah, or imam to guide the

42 Adams, 72-76.
43 Adams, 80.
44 Symposium.
45 Ibid.
46 Ibid.
47 Ibid.
48 Hamid Mir, "Osama Claims He Has Nukes: If US Uses N-arms It Will Get Same Response," 10 November 2001 [Interview on-line]. Internet. <Available from http://www.dawn.com/2001/11/10top.htm>, accessed 7 October 2004.

religion and interpret and adapt Islam to the changes that time brings. Because of the lack of leadership and the division of sects, Islam has conflicting ideas and evolving doctrines that contradict the foundations of Islam in the Qur'an.

The Sunni and Shiite or Shia split occurred in the years following the death of the last prophet Mohammad. Ali, Mohammad's cousin and son-in-law, was the last Righteous Caliph; when Ali died, Islam divided into two sects, creating a grand schism and a continuing debate in Islam. A caliph is a "successor to the Prophet Mohammad's position as the political, military, and administrative leader of the Muslims."[49] The Sunni believed that with the death of Ali, religious interpretations and spiritual guidance had ceased and guidance was now based on the Qur'an, the Hadith, and legal jurisprudence.

The Shiite's believe that through Ali's bloodlines, his descendants contain the power and authority to interpret the laws and traditions of Islam. These descendants are religious leaders called imams.[50] This creates problems because the religious and legal pronouncements and rulings that imam can promote called fataawa (plural for fatwa).[51] While a certain fatwa pertains specifically to the followers of a certain imam Shiite, Sunni sects do not follow the fataawa of the Shiites. The Sunni can make their own fataawa through discussions of Sunni scholars and consideration of the laws of Shar'ia.[52] Even though the basic beliefs of the Sunni and Shiite coincide, the Sunni and Shiite do not follow the other's fataawa. A lack of a common unitary leader allows room for interpretation and evolution, especially in the case of jihad.

Today many different leaders proclaim fataawa and receive sufficient response to cause problems and brand Muslim's as terrorists. In February of 1989, Ayatollah Khomeini (a high clergyman in the Shiite branch of Islam), issued a fatwa in response to a novel written about Mohammad by Salman Rushdie. Khomeini informed and entitled all Muslims in the world to execute all participants who compiled, printed, or published Rushdie's novel, *The Satanic Verses*. In response to Khomeini's fatwa, many of Rushdie's translators and body guards were stabbed and shot while in the

49 Gharm Allah al-Ghamdy, "The Muslim Khalifa," [on-line]. Internet. <Available at http://www.usc.edu/dept/MSA/politics/kalifa.html>, accessed 24 January 2005.
50 Hussein Abdulwaheed Amin, "The Origins of the Sunni/Shia Split in Islam," [article on-line]. Internet. <Available at http://www.islamfortoday.com/shia.htm>, accessed on 24 January 2005.
51 Islam Project, "Frontline Muslims: Pre-Viewing Vocabulary Activity," [on-line]. Internet. <Available at http://www.theislamproject.org/education/A02_PreviewingVocabulary.htm>, accessed 24 January 2005.
52 Philip Webster, Ben Hoyle and Ramita Navai, "Ayatollah Revives the Death Fatwa on Salman Rushdie," [on-line]. Internet. <Available at http://www.timesonline.co.uk/printFriendly/o,,1-2-1448279-2,00.html>, accessed 28 March 2005.

presence of Rushdie.[53] These fataawa are powerful tools used by Muslim leaders to proclaim jihad of the sword on anyone who threatens Islam.

Osama Bin Laden, a self-styled Sunni religious leader, has issued many fataawa against Jews and Western Christians, whom he calls crusaders. Bin Laden issued a fatwa on February 23, 1998, telling Muslims to kill Americans.

> The ruling to kill the Americans and their allies–civilians and military–is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa mosque and the holy mosque from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim. (Bin Laden Fatwa)[54]

Later in Bin Laden's fatwa, he promises any Muslim who launches a raid against Satan's U.S. troops will be rewarded. "We–with God's help–call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it."[55] Bin Laden uses his authority to issue a decree or fatwa and receive likewise radical supporters and followers in his cause.

Al-Qaeda media coordinator, Abu Maysara al-Iraqi, in commemoration of the March 11 terrorist bombings in Spain proclaimed that the infidels would never be victorious because they do not have Allah on their sides.[56] Al-Iraqi claims fatwa for Iraqi al-Qaeda leader Abu Musab al-Zarqawi, when he continued by saying the West may refer to Islam as terrorists, yet it is this terrorizing enemies of God that is the foundation of "our religion" and the Qur'an. Many Muslim leaders and organizations use fataawa and their religious authority to threaten those who impose themselves on Islam.[57]

In the last few decades, history has seen a great number of radical Islamic groups declare jihad on other nations in reaction to the involvement of Western nations in the Middle East. Without a solitary religious authority leading Islam, many radical Islamic groups are left to adapt and interpret their own ideas of jihad, and how to administer it according to each individual leader. Thus, many radical Islamic groups have different interpretations of jihad and methods in which they participate in jihad.

The Islamic Resistance Movement, or Hamas, bases their jihad in Israel and the occupied West Bank. Hamas believes it is being called to the defense of Islam, due to the oppression the Muslim's are experiencing in the aforementioned areas. Hamas states, that it "will do its utmost to constitute at the

53 Ibid.
54 Bin Laden Fatwa.
55 Ibid.
56 *Daily Herald* (Utah), 13 March 2005.
57 Ibid.

same time support the weak, a defense to all oppressed. It will spare no effort to implement the truth and abolish evil, in speech and in fact, both here and in any other location it can reach out and exert influence."[58] The enemies of Hamas are the Israelis who persecute and segregate the Muslims in Israeli held areas. (Hamas believes Israel rise and remain a powerful advisory in accordance to the civil rights of Muslims in Israel, unless Islam eliminates Israel and their successors).[59]

In 1935, the Muslim Brotherhood Society, which originated in Egypt in 1928 , moved to Palestine to establish the Arabs in the West Bank into a state of righteousness like unto that which was established by the Prophet Mohammad and his companions.[60] Out of this Muslim Brotherhood Society, smaller radical sects such as radical Islamic Jihad and Hamas formed militant groups that fought against oppression of the Arabs in the West Bank. While the Muslim Brotherhood Society believed that jihad could not be initiated until the society reformed, Hamas believed that actions spoke louder then words.[61] In 1987, a motor vehicle accident occurred in the Gaza strip involving an Israeli truck and a small vehicle of Palestinian workers. This triggered a series of violent riots collectively referred to as the *intifada*, which Hamas directly used to call Arabs to stand up against Israeli occupation in 1988.[62] Today Hamas continues to declare jihad against anyone they feel that oppresses or threatens the Arabs in the West Bank.

Islamic Jihad also declares jihad against foreign and domestic oppression in the West Bank. On the September 13, 1993, the Oslo agreement was signed calling for peace between Arabs and Israelis, yet the *intifada* generation again erupted with jihadist actions and suicide bombings.[63] To most outsiders, people living in the al-Shati refugee camp may be considered advocates of terrorism, yet these members of Islamic Jihad are considered martyrs and *munadilin* (those who struggle for justice and freedom) inside of this small camp.[64] There are town center squares and walls dedicated to these al-Shuhada (martyrs who sacrifice their lives for the liberation of their people).

58 *The Charter of Allah: The Platform of the Islamic Resistance Movement (Hamas)*, Translated and annotated by Raphael Israeli [on-line]. Internet. <http://fas.org/irp/world/para/docs/880818.htm>, accessed 26 October 2004.
59 Ibid., 2.
60 Ziad Abu-Amr, "Hamas: A Historical and Political Background," *Journal of Palestine Studies* 22 (Summer 1993): 6.
61 Iyad Barghouti, "The Islamist Movements in the Occupied Territories: An Interview with Iyad Barghouti," Interviewed by Lisa Hajjar, *Middle East Report* 183 (July-August 1993): 9.
62 Abu-Amr, 10.
63 Lamis Adoni, "Searching for Answers: Gaza's Suicide Bombers," *Journal of Palestine Studies* 26 (Summer 1997): 34.
64 Ibid., 34.

When Ali Imawi sacrificed his life in an act of jihad against Israeli soldiers in Beyt Lid, he was the first to do so since the Oslo agreement. Ali was fighting against what he thought was an enemy that stole his home and demolished his village. Ali found refuge in radical Islamic organizations like Hamas and Islamic Jihad. Lamis Andoni, an analyst of Middle Eastern affairs who writes for *Middle East International* stated, "But the years of curfews, strikes, and high casualties were taking their toll, and the influence of Hamas and Islamic Jihad continued to grow. Meanwhile, the desperate hope for change prompted many Palestinians to support Iraqi President Saddam Hussein."[65] Even though the Oslo agreement was signed, the Arabs in the al-Shati camp still saw no change in policy.

On February 23, 1994, Baruch Goldstein, an American-born Jewish settler entered into al-Ibrahimi Mosque and killed twenty-eight Arabs at prayer.[66] This lack of appeasement and constant desire for justice caused many young Arabs to find comfort engulfing themselves in jihad among Hamas and Islamic Jihad because of their ideals and their non-compromising policies. Finally on April 4, 1994, Ali Imawi was killed during his assault on Israeli soldiers. Ali believed with violence, he could stop violence against Arabs in the West Bank.

The Wahhabi's of Saudi Arabia are only interested in the western influence in Saudi Arabia and do not believe in overthrowing governments simply because they are the government, yet some of their ties, like al-Qaeda, declare jihad on all who persecute or involve themselves in Muslim affairs.[67] Al- Qaeda paints a bloody history within and outside the boundaries of the United States, and has declared holy war, or jihad, on the United States and its allies on many occasions.

Al-Qaeda was founded in 1988 or 1989, by Osama Bin Laden. Bin Laden used his inherited fortune to fund a resistance in Afghanistan to resist Soviet control over the country and its oppression of Muslims. During this same time, the American C.I.A. launched a program worth 500 million dollars to train mujahedin factions: one of these factions sponsored by the U.S. was Bin Laden's faction.[68] Later with U.S. money and support, this faction became al-Qaeda. Since this time, al-Qaeda has been linked to twenty-one attacks on American soldiers, civilians, and allies. In the al-Qaeda training manual, confiscated by the Manchester (England) Metropolitan Police and used in a embassy bombing trial in New York, al-Qaeda commanders state, "Islamic governments have never and will never

65 Ibid., 38.
66 Ibid., 39.
67 Ami Isseroff, "Inside Al-Qaeda," [on-line]. Internet.
<http://www.mideastweb.org/alqaeda.htm>, accessed 24 January 2005.
68 Isseroff.

be established through peaceful solutions and cooperative councils. They are established as they (always) have been, by the pen and gun, by the word and bullet, and by the tongue and teeth."[69] Later in the al-Qaeda pledge, they wrote of their commitment to the destruction of their enemies.

> Covenant...to make their women widows and their children orphans, to make them desire death and hate appointments and prestige, to slaughter them like lambs and let the Nile, al-Asi, and Euphrates rivers flow with their blood, to be a pick of destruction for every godless and apostate regime, and finally to retaliate for you against every dog who touch you even with a bad word.[70]

Al-Qaeda blames their actions on the oppressive regimes that have taken over holy lands and have enslaved the Arabs. Their training manual states, "After the fall of our orthodox caliphates on March 3, 1924 and after expelling the colonists, our Islamic nation was afflicted with apostate rulers who took over in the Muslim nation. These rulers turned out to be more infidel and criminal than the colonists themselves."[71] Al-Qaeda's main goal is to remove Western influences from Muslim areas, and to establish a Wahhabi caliphate across the Islamic world; this caliph being Osama Bin Laden.[72] Bin Laden, with a united Islam, will then be able to convert them or destroy all non-Muslims.

Bin Laden has a destructive history with Western nations that have been more of an enemy to him than the United States. However, Bin Laden does not declare jihad on nations like Russia, who literally tried to oppress Afghanistan during the cold war, and Great Britain, who through their Balfour declaration recognized Israel as a state. Al-Qaeda and Bin Laden declared their jihad against the United States and Israel due to many different reasons; their most distinct display of jihad horrified the world through the bombings of America's economic and military icons on September 11th, 2001.

Bin Laden claims there are three reasons why al-Qaeda declares jihad on the United States. First, the United States frequently has occupied many of the holiest Muslim lands, stealing their riches, embarrassing and corrupting their people and leaders, and using Muslim territories as bases to supply their military campaigns. Secondly, the United States, along with Israel, continues to cause deaths in Iraq by massacres and blockades. Finally, Osama Bin Laden believes the U.S. to be an advocate of breaking up of the

69 *Al-Qaeda Training Manual*, UK/BM-3. [on-line]. Internet. <http://www.usdoj.gov/ag/trainingmanual.htm>, accessed on 16 March 2005.
70 Ibid., UK/BM-5.
71 Ibid., UK/BM-7.
72 Ibid.

Muslim nations into fragments.[73] Bin Laden and al-Qaeda profess to the nobility of their cause saying that the United States and its allies are murdering Muslims in Palestine, Chechnya, Kashmir, and Iraq. Islam has the right to attack America in reprisal of America's domination in the Middle East.[74]

Osama Bin Laden claims, like in the days of Mohammad that Islam is in desperate danger and needs to declare jihad of the sword to preserve Islam. Thus, radical Islam uses jihad of the sword as the justification of their terrorist attacks for their proclaimed necessity of defense. In the charter of the Hamas, it declares, "As to objectives: discarding evil, crushing it defeating it, so that truth may prevail, homelands revert (to their owners), calls for prayer to be heard from their mosques, announcing the reinstitution of the Muslim state. Thus, people and things will revert to their true place. Allah is the one who's held we see."[75]

John Walker Lindh, an American radical Muslim, supports jihad of the sword against the United States. Lindh believes that Islam, a religion of peace, was forced to defend itself when America forced its way into the Middle East to secure oil rights. Lindh also believes Muslims suffer greatly due to American interference of Western "crusaders."[76] The defense of Islam is inherent in and expected of Muslims, (yet while many do not agree with Western philosophies in dealing with Islam, the West does not oppress Muslims). Even though many radical Islamic groups blame the West as oppressors, the Hadith, translated by Sahih Bukhari, says that one might help the oppressor by helping him not oppress. "Help your brother, whether he is an oppressor or he is an oppressed one. O Allah's Apostle! It is all right to help him if he is oppressed, but how should we help an oppressor. By preventing him from oppressing others."[77]

Today's modern interpretation of jihad carries a different meaning, yet is based on the same principles instituted by the Qur'an and the example of Mohammad and the four Righteous Caliphs. Even though al-Qaeda claims to be acting in the defense of the Muslim, it does not abide by the rules established by the Qur'an, the Hadith, and the Sunnah, which is a direct rejection to the safe guards of protocols left by Mohammad. Furthermore, radical Islam expects the same rewards and Paradise promised by Allah in the Qur'an, but they are unwilling to abide by his rules.

73 Shaykh Osama Bin-Muhammad Bin-Laden, "Jihad Against Jews and Crusaders," *Christian Century* 119 (February 2002): 28-29.

74 Mir, 1.

75 *Charter of Allah*, 10.

76 Mark Kukis, *My Heart Became Attached* (Washington: Brassey's Inc., 2003), 121-125.

77 *The Hadith*, Book 43 Number 624 [on-line]. Internet. <http://www.usc.edu/dept/MSA/Fundamentals/hadithsunnah/bukhari/052.sbt.html>, accessed on 24 January 2005.

Sheikh Salman al-Oadah writes, "On the basis of principle, Islam prohibits targeting innocent people such as women, children, and others like them even when there is actually a war being waged between the Muslims and the disbelievers. Disbelief, in and of itself, is not justification to kill someone."[78] Sheikh Salman goes on explaining many accounts of caliphs and religious leaders who have purposely avoided the killing of innocent civilians such as women and children because it is forbidden in Islam. Sheikh Salman ends by saying, "Moreover, public places like airplanes and markets are open territory where both Muslims and non-Muslims meet. It is also a place where adults and children, men and women are to be found. These places are never to be turned into targets, even during times of war."[79] Bin Laden interprets the killing of children in a different manner. Bin Laden states, "The Holy prophet (peace be unto him) was against killing women and children. When he saw a dead woman during a war, he asked why was she killed? If a child is above 13 and wields a weapon against the Muslims then it is permitted to kill him."[80] Thus, since children are able to wield weapons of war, they may be targeted in acts of jihad of the sword.

Since the people of America pay taxes to their government and elect their officials, the entire American people are held responsible for the acts their government perpetrates against Islam.[81] This difference in interpretation by two Muslims, Osama Bin Laden and Sheikh Salman, demonstrates how different interpretations (can produce and evolved outlook on jihad). Therefore according to the actions and accounts of Bin Laden and al-Qaeda, their modern definition for jihad is to defend Islam, a religion that means submission, no matter what the costs, or the expenditures of human life.[82]

Paradoxically, even though Bin Laden and those like him explore alternate, unorthodox and unlawful demonstrations in the defense of Islam, they still glorify and expect Allah to bless them with glory and Paradise because of their sacrifices and interpretations of jihad. In Hamas Charter of Allah, Hamas preaches of the honor in serving Allah in jihad, "We pray peace and bid peace upon the Messenger of Allah, his family, his companions, his followers and those who spread his message and followed his tradition; they will last as long as there exists Heaven and Earth."[83] In the September 11th attacks, Bin Laden proclaimed to his suicide bombers the

78 Sheikh Salman al-Oadah, "Terrorism and Killing Civilians," [on-line]. Internet. <http://www.islamtoday.net/english/fat_archives/print_me.cfm?q_id=310>, accessed on 24 January 2005.
79 Al-Oadah, 2.
80 Mir, 1.
81 Mir, 1.
82 Karina Diane Alvi, "Turning to the Islamic Faith," *America* 186 (March 2002): 18-20.
83 *Charter of Allah*, 2.

honor they had in sacrificing their lives in the defense of Islam, and promised them Paradise. Azmiray al-Maarek, one of the suicide bombers who participated in the September 11th attacks, believed it was an honor to serve Allah in the holy war to defend Islam. Maarek believed that with invading influence and involvement of the United States in the Middle East, they are enemies of religion and of Allah; therefore Allah will grant Islam the power to defend its faith against the invaders from the West and give Maarek exaltation in Paradise for his bravery and service to Islam's defense.[84] The Qur'an supports the idea of fighting in Allah's name, for it proclaims, "Those who readily fight in the cause of Allah are those who forsake this world in favor of the Hereafter. Whoever fights in the cause of God, then gets killed to attain victory, we will surely grant him a great recompense."[85]

From the promise of Paradise for those who participate in jihad, men are convinced, by many leaders like Osama Bin Laden who interpret the Qur'an for the benefit for their individual cause, that they are doing their Muslim duty to proclaim jihad against the West. Fortunately, the majority of Muslims do not share the same beliefs as the radicals.

The president of Pakistan, Perez Musharraf, claimed at an interview in February of 2002, that most Muslims are not extremists or radicals. "It's only a few religious extremists...they have a vested political interest, they have vested interests in making money and then, of course they want to use their clout and try to slow down everything; They want to dominate the field of religion and that's not right."[86] President Musharraf demonstrated the desire to unify Islam, by not having the distinctions of being labeled as extremists, moderates, or conservatives.[87] He also stated that is essential for radicals to be arrested and tried for their crimes. "We have to confront them with law-enforcement agencies and bring them to justice."[88] Many Islamic leaders desperately hope that the world does not view Islam as made up only of radical Muslims who do not hesitate to kill anyone who interfere with their goals and aspirations, whether they are political or religious. Most Muslims practice peace and love mankind; only a few radicals ruin a peaceful submissive religion and give it the reputation of being made up of murderous fanatics.

Without a centralized leader, Islam remains stationary and still without someone to adapt or interpret the written laws. In the past, Muslim caliphs

84 Azimary al-Maarek, "Letters From a Young Martyr," *Atlantic Monthly*, September 2004, 66.
85 *The Qur'an*, 4:74-75.
86 Zahid Hussain, "There's No Room for Clergy in Islam," [Interview on-line]. Internet. <http://www.newsline.com.pk/NewsFeb2002/coverfeb2.htm>, accessed on 24 January 2005.
87 Hussain.
88 Ibid.
89 Al-Ghamdy.

have guided Islam, have led Muslims, and have safeguarded Islam in its original form. Islam removed the last caliph in 1924, when the Ottoman Empire ended. A caliph protects Islam by establishing uniform justice based upon Islamic values among his people, protecting the ummah (people within the boundaries of the Muslim state), ensuring the physical boundaries of the state, defending the rights of Muslims living outside the state, by organizing jihad against non-Muslim governments.[89] These responsibilities portray just a few of the caliph's duties, yet they show the importance and need for a centralized leader.

To become a caliph, one must live worthily and be a Muslim who is very knowledgeable about political, social, and religious concepts and issues involving Islam. A caliph must portray moral and trustworthy attributes while also being physically able and having experience (especially in military aspects.) Most importantly the caliph must be of the tribe of Quraish, for it was Muhammad who said that the caliphs are of the Quraishi tribe.[90] In choosing a caliph, there are only three ways one may be granted this title. First, one must be chosen from a group of Islamic intellectuals who are educated in all historical and religious aspects and doctrines of Islam. This group is call the majlis-ash-shura or consultative council. Not only does the majlis-ash-shura choose the candidate, the Muslim people must also agree with their nomination. Second, the current caliph may appoint his successor, (somewhat like the way Abu Bakr appointed Omar as his successor). Finally, the caliph can take his position by force, yet he must be righteous, for the people must only accept him if he is righteous.[91] Only by these three methods may a caliph be named or chosen.

Al-Qaeda carries the goal of placing a caliph upon the Islamic helm, yet its actions clearly act contrary to what it stands and fights for: its faith. Seemingly enough, Osama Bin Laden demonstrates the desire to be the caliph of Islam as he leads his followers in the endless jihad against Israelis and Westerners, while also demanding the support of all Muslims to rally in his cause. Bin Laden uses noble principals and manipulates and interprets them to support his views and justify all his murders in the name of Allah. Osama Bin Laden cannot be a caliph or any kind of leader in Islam because he does not follow in the path of Allah and his prophet Muhammad. The Qur'an states, "Whosoever kills an innocent human being it shall be as if he has killed all of mankind, and whosoever saves the life of one, it shall as if he had saved the life of all mankind."[92]

90 Ibid.
91 Ibid.
92 *The Qur'an*, 5:32.
93 *The Qur'an*, 6:135.

Osama Bin Laden kills numberless innocent individuals in the name of Allah, yet it was Allah himself that said to kill an innocent is to kill all of mankind. Even though Osama justifies and blames the American women, youth and innocence as supporters of a corrupt and interfering government, he will not be able to justify his actions to Allah after his demise. For it is the Qur'an that says, "O my people do your best, and so will I. You will surely find out who the ultimate victors are. Certainly the wicked will never succeed."[93]

Radical Islamic groups and factions do not follow the teachings of the Qur'an and the beliefs that are shared among Muslims. Adherents of radical Islam represent their faith as murderers and defilers of the faith. Radical Muslims avoid most of the consequences for their actions of blasphemous mockery, because of the lack of a solitary religious leader or caliph.

Without a centralized leader, Islam will continue to represent itself in jagged, scattered factions whose religion allows them to interpret doctrine in any form that supports their personal beliefs. Each radical Islamic faction desires justice for the evils in which they claim other nations and races are afflicting on them. Yet with each declaration of jihad of the sword and each terrorist action towards the West or Israelis, they only divide their religion and further their progress towards disunity and injustice. Islam deserves justice, yet all actions of terrorism by radical Islamic groups do not bring sympathy to their cause, only more anger and hatred. In Islam today, many different radical religious leaders find themselves interpreting the meaning of jihad and the importance jihad of the sword in seeking justice for Islam. Instead of committing acts of terrorism, Islam must establish a unitary hierarchy or supreme representative that can adapt the laws of Shar'ia to support Islam and the changes time places on it. Jihad will never cease to evolve, unless Islam establishes a central authority and stops the idea that anyone who has sufficient power may interpret for Allah and offer Paradise to his followers.

1 Vicente V. Mayer, Jr., *Utah: A Hispanic History* (Salt Lake City: American West Center, 1975), v.


UTAH VALLEY STATE COLLEGE
1941

# The Hispanic Heritage of Southern Utah:

## From Eighteenth Century Expeditions to Twentieth Century Livestock

Emily R. Wade

### *Introduction*

The history of Utah is often inseparably connected with the history of the Church of Jesus Christ of Latter-day Saints and focuses primarily upon the settlement of the pioneers in the Salt Lake Valley during the mid-nineteenth century. Although the two histories are interwoven and impossible to separate, much of the history of Utah remains uncelebrated and even untold. In order to understand the exciting dynamics surrounding the settlement of Utah, it is crucial to investigate the smaller, lesser-known histories. As we examine the history of Utah through different points of view, we come to a more complete understanding of ourselves and other people.[1] I refer to 'ourselves' because Utah history is my history.

Among the many ethnic groups that contributed to the settlement of Utah, Hispanics[2] played a very intricate role in the development and growth of Utah as a state.[3] Even though the details of this essential part of Utah's historical identity has been overlooked for many years, their history is slowly emerging. This investigation examines the history of the Hispanic people in general, and more specifically those who lived in the southeastern region of Utah. Their story reveals a long history of sheep and cattle herders whose experience and expertise made possible the early settlement and growth of southeastern Utah. As the Mormon pioneers settled Monticello and surrounding towns, they received invaluable help from the Hispanic population.[4] The purpose of this paper is to pay tribute to an

2 I have chosen to use the word Hispanic throughout this investigation to represent all native Spanish speakers, knowing very well that no term can adequately capture the diversity of the Spanish speakers and the unique historical realities that defined them. Consequently, all references to Mexicans, Spaniards, and mestizos are to be understood within their greater Hispanic context.

3 Vicente V. Mayer, Jr., *Utah: A Hispanic History* (Salt Lake City: American West Center, 1975), iv.

4 William H. Gonzalez and Genaro M. Padilla, "Monticello, the Hispanic Cultural Gateway to Utah," *Utah Historical Quarterly* 52 (Winter 1984): 9.

5 Armando Solórzano, "Struggle Over Memory: The Roots of the Mexican Americans in Utah,

influential group whose lives have affected an entire state and whose story has not been adequately recognized. Unlike other efforts to tell the history of Hispanics in Utah, this paper does not attempt to diminish the importance of other religious or ethnic groups in the formation of Utah. Instead, this investigation details both how Hispanics first came to Southern Utah and the legacy that remains as a result of their presence. The geographic naming that occurred as well as their crucial role in the success and domination of the ranching outfits in San Juan County characterize their invaluable contribution to the development of Southern Utah.

*History of Early Hispanic Influence in Southern Utah*

Although Coronado, Rivera, and other *conquistadores* made their way through parts of modern-day North America, the first notable expedition through Southern Utah came in 1776. It was in this year that New Spain authorized two Franciscan friars, Father Francisco Atanasio Dominguez and Father Francisco Silvestre Velez de Escalante, to explore the territory north of Santa Fe. They left Santa Fe on July 29, 1776, with two objectives: to search for a connecting route to California and to convert the Indians to Christianity.[5] Although this group planned to preach salvation to the Native Americans, the route to Monterrey was the most important goal and of primary interest to the Spanish empire.[6] The expedition lasted five months, covering more than eighteen hundred miles. During the journey, five Mexican[7] Indian men accompanied their party; they served as interpreters, guides, and keepers of the horses and mules. Possessing general knowledge of the land and language, Lorenzo Oliveras, Lucrecio Muñiz, Andres Muñiz,[8] Juan de Aguilas, and Simón Lucero made possible "one of the most remarkable explorations in North America."[9] The fact that each one of the guides is referred to by name validates their individual and collective contribution to the overall success of the journey. One modern Latin American

1776 through the 1850s," Aztlan 23 (Fall 1998): 84.

6 Edward H. Mayer, "Chicano-Hispano Community," in *Missing Stories: An Oral History of Eight Ethnic and Minority Groups in Utah*, ed. Leslie G. Kelen and Eileen Hallet Stone, (Salt Lake City: University of Utah Press, 1996), 436.

7 Although Mexico did not become "Mexico" until gaining independence from Spain in 1821, I have chosen this term to specify where the men that accompanied Dominguez and Escalante came from according to present demarcations.

8 It is of interest to note that Andres Muñiz accompanied Juan Maria de Rivera on his expedition in 1765. The journal of Rivera's expedition has been lost, but it is evident in the diaries of Escalante and Dominguez that they used Rivera's journal as a guide.

9 Leland Hargrave Creer, *The Founding of an Empire: The Exploration and Colonization of Utah, 1776-1856* (Salt Lake City: Bookcraft, 1947), p.45. And Eleanor B. Adams, "Fray Francisco Atanasio Dominguez and Fray Silvestre Velez de Escalante," *Utah Historical Quarterly* 44 (Winter): 40-58.

10 Armando Solórzano, "Struggle Over Memory: The Roots of the Mexican Americans in Utah,

sociologist, Armando Solórzano, argues that without the assistance of these Mexicans guides, the Spaniards would not have been able to explore the territory.[10]

Although successful in many ways, the chief objective of the Dominguez and Escalante expedition was not met. Their principle goal of creating a route from Santa Fe to Monterrey was not accomplished. Even though they were unsuccessful in their attempt to find a route to the west coast, what they recorded in their journals and produced in the way of maps provided a great foundation for future explorers and settlers.[11] For example, the trail created by Dominguez and Escalante would later be transformed into the Old Spanish Trail.[12] One result from the creation of this trail was an increased interaction between the Indian population in Utah and the whites and Hispanics in surrounding areas. Consequently, a trade relationship formed between these two groups that would facilitate future development and growth.[13]

Although no permanent settlements were established in Utah by the Spanish during the explorations of Dominguez and Escalante, the Spanish crown granted permission to Juan Oñate to establish a settlement in the neighboring territory, known today as Santa Fe, New Mexico. Oñate took with him necessary provisions to establish a permanent settlement. Along with provisions, he also brought thousands of heads of livestock. The tradition of the sheep and cattle industry that he brought with him was unbroken from Spain.[14] The settlement was known as San Juan de los Caballeros and was established in 1598. With great aspirations, Oñate wanted this settlement to become a great trading post. He blazed a trail to what he thought was the Pacific Ocean but what he really found was the Gulf of Mexico.[15] Although the settlement did not flourish as expected, it survived because of the support from the Spanish crown. It served as a gateway to future settlements that would be established in the same area.

In 1821, Mexico gained independence from Spain. Independence did not bring peace and tranquility to the country; instead, it caused internal conflict that made the country susceptible to colonization from outside

1776 through the 1850s," *Aztlan* 23 (Fall 1998): 82.

11 Ibid.

12 Although the Old Spanish trail is not part of any interstate or highway today, many major roadways cross it and have followed its basic route.

13 Joseph J. Hill, "Spanish and Mexican Exploration and Trade Northwest from New Mexico into the Great Basin, 1765-1853," *Utah Historical Society* 3:1 (Winter 1930): 3-7.

14 Spain's rich agricultural history, including both cattle and sheep industries, greatly influenced ranching in the Southwest part of the United States. Julian Nava, *The Mexican American in American History* (New York: American Book Co., 1973), 30.

15 Vicente V. Mayer Jr., *Utah: A Hispanic History* (Salt Lake City: American West Center, 1975), 12.

16 Edward H. Mayer, "Chicano-Hispano Community," in *Missing Stories: An Oral History of*

influences. The United States took advantage of the unrest in Mexico. In 1846, the United States declared war on Mexico which ended two years later with the signing of the Treaty of Guadalupe Hidalgo and the annexation of 55% of Mexico's remaining land.[16] Because there were many Mexicans living in the newly annexed portions of the United States, the government promised them the same rights that were promised to the Anglo[17] citizens. Among other things, "the Treaty of Guadalupe Hidalgo was to insure the Mexican equal treatment and protection under the law, recognition of their land titles and religious rites, and the preservation of their culture; including language....was flagrantly violated."[18] It was not until the turn of the century that Utah became the home to many Hispanics, but in other states that had been annexed at this time; the Hispanics were deprived of the basic rights described in the treaty. Many Hispanics felt as though they were strangers in their own land.[19]

Fifteen years before the Hispanics settled in Southern Utah, however, Mormons began to occupy the same area. They initially came from Nauvoo, Illinois, in 1846, and would eventually settle the Salt Lake Valley in 1847. The pioneers were seeking refuge from religious persecution and to remove themselves from the grasp of the federal government.[20] This chapter of Utah history is unique in the sense that the Mormon expansion was done by way of mission call. Leaders of the Church called men to establish settlements throughout the state. The members of the Church believed that these calls came directly from God and therefore were willing to go and settle these remote areas.[21]

From 1878-1879, a mission call was issued by the president of the Church, John Taylor, to settle the southeastern region of the state, what would later be known as San Juan County. Before any families left for San Juan, a man by the name of Silas S. Smith led a scouting party to determine the specific destination and the best route to travel. This scouting party found a site located at the mouth of the Montezuma Creek on the San Juan River.[22] Even after the mission location was concluded, the most efficient

*Eight Ethnic and Minority Groups in Utah*, ed. Leslie G. Kelen and Eileen Hallet Stone, (Salt Lake City: University of Utah Press, 1996), 436.

17 Anglo refers to the white American of non-Hispanic decent.

18 Vicente V. Mayer Jr., "After Escalante: The Spanish Speaking People of Utah," in *The Peoples of Utah*, ed. Helen Z. Papanikolas, (Salt Lake City: Utah Historical Society, 1976), 438.

19 David F. Gomez, *Somos Chicanos: Strangers in Our Own Land* (Boston: Beacon Press, 1973), Title Page.

20 LeRoy R. Hafen and Ann W. Hafen. *Handcarts to Zion: The Story of a Unique Western Migration 1856-1860* (Glendale: The Arthur H. Clark Company, 1976), 18-19.

21 David E. Miller, *Hole-In-The-Rock: An Epic in the Colonization of the Great American West* (Salt Lake City: University of Utah Press, 1959), 4-6.

22 David E. Miller, *Hole-In-The-Rock: An Epic in the Colonization of the Great American West* (Salt Lake City: University of Utah Press, 1959), 4-6.

23 Just before entering what is known today as Bluff, this group of pioneers met an obstacle

route was still undetermined. The pioneers had two options, both of which originated in the central Utah town of Paragonah: they could either make a long, seemingly risk-free 800 km trek, or they could take the dangerous short-cut through Forty-Mile Spring just south of Escalante. Despite the inherent risks therein, the latter was chosen, and would eventually assume a legendary place in the history of Southern Utah. In November of 1879, 250 men, women, children gathered 83 wagons and over 1,000 head of livestock in preparation for their voyage through the Hole in the Rock.[23] In April of 1880, the first group of Mormon pioneers entered into what is now Bluff and began to work the land and establish a new community.[24] Upon their arrival, many Mormon pioneers jumped into the cattle industry. The cattle and sheep industries, along with a number of other factors, especially the Homestead Act, led the Hispanic people to help establish Utah.[25]

In 1862, the Congress of the United States passed the Homestead Act. This law granted 160 acres of land to any citizens of the United States who were twenty-one years of age or older, or the heads of households. They were responsible for improving the land over the space of five years; if they improved and cultivated the land, then the federal government awarded them patents for their pieces of land.[26] This law affected Utah, and as a result, many families moved from Colorado and New Mexico to homestead land in Utah. One family that came to Utah because of the Homestead Act was the Gonzalez family. William Herman Gonzalez recalled that his paternal grand-father, Ramon Gonzalez, arrived in Monticello on March 7, 1900. His mother's family came only fifteen years later. When William Gonzalez asked his mother why they chose Utah, she answered, "The land was free then, you just came out and homesteaded."[27] The Gonzalez family became the first of many Hispanic families to homestead in San Juan County during the early twentieth century.

that seemed impossible. They literally had to create their own passage way through a small opening in the mountain.

24 David E. Miller, *Hole-In-The-Rock: An Epic in the Colonization of the Great American West* (Salt Lake City: University of Utah Press, 1959), 4-6.

25 Amasa Jay Redd, *Lemuel Hardison Redd, Jr.*, 1856-1923. (Salt Lake: Self Published, 1967), 45.

26 *The Treaty of Guadalupe Hidalgo*. Internet. <Available from http://www.loc.gov/exhibits/ghtreaty/>, accessed 28 January 2005.

27 William Herman Gonzalez, "Chicano-Hispano Community," in *Missing Stories: An Oral History of Eight Ethnic and Minority Groups in Utah*, ed. Leslie G. Kelen and Eileen Hallet Stone, (Salt Lake City: University of Utah Press, 1996), 491.

28 John W. Van Cott, *Utah Place Names: A Comprehensive Guide to the Origins of*

*The Legacy that Remains in Southern Utah from the Early Hispanic Presence*

*Geographic Naming*

Fathers Dominguez and Escalante initiated the Spanish influence on place names in Utah during their exploratory journey through the land. In their journals and maps they named many of the geographical features, including mountain ranges, lakes, and rivers. Although there are many examples, this portion of the paper will focus on predominant groups. The first section discusses the names given to geographical features by or in honor of Dominguez, Escalante, and other Spanish explorers. The second section will explain how, although some of the Spanish names were modified with the arrival of the Mormon pioneers, the Hispanic influence remains.

Beginning with the most obvious, the name of the county is *San Juan*, which in Spanish means Saint John. This name originated from the river that runs through this area, named the San Juan River. The history of the name origin of the San Juan River dates back to the early Spanish explorers who came from Mexico and New Mexico to explore and trade. Two names are mentioned as possible sources: Don Juan de Oñate and Don Juan Maria de Rivera.[28] It is unknown who exactly named the county. There are several other examples of rivers, valleys, lakes, and mountain ranges that still carry a Hispanic influence in their names. The mountain range located six miles west of Monticello is known as the *Abajo* Mountains, sometimes referred to as the Blue Mountains. The word *Abajo* means low or down in Spanish. These mountains were named in the 1700s by the Spanish explorers.[29] Dominguez and Escalante named the *La Sal* (the Salt) mountain range located in the northern portion of the San Juan County because of the numerous salt deposits found in the region. The Colorado River is another example of the Hispanic influence on the names in Utah. Because of the river's red tint, Don Juan de Oñate named it the *Rio Colorado* in 1604. *Colorado* means colored in Spanish.[30] The river is known today as the Colorado River (without a Spanish accent). Other examples are *Rio San Buenaventura* renamed the (Green River), *La Sierra Blanca de Los Lagunas* (Uintah Mountains), *Rio de Aguas Calientes* (Spanish Fork River), and *Nuestra Señora de los Timpanogotiz* (Utah Lake and Valley).[31]

*Geographic Names: A Compilation.* (Salt Lake City: University of Utah Press, 1990), 328-329.
29 Ibid., 1.
30 Ibid., 87-88, 217.
31 Ibid.
32 Ibid., 130-131, 248.

Some of the Spanish names did not come from the Spaniards, but were named by the Anglo settlers in their honor. *Escalante*, for example, a town in Garfield County, was named in honor of the great 18th century explorer who traversed this area. Although the city itself may not inspire much discussion, the actual naming is quite significant. This is a great tribute to Father Escalante. In a predominantly Caucasian, Mormon society, for someone to recognize the contributions of a Hispanic, Catholic explorer, in such a permanent way, is worth mentioning.[32]

Many of the name origins are unknown, and still others carry a sense of mythology. One example of this San Juan mythology is the mysterious origin of Montezuma Creek. This creek and subsequent town was named by Peter Shirts. Shirts claimed that the mighty Aztec ruler, Moctezuma II, escaped his captors, was overtaken in Recapture Wash[33] and was then killed in what is known today as Montezuma. While some believe this myth to be true, others argue that the cities name of Montezuma existed long before Shirts arrived in the 1860s. The exact origin is unknown, but the story makes for a great legend.[34]

Many of the names once given by Spanish explorers were eventually anglicized or perverted by colonizers. A perfect example of the anglicization of Spanish names in San Juan County is The Crossing of the Fathers. Because of the sheer size of the Colorado River, it was a challenge for the early explorers to find a place to cross. In November 1776, the Dominguez and Escalante party finally found a location to cross the Colorado River on their return trip to New Mexico. The Spaniards called it *El Vado de los Padres* (The Bridge of the Fathers). This famous crossing is now buried under several hundred feet of Lake Powell waters.[35] One example of the bastardization of a Spanish name comes from a town in Washington County called La Verkin. It is generally agreed that La Verkin is a corruption of the Spanish word *La Virgen* or the Virgin, referring to Mary, the Mother of Jesus Christ. Another example of this transformation from a Spanish term to an anglicized word is the area known as Val Verda, located in Davis County. The words Val Verda come from the Spanish term 'green valley' or *Valle Verde*.[36]

The names of geographic features in San Juan County initiate an important dialogue regarding the rich Spanish legacy in the area. While some of the original names remain unchanged, a great number of the other

33 Recapture received this name because it is said that Moctezuma made it here until he was recaptured by the Spaniards.

34 Robert S. McPherson, A *History of San Juan County: In the Palm of Time* (Salt Lake City: Utah State Historical Society, 1995), 21.

35 Ibid., 96-97.

36 Ibid., 217, 383.

37 Charles S. Peterson, "San Juan: A Hundred Years of Cattle, Sheep, and Dry Farms," in *San*

designations have changed through a variety of linguistic processes. As significant of a contribution the geographic naming was-with language being the foundation of all civilization-this is only the beginning of what is a beautiful history of Hispanic influence in Southern Utah. Their contributions transcend the linguistic sphere, impacting the economic, social, and historical realities of the area.

*The Crucial Role of Hispanics in the Ranching Industry*

For over a century, the cattle and sheep ranching industries of San Juan County have been among the most dominant in the state of Utah.[37] Most familiar with Utah history know that, traditionally, ranching has flourished in this area. What is not so readily known, however, is the indispensable place of the Hispanics in this history. Although many factors led to this success, the achievement of the cattle and sheep industries from mid-1890 to 1930 was in direct correlation to the invaluable work of Hispanic herders. Built upon a general history of cattle and sheep ranching in southern Utah, I will illustrate, through a series of testimonies and other evidence, the crucial role that Hispanic herders had in the development and success of the ranching operations.

When the Mormon pioneers arrived in San Juan County in 1887, there was already a decade-long history of cattle ranching in the area. From 1880 to 1896, the ranges of San Juan were dominated by large cattle barons from the east. These cattle barons came principally from Texas, others from Kansas and Pennsylvania. The largest was the Carlisle Cattle Company, managed by Harold Carlisle from England, the second largest company, L.C. or Lacey, occupied the land near the *Abajo* Mountains. Both companies entered San Juan County in the early 1880s. They did not have any affiliation with the Church of Jesus Christ of Latter-day Saints, but were drawn to San Juan County due to its scarce population and abundant resources.[38] Robert McPherson, one of the state's leading historians, described the tantalizing invitation to large cattle barons in the following way,

> The siren's song that lured large cattle outfits to the area's mountains and mesas harmonized with the government's policy of the open range and with the native grasses that had hitherto not been heavily utilized.[39]

*Juan County, Utah: People, Resources, and History*, ed. Allan Kent Powell (Salt Lake City: Utah State Historical Society, 1983), 201.

38 Robert S. McPherson, *A History of San Juan County: In the Palm of Time* (Salt Lake City: Utah State Historical Society, 1995), 172.

39 Ibid., 171.

40 Cornelia Adams Perkins, Marian Gardner Nielson, and Lenora Butt Jones, *Saga of San*

With governmental encouragement and an isolated range these cattle companies flourished in San Juan County for the next fifteen years. Although it is impossible to assign an exact number of livestock that roamed the ranges of San Juan during the 1880's, some estimate from forty thousand herds to one hundred thousand.[40]

These large cattle companies thrived in Southern Utah during this period due to the excellent weather and land conditions. The high amount of rain filled the lakes and rivers and accumulated in the fields, which provided an ideal grazing area for thousands of heads of cattle.[41] Another advantage encountered by the large cattle barons as they entered San Juan were the seemingly endless fertile fields that were not restricted by fences. For the Carlisle, Pittsburg, and L.C. Companies, San Juan County was a ranching bonanza. The zenith for the cattle industry in San Juan was around 1886. Shortly after the apex of the large cattle industries' reign on the San Juan ranges, this area entered a serious drought. In 1893, San Juan County experienced an incredibly dry winter. That incredibly dry winter turned into a drought that lasted for the next ten years.[42] It was a combination of many factors that drove the large cattle barons from Utah, but the drought was among the major reasons for their abandonment.

The last twenty years of the nineteenth century held with them elements that were so inviting that the major cattle outfits overwhelmed the land with their thousands of head of cattle. Over the course of ten years, the overpopulation of cattle on the plains catalyzed the downfall that many herders experienced.[43] After dominating the ranges in San Juan for ten years, the once exhilarating adventure of the frontier life began to fade and the barons began to look beyond San Juan for greener pastures.

Another factor that greatly encouraged the departure of the large cattle outfits were the Mormon settlers who realized that in order to make a profit they would have to take control of the land, remove any outside competition, and basically make San Juan a Mormon run operation.[44] The Mormon settlers were successful in their aspiration. One historian, Ken Powell, described their success this way, "In the time the Mormon cattlemen, in an unusual alliance with drought and low market prices, wore down the non-Mormon cattlemen and by the early 1890's controlled San Juan County's livestock industry.[45] By the mid-1890s, the large cattle com-

*Juan* (Salt Lake City: San Juan County Daughters of Utah Pioneers, 1957), 90.

41 Ibid.

42 Robert S. McPherson, *A History of San Juan County: In the Palm of Time* (Salt Lake City: Utah State Historical Society, 1995), 173.

43 Ibid.

44 Ibid.

45 Charles S. Peterson, "San Juan: A Hundred Years of Cattle, Sheep, and Dry Farms," in *San Juan County, Utah: People, Resources, and History*, ed. Allan Kent Powell (Salt Lake City: Utah State Historical Society, 1983), 6.

46 Don D. Walker, "The Carlisles: Cattle Barons of the Upper Basin," *Utah Historical Society*

panies had sold their stock and divided the remaining interests to local Mormon ranchers.[46] The Mormon pioneers were devoted and remained in San Juan, but without the help of the Hispanics, they would never have been able to sustain the cattle and sheep industries. The Hispanic workers who came to San Juan were not simply *braceros*,[47] but were trained and expert in the cattle and sheep industries.

Hispanic workers entered San Juan County around the turn of the century. This was seen as a social and economical change in Utah. Many of the Hispanic workers came from New Mexico and Colorado, from cities like Coyote, Abiquiu, Cuba, and Tierra Amarilla. The majority of them were young men who came to southeastern Utah, worked for a period of time, and then returned to their families. While in Utah they rarely left the herds.[48] Initially, only men came to San Juan to work, but most eventually sent for their families. This program of seasonal work was beneficial for both employee and employer.[49] The cattle owners were extremely fortunate to have such capable, reliable cattle hands and the Hispanic workers were grateful for the opportunity to make enough money to return home and support their families.[50]

The Ramon Gonzalez family was the first Hispanic family to homestead in Utah. Jose Prudencio, Ramon's son was born in New Mexico in 1884, to a family that had a long tradition with the cattle and sheep industry. In 1900, Gonzalez and his family moved to Monticello. Two years after the Gonzalez family arrived in San Juan, his father died. Because he was the head of the household, the family lost the homesteaded land near Indian Creek. This forced Gonzalez to follow his family's tradition and began herding cattle and sheep to support his family. Despite challenges and untimely tragedy, Jose Prudencio Gonzalez gained a reputation of being an outstanding cowboy through his hard work and diligence on the range.[51] Not only did his work ethic prove him a solid worker, but the invaluable knowledge of raising sheep facilitated great success. Along with other factors, McPherson attributes the accomplishment of the sheep industry in San

32 (Summer 1964): 269-284.

47 *Braceros* is a Spanish term that in essence means "arms." The term is used for common laborers used in manual labor.

48 Jorge Iber, *Hispanics in the Mormon Zion*, 1912-1999 (College Station: Texas A&M University, 2000), 25.

49 Amasa Jay Redd, *Lemuel Hardison Redd, Jr.*, 1856-1923. (Salt Lake: Self Published, 1967), 154. Many Hispanics were grateful for this employment; as a token of their appreciation they would host dinners and dances and offer speeches expressing gratitude.

50 Chester Smith, interviewed by Karl Young, 19 October 1973, Interview 15, transcript. Charles Redd Oral History Project, Charles Redd Center for Western Studies, Provo, Ut.

51 Robert S. McPherson, *A History of San Juan County: In the Palm of Time* (Salt Lake City: Utah State Historical Society, 1995), 177.

52 Ibid.

Juan County to "men like Gonzalez, provided a good pool of labor to draw from."[52] Even when the industry was in a lull, the sound ability of Gonzalez and others facilitated the industries success.

One of the reasons that the Hispanics made the San Juan cattle industry so prosperous was that they had an incredible network among friends and family. Therefore, the quantity of excellent, qualified workers continued to support the cattle ranchers. Although the distance was great between the Hispanic herders and their families, the chain of communication was vibrant. If there was ever a need on the ranch, the Hispanic workers would be able to contact a brother, uncle, or friend.[53] With this type of system, there was always a chain of competent men to work on the ranches.

Although the numbers were significant, it was the quality of the Hispanic workers that made the difference in the success, as the numerous testimonials suggest. One reason that the Hispanic population was such an integral part of the livestock industry in San Juan County was because of their loyalty. Joe Redd, a rancher on the Charlie Redd Ranches in San Juan, said about the Hispanic herdsmen, "If by chance they would lose a sheep they would feel worse than the fellow who owned them."[54] An impressive characteristic of the Hispanic workers was the dedication to the job at hand; many times the Hispanic workers were compared to the Texan cowboys who were influential in the success of the big cattle companies during the 1880's. They truly cared for the cattle and sheep and were committed to giving their best effort to the job.

Although praise of the Hispanic influence is not frequent in histories of the time, as is expected from any minority histories, there are still several accounts by prominent figures in the ranching industry. For example, Joe Redd, a rancher on the La Sal Company, had the following to say about one of the Mexican workers, J.R. Lopez, and his performance as a cattle hand, no one could have been more "loyal or better....Lopez knew cattle...horses...could build a house... (or) corral. That fellow could do anything."[55] Another prominent sheep and cattle man was Lemuel Hardison Redd. His son, Amasa Jay Redd, recalls a deep level of admiration that his father had for the Mexicans from New Mexico that cared for his sheep. He said that his father employed men by the name of Chacon, Gallegos, Martinez, Corrales, Serrano, Sanchez, Lopez, who were absolutely trustworthy to care for $30,000 worth of sheep in each herd and perhaps more to be relied upon than any white man who could be hired to do the work.[56]

53 John Packard Redd, interview by author, 15 January 2005, Bountiful, Utah.

54 Joe Redd, interviewed by Jessie Embry, 11 April 1979, Interview 15, transcript. Charles Redd Oral History Project, Charles Redd Center for Western Studies, Provo, Ut.

55 Robert S. McPherson, *A History of San Juan County: In the Palm of Time* (Salt Lake City: Utah State Historical Society, 1995),

56 Amasa Jay Redd, *Lemuel Hardison Redd, Jr.*, 1856-1923. (Salt Lake: Self Published, 1967), 47.

57 Charles S. Peterson, "San Juan: A Hundred Years of Cattle, Sheep, and Dry Farms," in *San*

Related to their incredible sense of loyalty was the Hispanic worker's apparent lack of self interest. In most cases, the Hispanic workers were grateful for the opportunity and were extremely dedicated to the job at hand. They were not preoccupied with self glorification; the goal was not personal gain but the success of the whole. Charles Peterson suggested that

> Hispanics were largely without ideas of social conflict and lacking a labor-class mentality, they were loyal to their employers. If they were not utterly without aspiration to change, they at least lacked the strong opportunism that made it difficult for many an Anglo stock worker to keep his mind on the outfit's interests rather than upon his own progress up the ladder of ownership.[57]

When considering the success of any company, it is obvious that if all the employees are only concerned about their own personal gain, the company is doomed to fail. In the case of the San Juan Cattle Companies, it was different. For most, the opportunity to have consistent work that allowed them to send money home to their families was such an enormous blessing that the desire to climb the economic hierarchy was far from their minds. This is a large factor to why they were so fundamental in the accomplishment of the sheep and cattle industries in southeastern Utah.

Along this same vein of thought, William Herman Gonzalez, the grandson of the first permanent Hispanic homesteader in Monticello, proposes a different view as to why Hispanics did not preoccupy themselves with the riches and glory of self-promotion, citing religious motives:

> That's the key to the New Mexico Hispanic. He's totally Franciscan in his outlook. The Franciscans came in through there, and they brought the faith, intermarriage, everything. So everything (in our life) is Franciscan oriented-including the vow of poverty, absolute poverty. The reason Hispanics have never (completely) acclimated in this society is this Franciscan principle of poverty. Its part of the whole heritage and you can't undo it just by throwing it overboard. It's very strong. It's almost genetic. You can see it - they give away everything. You're not supposed to collect anything. You're not supposed to have it.[58]

Thus, the inherent cultural values Hispanics brought with them to San Juan County impacted their labor ambitions and, consequently, their longevity in the ranching industry. Some historians argue that the pattern

*Juan County, Utah: People, Resources, and History*, ed. Allan Kent Powell (Salt Lake City: Utah State Historical Society, 1983), 183.

58 William Herman Gonzalez, "Chicano-Hispano Community," in *Missing Stories: An Oral History of Eight Ethnic and Minority Groups in Utah*, ed. Leslie G. Kelen and Eileen Hallet Stone, (Salt Lake City: University of Utah Press, 1996), 496.

59 Charles S. Peterson, "San Juan: A Hundred Years of Cattle, Sheep, and Dry Farms," in *San*

set during the turn of the century in San Juan County provided a perfect work force until 1960. This ideal work force was a combination of men who possessed great natural ability and sound experience, with limited opportunities to work, which turned their working lives over to the San Juan County employers.[59]

The question of what really makes a successful livestock company has been raised. Some say that it is a matter of management; others argue that it is the actual laborers that make all the difference. Chet Smith, a foreman at Redd Ranches, believed that the greater importance fell upon the hired hands. He argued that the herders were just as important as the owner of the ranch, in his case, Charlie Redd. When Smith was asked to give good examples of competent stockmen, he gave a list of Hispanic names with one exception, Joe Redd, who like the Hispanics gave his all to his work.[60] In an interview conducted with Smith in 1973, he argued, "the reason Charlie (Redd) got his stock taken care of is the good men he had all these years."[61] The interviewer asked him if he meant the Mexican workers like Lopez and Garcia, Smiths' reply was "Those are the guys that made Charlie Redd."[62] This is quite a statement, considering that Charlie Redd is revered by some as one of the most important cattle ranchers in the history of the state of Utah.[63]

Hardy Redd, Charlie Redd's son, commented on the statements made by Smith and agreed with his argument that good, solid men were as important to the company as Charlie's management. He said that he did not want to take away from Charlie and his expertise in management, but to give both parties credit for their contributions. Talking about the relationship between the Hispanic ranch hands and his uncle, Hardy said,

> Charlie had the ability to manage and get the best out of men. That Charlie was able to do this with Chet and Spanish-American sheep and cowmen such as F.R. Lopez, Merejeldo Valdez, Roque Garcia, and many other men is an indication of his ability to manage men. This should take nothing away from the men themselves; they were dedicated, hard-working, loyal, competent people who did the careful,

*Juan County, Utah: People, Resources, and History*, ed. Allan Kent Powell (Salt Lake City: Utah State Historical Society, 1983), 183.

60 Chester B. Smith, "Oral History Interview: Tape and Transcript," interview by Karl E. Young (19 October 1973), *Charles Redd Oral History Project, 1973-1980*, La Sal: Charles Redd Center for Western Studies, 1973.

61 Ibid.

62 Ibid.

63 *Charles Redd*. Internet. <Available from http://fhss.byu.edu/reddcent/NEWPAGES/BIOGRAPHIES/CHARLES%20REDD.htm>, accessed on 29 March 2005.

64 *Hardy Redd*, "Comments on 'San Juan: A Hundred Years of Cattle, Sheep, and Dry Farms," in *San Juan County, Utah: People, Resources, and History*.

65 L. Wayne Redd, *Stories of my Life* (Bountiful, Utah: by the author, 1994), 5.

> painstaking work that makes or breaks a ranch.[64]

Redd argues that the ranch hands are those who make or break a ranch. The cattle industries in San Juan were successful; therefore the Hispanic ranch hands were very much responsible. It is possible that in his time, Hardy knew of hundreds of ranch hands that worked for his uncle. It is significant that he remembered and recalled the names of these Hispanic workers when giving this tribute.

For some, the positive influence of the Hispanics in San Juan County was on a more personal note. L. Wayne Redd, another nephew to Charlie Redd, was born in La Sal, Utah in 1920. From the earliest memories on the ranch, he remembers the Hispanic workers as being a very important part of the workforce. He remembers,

> Often times I went on horseback trips in the mountains with Dad to inspect the sheep herds. Sometimes I took trips with him to New Mexico in a truck to hire and bring back truck loads of Mexican sheep herders for temporary help during lambing season.[65]

As soon as they arrived, they worked hard and gave themselves entirely to the operation. Along with their contributions as excellent stockmen, Redd was impressed with the sense of selflessness that existed among them. With regards to his adolescence in La Sal, Utah, Wayne said, "Most of my close friends as I was growing up were Mexican for whom I have a great deal of love."[66] Similar sentiment is displayed in many of the testimonials of persons in San Juan who were fortunate enough to work with them. One experience shows perfectly the unique relationship that existed between the Hispanic workers and the cattle and sheep range owners. Lemuel Hardison Redd, a prominent rancher, had to on occasion cope with Hispanic workers that were taken away by failing health, old age or death. When these men finished their work and still had an outstanding debt to, he would write in the company legers, "Balanced by long and faithful service."[67] The relationship of trust existed between the Hispanics and the men they worked for demonstrates the influential team that would see much success, and would be another factor to the crucial influence the Hispanics had on the cattle and sheep industry in San Juan County.

As a teenager, L. Wayne Redd worked on his Uncle Charlie's ranch. At that time he was the only herder who was not Mexican. Generally, he was known as the "blue-eyed-Mexican" because the only associations he had during the day was with Hispanics. As a young man in La Sal, Utah, Wayne had a dear friend named Mateo Garcia with whom he worked on the ranch. Wayne always visited the Garcia family and was extremely

66 Ibid.

67 Jay Redd, *Lemuel Hardison Redd, Jr.*, 1856-1923. (Salt Lake: Self-Published, 1967), 47.

68 Ibid.

impressed with how well his mother cooked. He can still remember eating tortillas at her house; it did not matter what time of the day it was. One day when he went to visit, Mateo's mother presented him with a beautiful homemade saddle blanket. He later learned that she had spent many hours picking the remaining wool off of the dead sheep and the wool that was caught in the fences to collect enough in order to make this gift; she washed and combed the wool, washed it again, and dyed it beautiful colors in order to make it a priceless gift for Wayne. She personified the Franciscan way mentioned by Gonzalez; this mother was so unselfish that she gave Wayne the very best gift, herself.[68] There are many examples of how the Hispanic population facilitated the growth of the cattle and sheep industry, but I am certain that the sociological influence to the community assisted the overall growth of this southeastern corner of the state of Utah.

*Conclusion*

The history of the state of Utah is incomplete if it lacks the rich tradition and legacy left by the many minority groups found therein. The majority of the written histories of Utah focus on the arrival of the Mormon pioneers to the Salt Lake Valley in the nineteenth century, and gives little to no consideration to smaller minority groups. Without careful consideration of all groups that contributed to Utah's rich story, the history is void of much of its heritage. It is within the lesser-known histories that we find the rich diversity.

In an effort to illuminate the story of the Hispanic population, this thesis provides an important perspective of Utah history that has not been given adequate consideration. From the end of the eighteenth century to the present day, Hispanics have played a part in the history of Utah. This examination will open doors to future research on this subject and will inspire a greater need to know the complete history of Utah. In conclusion, this thesis will open your eyes to the important contributions made by the Hispanics. Albert Lyman, a Mormon settler and rancher in San Juan during the turn of the century, shared an experience that illustrated perfectly my intention for this paper. One night while camping with his dear friend Jose Aragon, he sat next to the fire and studied his friend's expressive face. He said, "I caught and enjoyed immensely somewhat of the important message he had unconsciously brought to me of his people in Old Spain and Old Mexico." As we learn the history of the Hispanics in Utah, we will become more complete because we will learn to look beyond ourselves and appreciate the important roles others groups have played in 'our' history.[69]

69 Albert R. Lyman, "Experiences and Impressions," p.31, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

1 *Proceedings of the Grand Lodge of Utah F.& A.M.* (Salt Lake City: privately printed, 1925),


UTAH VALLEY STATE COLLEGE
1941

# Utah Freemasonry's Formal Exclusion of Mormon Membership, 1925

Nord Derek Anderson

*Changing Pretexts*

Utah Freemasonry formally banned members of the Church of Jesus Christ of Latter-Day Saints on January 21st, 1925.[1] Anti-Mormonism and a long-held bias against polygamists drove to the institution of this formal action against members of the predominant religion in the state. The complaints against members of the Church could be described as a strong anti-Mormon bias exhibited by Utah Masonry's leaders, the distortion of Church doctrine by prominent Masonic leaders, and the Church's uncompromising stand against all external organizations, secret or otherwise.

While in Nauvoo, Joseph Smith joined the Masonic Order accompanied by nearly the entire hierarchy of the Church.[2] Smith and Sidney Ridgon were made Masons at Sight on March 16, 1842 in Nauvoo Lodge by Grand Master Abraham Jonas.[3] James Adams, the Mormon Patriarch residing at Springfield, Illinois, assisted Jonas in the efforts to establish Mormon Lodges. Both Jonas and Adams were self-seeking politicians who wished to use Masonry as a tool to advance their careers through the power of the Mormon vote.[4] Mervin B. Hogan, who wrote extensively on Masonry and Mormonism as a member of both organizations, identified these two men as the leading proponents of the establishment of Mormon Lodges. He wrote, "James Adams and Abraham Jonas are the two Masons whose names and actions must be ever acknowledged and credited-for better or for worse-with the regular and legal introduction of Freemasonry among the

65, Utah History Research Library, Utah State Historical Society.

2 Mervin B. Hogan, *What of Mormonism and Freemasonry?* (Salt Lake City: Research Lodge of Utah, F&A. M., May 3, 1976, 1, Box 2, Folder 3, Special Collections Department, Marriot Library, University of Utah, Salt Lake City.

3 Ibid.

4 Mervin B. Hogan, *The Explosive Rupture Between the Grand Lodge of Illinois and the Mormon Lodges of Illinois and Iowa in 1843*, Paper presented before the Mormon History Association at Dixie College, St. George, May 1, 1976, 2, Box 2, Folder 1, Special Collections Department, Marriot Library, University of Utah, Salt Lake City.

5 Mervin B. Hogan, *The Initial Interfaces Between Mormonism and Freemasonry*, prepared

Mormons at Nauvoo."[5] With the help of the Mormon vote, Jonas was elected to the Illinois Legislature shortly after the establishment of the Mormon Lodge in Nauvoo.[6] Joseph Smith did not seek out Masonry. Instead, Jonas and Adams sought self-acclamation through Mormon voting power by creating a union between the growing church and the ancient order.[7]

The Mormons left their association with Freemasonry behind in Nauvoo. After settling in Utah, the proposition was made by George A. Smith and Lucius N. Scovill to Brigham Young on August 19th, 1860, requesting permission for Smith to go to England for the purpose of obtaining charters for Lodges in Utah.[8] This would enable the Mormons to establish their own Grand Lodge that would stand independent of all other Grand Lodges throughout the world.[9] Wilford Woodruff recorded that Brigham Young saw no good coming from such action.[10] Young declared that people in the United States sought the destruction of the Mormon people and that Freemasonry was used as a means to accomplish their goal.[11] He recounted that Joseph was killed by fellow Masons while giving the Masonic sign of distress.[12] Referring to George A. Smith's proposition, Young said:

> I have no doubt but that thing Could [*sic*] be done & we Could [*sic*] take our young men into the lodge but then I would aske [*sic*] what Good [*sic*] Could [*sic*] it do? What good Could [*sic*] result from it? I think no good at all. The truth is we have got to look to Lord God of Israel to sustain us & not to any institution or kingdom or people upon the Earth Except [*sic*] the kingdom of God and I ask no odds of any man or set of men beneath the heavens Except [*sic*] the Lord and his Saints.[13]

This statement set a precedent of leaders discouraging all organizations not controlled specifically by the Church.

The issue concerning Mormon membership in Utah Masonic Lodges was foremost in the Order's early history. Members of Mt. Moriah Lodge received a dispensation issued on January 25th, 1866 from Grand Master Joseph DeBell of the Grand Lodge of Nevada.[14] Mt. Moriah petitioned for a

for The Masonic Service Association of Washington, D.C., May 11, 1976, 3, Box 2, Folder 2, Special Collections Department, Marriot Library, University of Utah, Salt Lake City.

6 Ibid., 7.

7 Ibid., 9.

8 *Wilford Woodruff's Journal* 1833-1898 Typescript, ed. Scott G. Kenney, vol. 5 (Midvale, Utah: Signature Books, 1984), 483.

9 Ibid.

10 Ibid.

11 Ibid., 482.

12 Ibid.

13 Ibid., 483.

14 *Proceedings*, 1925, 88.

15 Ibid.

charter which the Grand Lodge of Nevada accepted with the provision that the members exclude all Mormons.[15]

Grand Master DeBell reasoned that allowing Mormons to join the Fraternity would destroy the peace, harmony, and usefulness of a lodge.[16] This provision included Mormons who had become Masons in different states and requested the right to visit Utah lodges. Upon receiving a question about Mormon membership, Grand Master DeBell replied, "...that the law breakers-those who were living in daily violation of what are known as the proprieties and decencies of life; setting at naught the moral law, should not be admitted to the ranks of Masonry."[17]

The Salt Lake brethren objected to such a requirement because it was contrary to religious freedom and it denied each Lodge the power to determine who was worthy to join.[18] Freemasonry's only religious requirement is to believe in the Supreme Power of the Universe.[19] The Mormons met this standard but failed the more secular test to be law abiding citizens: polygamy, practiced by a few but perceived as a more wide-spread occurance, was against federal law.

The members of Mt. Moriah Lodge tried to compromise with the Grand Lodge of Nevada by excluding polygamists on general reasons, but not excluding Mormons for religious reasons.[20] The defiance did not change the Grand Lodge's original provision. In fact, the Grand Lodge denied the petition for a charter on September 19th, 1867, based on Mt. Moriah's insubordination regarding the requirement that dealt with Mormons.[21] The Grand Lodge of Nevada reaffirmed to Mt. Moriah that those who were not true to the laws of the government could not be Masons.[22] The Grand Lodge also took offense that a few members would contest the authority of a Grand Lodge in issuing a religious precondition.

This caused the Salt Lake brethren to look elsewhere for a Grand Lodge that would be sympathetic to their cause. They petitioned the Grand Lodge of Colorado and the Grand Lodge of Montana. Both deferred the decision back to Nevada. Montana added a chastisement that Mt. Moriah Lodge's dissent was subversive to Masonry.[23] Finally, the Grand Lodge of

16 Cecil E. McGavin, *Mormonism and Masonry* (Salt Lake City: Bookcraft, 1956), 185.
17 Samuel H. Goodwin, *Freemasonry in Utah: A Chapter from the Early History of Mt. Moriah Lodge No. 2, in Freemasonry in Utah*, no. 2 (Salt Lake City: Issued by the Committee on Masonic Education and Instruction, Grand Lodge of Utah, F. & A.M., 1924), 8, L. Tom Perry Special Collections, Brigham Young University, Provo, Utah.
18 Ibid.
19 Joseph E. Morcombe, "Planting of Masonry in Montana -V," *The Universal Free Mason*, VII, no. 1 (July 1914), 2, L. Tom Perry Special Collections, Brigham Young University, Provo, Utah.
20 Goodwin, Early History Mt. Moriah, 10.
21 Ibid., 12.
22 Ibid., 9.
23 Ibid., 13.
24 Ibid., 14.

Kansas under the direction of Grand Master S. Adams issued a dispensation on November 25th, 1867, to Mt. Moriah Lodge.[24] The Grand Lodge of Kansas issued a charter for Mt. Moriah on November 9, 1868.[25] Unfortunately, much of the information regarding the correspondence between Mt. Moriah and the Grand Lodge of Nevada was lost in fires in Virginia City, Nevada.[26] The Nevada Grand Lodge's records were destroyed on October 26, 1875.[27]

These early Masonic brothers recognized problems with a requirement of a religious test and fought for the right of each Lodge to determine who was worthy to join. They acknowledged the Grand Lodge's grievance with Mormons on the basis of polygamy, but they would not exclude an entire religious organization. Regrettably, this type of headstrong resistance against a religious test would erode in the face of increased anti-Mormon sentiment.

Meanwhile, other Masons met and formed Wasatch Lodge under a dispensation from the Montana Grand Lodge in 1866.[28] In October, 1867, they received a charter from Montana, naming Rueben Howard Robertson the first Worshipful Master.[29] The lodge was named Wasatch Lodge, No. 8.[30]

Robertson was born in Burlington, Iowa on September 30, 1836.[31] He had a high personal standing with the Montana Grand Lodge, and thus suggested creating Wasatch Lodge in order to give support to Mt. Moriah while it sought a Grand Lodge to provide a dispensation.[32] With the charter of a third lodge, Utah would then meet the necessary requirements to create its own Grand Lodge, giving Masons autonomy in Utah. Then the Utah Grand Lodge would be in no way subservient to the Grand Lodge of Nevada nor any other Grand Lodge.

The third lodge in Utah received a dispensation and charter from the Colorado Grand Lodge in 1867 and was named Argenta Lodge, No. 21.[33] Each of the three lodges received charters from different jurisdictions-

25 Samuel H. Goodwin, *Freemasonry in Utah: Thirty Years of Mt. Moriah Lodge no.2, F. & A.M., 1866-1896*, in *Freemasonry in Utah* (Salt Lake City: Issued by the Committee on Masonic Education and Instruction, Grand Lodge of Utah, F. & A.M., 1930), 26, L. Tom Perry Special Collections, Brigham Young University, Provo, Utah.

26 Mervin B. Hogan, *The Impact of Mormonism of the Founding of the Grand Lodge of Utah*, in *Proceedings of the Chapter of Research of the Grand Chapter of Royal Arch Masons of the State of Ohio, Vol XI, 1965-1967* (Columbus, OH: Pfeifer Printing Company, 1967), 85.

27 Ibid.

28 Noble Warrum, ed., *History of Utah Since Statehood*, vol. I. (Salt Lake City: The S.J. Clarke Publishing Company, 1919), 748.

29 Ibid.

30 Ibid.

31 Hogan, *The Impact of Mormonism of the Founding of the Grand Lodge of Utah, 83.*

32 Ibid., 85.

33 Warrum, 748.

34 Ibid.

Kansas, Montana, and Colorado. To avoid the confusion of three Grand Lodges operating in Utah at the same time, representatives of the three lodges met and, on January 17th, 1872, organized the Grand Lodge of Utah.[34] Obed F. Strickland became the first Grand Master and Christopher Diehl the first Grand Secretary.[35] Strickland was Robertson's law partner and was appointed by President Ulysses S. Grant to be an Associate Judge of the Supreme Court of the Territory of Utah on April 5, 1869.[36] The lodges were now renumbered according to their date of creation with Wasatch, No. 1, Mount Moriah, No. 2, and Argenta, No.3.[37] The combined lodges numbered 124 members.[38] Robertson was No. 1 on the registry of Wasatch Lodge No. 1 and Strickland was No.2.[39] On the registry of the Grand Lodge of Utah, O.F. Strickland was No. 1 and R. H. Robertson was No. 3.[40] The leadership of Robertson and Strickland ensured that a controversy similar to that of Mt. Moriah Lodge went through with regard to Mormon membership would not happen again.[41] While excluding Mormons from their Lodges, they remained vigilant in the justification of their actions to their sister Grand Lodges so as to retain legitimacy.[42]

A secondary reason for the creation of the Grand Lodge was to prevent recognition of the Mormon Masons.[43] Nearly all members of the Mormon hierarchy became Master Masons in Nauvoo.[44] Without the authority of a Grand Lodge in Utah, the Mormons could potentially create their own lodges and resume Masonic activity. Now, the Grand Lodge could effectively block any such attempt.

From the beginning of the Grand Lodge, Utah Masonry embarked on a policy of excluding Mormons. They justified their actions to the Masonic Order on the grounds that Mormons were polygamists and thus it was their patriotic duty not to acknowledge such lawbreakers.[45] The Grand Lodge knew that serious questions regarding its legitimacy in the Order would arise if it explicitly excluded all members of a particular faith.[46]

Following the creation of the Grand Lodge in 1872, several addresses printed in the *Proceedings* revealed the anti-Mormon bias of the leaders of

35 Ibid.
36 Hogan, *The Impact of Mormonism of the Founding of the Grand Lodge of Utah, 84.*
37 *History of Utah Since Statehood*, 748.
38 Ibid.
39 Hogan, *The Impact of Mormonism of the Founding of the Grand Lodge of Utah, 21.*
40 Ibid.
41 Ibid., 39.
42 Ibid.
43 Hogan, *The Impact of Mormonism of the Founding of the Grand Lodge of Utah, 80.*
44 Hogan, *Utah's First Freemasons*, 1974, 7, Church History Library.
45 Mervin B. Hogan, *Mormonism and Freemasonry Under Covert Masonic Influence* (Salt Lake City: College of Engineering, University of Utah, 1978), 7, L. Tom Perry Special Collections, Brigham Young University, Provo, Utah.
46 Ibid.
47 *Proceedings of the Masonic Convention and Organization of the Grand Lodge of A.F.*

the Fraternity. Referring to the early brethren who laid the foundation of Masonry in Utah R.H. Robertson, the then Worshipful Grand Lecturer states, "They guarded well the 'inner door.' [*sic*] and the 'magic power of the mystic brotherhood' increased in the polygamic community, while none who held his country's authority in defiance or trod its laws beneath his feet entered the portal of our lodges."[47] This account, taken from the earliest *Proceedings* in 1872, clearly pointed out that Mormons were excluded because of legal issues, not religious. Robertson's strong antagonism towards the dominant religion was shared by the subsequent leaders of the Grand Lodge.

The following year, Robertson became the Most Worshipful Grand Master. In the annual address he justified the Grand Lodge's actions towards Mormons. He stated,

> Some of our sister Grand Lodges seem at a loss to understand us. One smiles at our diminutive proportions, while another wonders why the head of the church is not at the head of the Masonic Fraternity in Utah. To such we say, In [*sic*] our Lodge-Room we know no creed either in politics or religion. The universality of Masonry is such that we cannot, even if we so desired. And yet we distinguish here, as Masons do elsewhere, between law-abiding and law-defying citizens; and we shut our Lodge doors against those persons who have-and I believe would again-prostitute Masonry for the building up of priestly rule and power. Neither do we want, nor do we intend, to have the history of Nauvoo repeated in Utah.[48]

This was the first published account by the Utah Grand Lodge that accused the Mormons of prostituting Masonry in Nauvoo to build up priestly power. This address was referred to as a guide by many later anti-Mormon Masonic leaders.

Grand Master Louis Cohn delivered a somewhat toned-down speech concerning Mormonism in 1874. After recounting the difficulties several Lodges faced the preceding year, he looked forward to a more promising future. "Throughout this extensive Territory, Masonic Altars will spring into being and supplant the Temples of superstition, and the humanizing influences of Freemasonry will shine forth as the very counterpart of bigoted Priestcraft!"[49] Cohn may not have been willing to go as far as his predecessors in denouncing Mormonism because of his strongly-held Jewish religious beliefs.[50]

*And A.M.* (Salt Lake City: privately printed, 1872), 15, Grand Lodge of Utah Library.

48 *Proceedings of the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Utah* (Salt Lake City: Tribune Printing and Publishing Company, 1873), 11, Grand Lodge of Utah Library.

49 *Proceedings of the M.W. Grand Lodge of Ancient Free and Accepted Masons of Utah* (Salt Lake City: Grand Lodge of Utah, 1874), 6, Utah History Research Library, Utah State Historical Society.

50 Hogan, The Impact of Mormonism of the Founding of the Grand Lodge of Utah, 31.

51 *Proceedings of the Grand Lodge of Utah* (Salt Lake City: privately printed, 1876), 11,

In 1876, Grand Master Edmund P. Johnson argued against the recognition of Colored Lodges in Ohio and Minnesota.[51] Many jurisdictions were discussing whether or not Lodges composed of African Americans could be recognized in the same area of other Grand Lodges.[52] Johnson advocated the doctrine of exclusive jurisdiction be applied, whereby only one Grand Body operated in a certain area at one time.[53] There were no restrictions on race in Masonry. African Americans could join their respective Lodges without conflict.[54] The doctrine of exclusive jurisdiction was essential to the Grand Lodge of Utah's actions banning Mormons and preventing Brigham Young from starting Lodges of his own.[55] Johnson concluded the address by commenting on religion. He encouraged all forms of religion as long as the principles of the institution were not immoral and were consistent with the law of the land.[56]

Many Masonic leaders also pointed to the Nauvoo period to claim justification. Grand Master Joseph Milton Orr addressed the brethren in 1877, at which time he followed Robertson's lead, accusing the Church of seriously wounding Masonry in Nauvoo by using Masonic ritual in its temple ceremonies and adding that because of this and their surrender to an unholy priesthood, Mormons were not allowed in Utah's lodges.[57] He declared:

> We say to the Priests of the Latter-day Church, you cannot enter our Lodge rooms-you surrender all to an unholy priesthood. You have heretofore sacrificed the sacred obligations of our beloved order and we believe you would do the same again. Stand aside; we want none of you. Such a wound as you gave Masonry in Nauvoo, is not easily healed, and no Latter-day Saint is, or can become a member of our Order in this Jurisdiction.[58]

Orr did not mention the legal issues caused by polygamy. Instead, his statement revealed a deeper antagonism towards Mormonism based on his interpretation of Nauvoo history.

Grand Secretary Christopher Diehl (1899-1904) promoted the unwritten rule to exclude Mormons because the earlier Utah Masons had learned the necessity of such an act through their experiences among them. These

Utah History Research Library, Utah State Historical Society.

52 Ibid.

53 Ibid.

54 Ibid.

55 Hogan, *The Impact of Mormonism of the Founding of the Grand Lodge of Utah, 41.*

56 *Proceedings* 1876, 14.

57 P*roceedings of the Grand Lodge of Ancient Free and Accepted Masons of Utah* (Salt Lake City: Tribune Printing and Publishing Company, 1877), 11, Utah History Research Library, Utah State Historical Society.

58 Ibid.

59 Hogan, *Under Covert Masonic Influence*, 14.

experiences included irregular practices in Nauvoo which resulted in the revocation of the Lodge's charter, the belief that the Mormons had stolen the Masons' ritual for use in their temple ceremonies, creating a clandestine Masonry of their own, and persecution of non-Mormons by the dominant religious group. He advocated gifting the wisdom of this rule to the upcoming generation.[59] The unwritten law was in effect for over fifty years.

By 1883 it became necessary for the Grand Lodge of Utah to explain its reasons for excluding Mormons to their sister Grand Lodges.[60] Grand Secretary Diehl prepared the response that was sent to every Grand Lodge throughout the world.[61] Diehl explained,

> "While the Fraternity in Utah believes in and upholds the universality of the Masonic Institution, and recognizes the right of every Craftsman to join any church and embrace any creed he chooses, and demands of him only that he shall admit the theological belief taught on the threshold of our sacred Temple, and further, *that he must be loyal to the Government under which he lives, and yield a willing obedience to all its laws,* the Masons in Utah contend that the latter important prerequisite is wanting in the Mormons, because one of the chief tenets of their Church in Utah is Polygamy..."[62]

He concluded the circular by revealing his anti-Mormon bias: "The Craftsmen of Utah have seen enough of the evil doings of Mormonism, and will do all in their power to keep the noble and pure institution of Freemasonry free from its evil influences."[63]

Beginning under the leadership of Brigham Young, the Church discouraged organizations outside the influence of the Church. John Taylor, a Mason, succeeded Brigham Young in the Presidency of the Church. On October 6, 1885, Taylor and his counselor, George Q. Cannon, issued a church-wide circular that dealt with the requirement for the Latter-day Saints to abide the Constitutional laws of the land.[64] They observed that many secret societies were being formed among the people and they warned the members not to join.[65] Taylor and Cannon also proclaimed,

60 *Proceedings of the M.W. Grand Lodge Free and Accepted Masons of Utah* (Salt Lake City: Tribune Printing and Publishing Company, 1883), 16, Utah History Research Library, Utah State Historical Society.
61 Ibid.
62 Ibid., 24.
63 Ibid.
64 *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints 1833-1964*, introduction, notes, and index by ed. James R. Clark, vol. 3 (Salt Lake City: Bookcraft Inc, 1966), 29.
65 Ibid.
66 Ibid., 30.

"Such organizations are generally inimical to law, to good order, and in many instances subversive to the rights of man."[66] This was not directed specifically against Freemasonry, which requires its members to uphold the law of the land. This statement did, however, followed the precedent set by Brigham Young against outside organizations. In subsequent years, this policy would be more broadly defined with additional penalties for those who did not heed the counsel to not associate with societies outside the control of the church.

Wilford Woodruff, also a member of the Masonic order, became the fourth President of the Church in 1889. In a letter dated July 9, 1896 and addressed to Elder Abraham Hatch, President of the Wasatch Stake, Woodruff, along with George Q. Cannon and Joseph F. Smith of the First Presidency, stated that "...we are not in favor of our Brethren joining organizations of any kind outside of our Church."[67] They counseled that Church members who belonged to these organizations should not be denied Temple recommends because of such affiliation.[68]

Lorenzo Snow became the fifth President of the Church on September 13, 1898 and was the final president who was also a Mason. Snow and his counselor, Joseph F. Smith, issued an official statement on August 29, 1901, which discouraged members from joining secret orders and urged the membership to withdraw from such if already affiliated.[69] Their reasoning was thus: "...however worthy their aims and objects may be, this fact remains: They are outside the pale of the church and kingdom of God, and brethren [*sic*] in allying themselves with them divide their allegiance with organizations that are manmade, and which have not been devised of the Lord for the building up of Zion; and in doing this they render themselves liable to have their feelings alienated, in whole or in part, from the church which requires their all."[70]

The Church of Jesus Christ of Latter-Day Saints issued an Official Declaration in 1889 that announced the end of plural marriage and professed complete adherence to state and federal laws. This was surely a welcome event for Utah Masonry and would have, presumably, marked the end of the unwritten law, opening the doors to Mormons. Instead, Utah Masonry took no action in this regard and the ban continued. One reason given, in retrospect, was that they wanted to ensure the motives behind the prohibition of plural marriage. It was suspected by some that the ban on polygamy was simply an attempt to gain statehood.[71]

67 *Messages of the First Presidency*,vol. 3, 278.
68 Ibid., 279.
69 *Messages of the First Presidency*,vol. 3, 340.
70 Ibid.
71 Gustin O. Gooding, *First 100 Years of Freemasonry in Utah* 1872-1972, vol 1. (Salt Lake City: Grand Lodge, Free & Accepted Masons of Utah, 1984), 14.
72 Calvin A. Behle, *Mormonism and Masonry A Look Today at an Old Utah Problem, in Proceedings of*

The change of policy from the Church necessitated Utah Masonry's change of rhetoric. No longer could it legitimately deny membership to Mormons based exclusively on polygamy. Attempts were made to show that fundamental doctrine of the Church was immoral, with some claims used repeatedly for many years. In 1954, the Grand Lodge of Utah included in its *Proceedings* an article by Grand Orator Calvin A. Behle.[72] Following Fawn McKay Brodie's clearly anti-Mormon *No Man Knows My History*, which he claims to be an impartial point of view, Behle recounted early Mormon history. He concluded that the "Iron Curtain" between Mormonism and Masonry occurred because of anti-Masonry in the Book of Mormon, Joseph Smith's alternately bitter anti-Masonic feelings and later eagerness for membership in the Fraternity for the purpose of stealing its ritual, and circumstances surrounding Joseph Smith's death.[73] These appeals failed to acknowledge the unique situation of Utah Masonry and only spread more anti-Mormon sentiment.

The author of *Mormonism and Freemasonry*, Mervin B. Hogan, demonstrated that the Nauvoo period was virtually unconnected with the Utah period.[74] He also showed that responsibility for questionable procedures in Mormon lodges in Nauvoo should be placed more squarely on the shoulders of the Masonic leaders, Jonas and Adams, instead of blaming the Mormon leaders. Regardless, uninformed Utah Masons continued to use Nauvoo as further evidence supporting Mormon exclusion.

Misinformation of the history of the Mormons and Masonry at Nauvoo came not only from Utah Masons. On September 5, 1929, the Kansas City Kansan printed an article concerning the issue. "In 1839, the first steps were taken by a group of Mormons in Utah, to form a Masonic lodge. The group was headed by Joseph Smith. A few years later, the charter was taken away, because of irregularities conducted by the Mormons, contrary to Masonic rule. Today Mormons are not allowed to join Masonic lodges in the state of Utah, due to the privileges abused in former days."[75] This wealth of misinformation contributed to the prevailing anti-Mormon sentiment around the country. The article also attempted to explain the Utah situation in terms of the past situation in Nauvoo.

In the late 1890s and early 1900s the Church published a series of articles and speeches urging members not to join organizations outside of the Church. Many of these appeared in the "Editors Table" of the *Improvement Era*. In March, 1898, the editors Joseph F. Smith and B.H. Roberts recounted

*the Grand Lodge of Utah F&A.M.* (Salt Lake City: privately printed, 1954), 71-82, Utah History Research Library, Utah State Historical Society.

73 Ibid., 71.

74 Mervin B. Hogan, *Mormonism and Freemasonry* (Salt Lake City: Campus Graphics, 1980).

75 *Kansas City Kansan*, 5 September 1929, Journal History.

76 "Secret Societies," *The Improvement Era: Organ of Young Men's Mutual Improvement*

the prophecies in the Book of Mormon that warned against secret combinations set up to obtain power and gain.[76] They discouraged joining such societies because it led to members losing interest in their church duties.[77] The authorities of the Church did not want members' attention to be drawn away in any degree from their already numerous ecclesiastical responsibilities. It did not matter if the society was secret or not.

Elder Marriner W. Merrill echoed these same sentiments in a Conference Address in April, 1900. Elder Merrill was a member of the Quorum of the Twelve Apostles from 1889-1906. He noted that secret societies drew attention away from the work of the Lord.[78] He disregarded the apparent merits of such societies and simply stated that "...I know they are not productive of good to any Latter-day Saint."[79]

In November of the same year, the *Improvement Era* published another article concerning secret societies. Under the title "About Secret Societies," the first question raised was "Why was Joseph Smith the Prophet a Free Mason?"[80] The reader was referred to a different source to answer the question. This clearly connected Freemasonry with secret societies in the minds of the leaders of the Church at this time.

The following year, 1901, a member of the First Presidency, Joseph F. Smith, reiterated in an April Conference address that no outside organization was necessary for church members.[81] He said, "I repeat what I have said scores of times, the Kingdom of God is good enough for me. This organization of the Church of Jesus Christ of Latter-day Saints meets all my wants, and I have no need to fly to organizations that are gotten up by men for the purpose of making money."[82] Joseph F. Smith served in the First Presidency with John Taylor, Wilford Woodruff, and Lorenzo Snow.

As President of the Church, Joseph F. Smith continued to warn against outside influences. In December, 1902, he reemphasized that the Church already contained all necessary organizations and that outside influences only led to conflict and division.[83] He wrote, "No member of the Church should be led away by men who under any pretext seek to induce them to

*Associations*, vol. 1, March 1898 (Salt Lake City: General Board, 1897), 374.
77 Ibid., 375.
78 Marriner W. Merril, *Seventieth Annual Conference of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News, 1900), 30.
79 Ibid.
80 "About Secret Societies," *The Improvement Era: Organ of Young Men's Mutual Improvement Associations*, November 1900 (Salt Lake City: General Board, 1900), 58.
81 Joseph F. Smith, Seventy-First Annual Conference of the Church of Jesus Christ of Latter-day Saints (Salt Lake City: The Deseret News, 1901), 73.
82 Ibid.
83 Joseph F. Smith, "Danger in Division," *The Improvement Era: Organ of Young Men's Mutual Improvement Associations*, vol. 6, December 1902, 151.
84 Ibid.

become members of any organization, secret, social, or otherwise, outside of the control of the Church."[84]

In a letter written to an unnamed Stake President on December 16, 1907, the First Presidency announced that church members who were a part of secret societies disqualified themselves from entering the temples.[85] After explaining the detrimental effect such societies had on the Church, they stated, "In the light of these things members of the Church of Jesus Christ of Latter-day Saints are not justified in allying themselves with secret societies, as by doing so they jeopardize their own faith and the faith of those depending upon them, and render themselves ineligible to receive the blessings of the House of the Lord."[86] Both the leadership of the Utah Masons and the Church of Jesus Christ of Latter-day Saints advocated exclusionary policies. Both exhibited a clear "us vs. them" mentality.

After the Mormons left Nauvoo, they left behind nearly all interest in joining with Freemasonry.[87] From then on, the Church did not actively pursue Masonry and members were not vocal in pointing out the unfair situation Utah Masonry subjected them to. However, a few newspaper articles give some indication of the popular sentiment. On September 11, 1878, the *Deseret News* printed an editorial titled "Masonry and Infidelity." The article commented on certain atheists in the Masonic Order in New York.[88] The Grand Lodge of New York took action, refusing to recognize Freemasons who denied or ignored the existence of God.[89] The writer then compared this lack of faith with Mormonism's goal to revive faith in God until all know Him.[90] Instead of being an attack on the institution, this editorial favorably portrayed the Order and equated the goals of Masonry with those of Mormonism.

Similarly, Lorenzo Snow, then president of the Church, wrote a letter to President Francis Lyman which was printed in the *Millennial Star*, September 12, 1901. President Lyman was an Apostle presiding over the European mission. President Snow recounted John Henry Smith's visit to Mexico where he met the son of the late Apostle Thomas B. Marsh.[91] He was the secretary of the Masonic Lodge in Mexico City and told John Henry Smith that he believed the gospel and would do anything he could

85 *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints*, introduction, notes, and index by ed. James R. Clark, vol. 4 (Salt Lake City: Bookcraft Inc, 1970), 167.

86 Ibid., 170.

87 McGavin, 184.

88 "Masonry and Infidelity", Deseret News, 11 September 1878, Journal History.

89 Ibid.

90 Ibid.

91 Lorenzo Snow, "Letter from President Snow to President Lyman", *Millenial Star*, 12 September 12 1901, Journal History.

92 Ibid.

to help the church.[92] Marsh told him that while at a Masonic Conference in London he met a man named Hamilton who informed him that Joseph Smith made him a Mason.[93] "...and, he added that no man could speak disrespectfully of him in his presence without his resenting it, for he regarded him as the greatest of all Masons, and the greatest man of the age."[94]

In 1907, an editorial entitled "Foolish Dr. Stoddard" appeared in *The Herald*. Reverend Dr. W. G. Stoddard of Boston claimed that anyone who became a Mason denied Christ and, if he persisted, could not be saved.[95] The contributor completely disregarded Dr. Stoddard's contention and went on to show that Masons did not do anything that could remotely be called denying Christ.[96] Concerning Dr. Stoddard, it reads, "Behold the paths of silliness into which intemperate advocacy of any cause sometimes leads one. And in this case ignorance goes hand in hand with intemperance."[97] The article argued that the lodge does not replace the church nor vice versa. There should be no conflict between the two organizations; instead they can act as compliments to one another.[98] These Utah publications show that Mormon animosity towards Masonry was not universal and, in fact, even leaders of the Church in 1901 spoke favorable about Freemasonry. This attitude was not often manifested publicly. Official statements from the leaders of the Church, as has been shown, discouraged members from joining any outside organization.

It should be noted that the situation in Utah was unique with no other known counterpart to the ban in the United States or elsewhere.[99] There were also dissenting voices decrying the policy of Utah Masonry. An article by Joseph E. Morcombe, editor of the *Masonic World*, in the *Universal Free Mason*, in July 1914, declared the unwritten law un-Masonic and more in line with principles of bigotry than fraternity.[100] The author made it clear that he was not a Mormon apologist and that he had no affiliations with them.[101] Instead, the object of the piece was to present the facts of the situation to the Masonic World in an effort to show the necessity of reform.[102]

93 Ibid.
94 Ibid.
95 "Foolish Dr. Stoddard", *The Herald*, 6 December 1907, *Journal History*.
96 Ibid.
97 Ibid.
98 Ibid.
99 Joseph E. Morcombe, "Religious Tests in Masonic Lodges," *The Masonic World*, XVIII, no. 4 (October, 1936), 2, Special Collections Department, Marriot Library, University of Utah, Salt Lake City.
100 Morcombe, "Planting of Masonry in Montana", 3.
101 Ibid., 2.
102 Ibid.
103 Ibid., 3.

Regarding the incident in the 1860s, between the Grand Lodge of Nevada and Mt. Moriah Lodge, Morcombe wrote, "More acute and learned Masons than those of Utah of that day would have been puzzled over such an edict, barring from membership adherents of a particular religious system, which whatever may have been its peculiar tenets, certainly acknowledged the Supreme Power of the Universe, and thus came within the requirements of Masonry."[103] He found the edict openly un-Masonic and, furthermore, un-American, as a civil proposition the religious test would be un-Constitutional.[104] It also posed a danger to Masonry in general; if Utah could get away with a religious ban then other lodges could do the same.[105] "One could not devise any surer or speedier method of utterly destroying the Fraternity than to allow such an idea to stand as good Masonic doctrine."[106]

On July 18, 1906, the *Deseret Eve* News printed "Masonry and Mormonism", an editorial that commented on Morcombe's work. It pointed out that Morcombe vindicated Mormons and their Masonic activity in Nauvoo and their unfair treatment thereafter.[107] After researching the Masonic history in Iowa, Morcombe learned of the Mormon's connection and history with Masonry in neighboring Illinois. Concerning his research he wrote, "In that study I reached the conclusion that Mormonism was more sinned against than sinning and, from that conviction, with much new evidence, I have not since wavered."[108] The Deseret Eve article shows that Utahns were paying attention to Morcombe and his influence was more widespread than it would have been just in a Masonic magazine.

The early Utah Masons kept a close eye on the entrance of their lodges so that no one unworthy might enter.[109] Mormons who had received the degrees of Freemasonry elsewhere could not be recognized as either visitors or petitioners.[110] This would result in the embarrassment of devout Masons in other states being rejected in Utah simply because of their religious beliefs. Although some attempted to sway opinion towards tolerance and openness with the Mormons, their efforts were insufficient to influence common opinion in the direction of reform.

Opposition would presumably come from the Church and its members in an effort to dispel false accusations and ask for fair play. The Church was conspicuously reticent regarding Freemasonry in Utah and the

104 Ibid., 2.
105 Ibid., 3.
106 Ibid.
107 "Masonry and Mormonism", *Deseret Eve News*, 18 July 1906, Journal History.
108 Morcombe, "Planting of Masonry in Montana", 2.
109 Ibid.
110 Ibid.
111 Mervin B. Hogan, *The Origin and Growth of Utah Masonry and Its Conflict with*

members were counseled not to join any organization outside of the Church's control. The unwritten rule continued until agitation came in the early 1920s in the form of a movement aimed at doing away with the religious test.[111] The movement was led by two men who served both as Master of Wasatch Lodge no.1 and as Grand Master of the Utah Grand Lodge, George Henry Dern and Dr. Arthur Cornelius Wherry.[112] Dern served as governor of Utah from 1924-1932 as well as Secretary of War in Franklin D. Roosevelt's cabinet from 1933 until his death on August 27, 1936.[113] Dern played a large role in Utah politics as well as Masonry. He sought to use his political clout to institute meaningful, positive change in Utah Masonry. Wherry was a prominent dentist who participated in community affairs and served on the Board of Regents of the University of Utah.[114]

Their goal was to end the unwritten rule because it was not justified by Masonic principles.[115] Many Masons knew Mormons who were non-practicing, but did not wish to formally leave the Church because it would bring them an unwanted stigma and embarrassment.[116] These men were honest, upstanding citizens who could contribute much to Masonry in Utah.[117]

This movement within Wasatch Lodge No. 1 was viewed as an intolerable heresy by the Grand Secretary Samuel Henry Goodwin.[118] Goodwin attacked Dern's motives claiming that he was a self-serving politician who wanted to prostitute Utah Masonry for his own political and monetary gain.[119] Dern's proposal prompted Goodwin to start writing a series of anti-Mormon tracts that were published by the Grand Lodge of Utah.[120]

A past Grand Master, Martin V. Ashbrook, wrote to Goodwin concerning the situation with Mormonism and visitation possibilities. Goodwin published the correspondence in 1926. Grand Master Ashbrook wrote "There is no law of our Grand Lodge forbidding even the making of Masons from the ranks of the Mormon Church, but our whole system is opposed to certain immoral practices of the church-hence as a rule Mormons have been debarred from joining us-nevertheless, where a person claiming to be a Mason, is honest and sincere in his denunciation of the sins of that church desires to visit among the brethren, it is my opinion

*Mormonism* (Salt Lake City: Campus Graphics), 30, 1978.
112 Ibid.
113 Ibid.
114 Ibid.
115 Ibid., 31.
116 Ibid.
117 Ibid.
118 Ibid., 32.
119 Ibid.
120 Ibid., 33.
121 Samuel H. Goodwin, *Freemasonry in Utah: Story Lodge No.4*,, in *Freemasonry in Utah*

that he should be permitted to do so."[121] Goodwin looked upon such a statement with the utmost contempt, considering such a situation "unthinkable."[122]

Goodwin's prejudiced works outline the history of Utah Lodges and their involvement with Mormonism. A strong anti-Mormon bias runs throughout the series without any meaningful, positive statement concerning the Church. This type of anti-Mormonism was not unique within Utah Masonry. As was discussed earlier, several leaders such as Robertson, Strickland, Orr, and Diehl published articles that contained a strong anti-Mormon bias.

Goodwin came to Utah as a Protestant minister, a professional anti-Mormon, intent on exposing the evils of the religion.[123] Goodwin was determined to ensure that no other proposals similar to Dern's would be accepted by Utah Masonry. To this end, he suggested amending the Utah Code. This would formally and openly exclude all Mormons from any connection whatsoever with Utah Freemasonry.[124] The formerly unwritten rule became an official law.

> On Wednesday, January 21st, 1925 the Grand Lodge of Utah took action.[125]
>
> WHEREAS: The Church of Jesus Christ of Latter-day Saints, commonly called the Mormon Church, is an organization, the teachings and regulations of which are incompatible with membership in the Masonic Fraternity, therefore:
> BE IT RESOLVED: That a member of the Church of Jesus Christ of Latter-day Saints, commonly called the Mormon Church, is not eligible to become a member of any Lodge F.& A.M., in this State, and membership in such church shall be sufficient grounds for expulsion.[126]

George H. Dern voted against the resolution, but it passed by the majority.[127]

This marked a new era of Utah Freemasonry and Mormonism. The first serious proposal centered on moving away from the religious test backfired and resulted in an official statement of exclusion. Goodwin gained a significant victory. Many opponents of the ban subsequently pointed to

(Salt Lake City: Issued by the Committee on Masonic Education and Instruction, Grand Lodge of Utah, F. & A.M., 1926), 34, L. Tom Perry Special Collections, Brigham Young University, Provo, Utah

122 Ibid.
123 Ibid., 27.
124 Ibid., 33.
125 *Proceedings*, 1925, 65.
126 Ibid.
127 Ibid.
128 Hogan, *Origin and Growth*, 27.

Goodwin's anti-Mormon views and his influence among Masonic brothers as the main reason the formal action took place.

Hogan, who knew Goodwin personally, described him as strongly opinionated, self-centered, unwilling to listen to others' viewpoints, unscholarly, and, above all, completely biased against Mormonism.[128] He also wrote, "Much of the action regarding anti-Mormonism at the 1925 Utah Grand Lodge Communication is attributable to the incumbent Grand Secretary, Sam Henry Goodwin."[129]

Others also suggested that Utah Masonry was a "one-man affair", implying that Goodwin controlled the Grand Lodge. Morcombe attributed Goodwin with a "...prejudiced mind that over-rides his knowledge of Craft principles and practices, and thus his usefulness is limited and his judgement distorted."[130] C. H. Rich, a man who professed intimate knowledge of Utah Masonry, also attributed the intolerance and closed-mindedness of the Craft in Utah to Goodwin.[131]

Carl Harry Claudy was another openly anti-Mormon Utah Mason who knew little about Mormonism.[132] The Grand Secretary of the Grand Lodge of Colorado, Harry Bundy, was frankly anti-Mormon according to Hogan.[133] This bias, not only within Utah, but at the highest levels of Masonry in neighboring states, is what made it possible for Utah to continue its un-Masonic practices.[134] "Utah Masonry in not really even nominal Masonry; it is, at best, a perverted and prostituted Masonry of hate."[135] The policy directly opposed Masonic ideals of brotherhood and cooperation. Those advocating a change in policy toward acceptance of Mormons were usually young and ignorant or members whose age had dulled their sense of wisdom, according to Goodwin.[136] Goodwin believed that only the dimwitted would be careless enough to admit Mormons into Utah Masonry.

Goodwin continued to write pamphlets concerning Mormonism and Masonry in an attempt not only to justify Utah's position but also to promote an American Masonry ban on Mormons.[137] These efforts were supported by the Grand Lodge. His work attempted to show fundamental church doctrine which directly opposed Masonic principles.

129 Ibid.
130 Morcombe, *Religious Tests*, 2.
131 Ibid.
132 Hogan, *Under Covert Masonic Influence*, 8.
133 Ibid.
134 Ibid.
135 Ibid., 9.
136 Behle, 71.
137 Samuel H. Goodwin, *Mormonism and Masonry, A Utah Point of View,, in Freemasonry in Utah* (Salt Lake City: Issued by the Committee on Masonic Education and Instruction, Grand Lodge of Utah, F. & A.M.,1925), 58, L. Tom Perry Special Collections, Brigham Young University, Provo, Utah.
138 Ibid.

Although the Church had renounced polygamy, Goodwin would not let the issue rest. He claimed that belief in the practice was still a fundamental tenet of the Church and could not be deleted.[138] Unfortunately, this reasoning still failed to justify exclusion. Polygamy was problematic not as a matter of doctrine, but because the practice violated the law. He also pointed to the history of Nauvoo, the authority of the priesthood, the Book of Mormon superseding the Bible in importance, and the Church's attitude towards Masonry originating with Satan.[139]

Goodwin also took issue with Brigham Young's policy towards "Gentiles." Extreme difficulties faced anyone in Utah who was not Mormon.[140] Goodwin continued, "Not only so, but, due to a fundamental doctrine of the Church-that of continuous revelation, which, it seems, includes continuous satanic revelation-all opposition, whatever its source, was satanic, and all opponents Satan's co-workers."[141] The author did not expound on the idea of satanic revelation, but he repeatedly equated passages denouncing secret societies in the Book of Mormon and the Pearl of Great Price with Freemasonry.

A story of Brigham Young becoming quite upset while dealing with Masons was included in one of the pamphlets.[142] The Masons wanted to buy land from Brigham Young.[143] After agreeing, Young then asked what the land was for and they replied that it was to build a Masonic hall.[144] Young then reportedly flew into a rage and told them that they did not know anything about Masonry, that Solomon was the first Grand Master and had 1,000 wives.[145] He had only 19 wives and they would not let him enter their lodges.[146] The Masons said they could not speak with an expelled member and left.[147] Although even Goodwin, an avowed anti-Mormon, questioned the legitimacy of the source, the account was included because it was entertaining and it cast Brigham Young in a bad light. This type of unscholarly work did little to alleviate the tensions between both organizations.

According to Goodwin, the Church held all powers in both religious and political affairs. He saw the Church leadership as a dominating entity that at once stripped away individual members' rights and privileges, and

139 Ibid.
140 Goodwin, *Thirty Years Mt. Moriah*, 5.
141 Ibid.
142 Goodwin, *Freemasonry in Utah: Story Lodge No.4*,, in F*reemasonry in Utah*, 22.
143 Ibid.
144 Ibid.
145 Ibid.
146 Ibid.
147 Ibid.
148 Ibid., 10.

restricted independent thought, causing members to follow blindly.[148] The Church's control over political affairs made the situation in Utah different from any other state.[149] Masonic members could easily sympathize with such an attitude because they were a small minority in the Mormon-controlled state.

The Church's position was maintained in silence regarding Freemasonry. Cecil McGavin and Anthony Ivins were two Mormons who published works dealing with Freemasonry and Mormonism. Both contended that Utah Masonry's policy of exclusion was unwarranted. After the Mormons left Nauvoo, they left behind any interest in Freemasonry.[150] The Church's reticence facilitated the spread of erroneous doctrine and uninformed history. Silence was easily regarded as admission of guilt and, without a credible check, biased Masons, such as Goodwin, could write about anything and get away with it. Members of Freemasonry who already had an anti-Mormon bias would have their preconceptions reinforced and misinformation would be perpetuated from generation to generation. As Morcombe pointed out, few Mormons would have joined if the law was changed.[151] Although Freemasonry remained an intriguing topic for average Mormons, the Church discouraged any outside organization because it drew the people's attention away from their religious duties.

In the beginning of Utah Masonry, the leaders lived double lives. They outwardly claimed that the restrictions were based solely on polygamy. Hogan wrote:

> It is eminently evident that the Grand Lodge of Utah has been able to persist in its un-Masonic anti-Mormon practices because there are so-called Masonic leaders who covertly play two roles. To the public and the Masonic Order they present themselves as dedicated Masons devoted to the welfare of the Order. At the same time they are privately and confidentially-even secretly-supporting and sustaining the handpicked hierarchy of the Utah Grand Lodge in its bigoted emotional declaration.[152]

The Utah Masons, led by Goodwin, also needed a new pretext to exclude Mormonism because they could no longer point to polygamy.

Hogan explains the method, "It is a well known fact that a small number of well organized, intensely motivated, aggressively militant individuals can totally control and dictate arbitrary policies and actions in any organization. This is the administrative or executive pattern of Utah Masonry."[153]

149 Behle, 81.
150 McGavin, 184.
151 Morcombe, 2.
152 Hogan, *Under Covert Masonic Influence*, 13.
153 Hogan, *Origin and Growth*, 35.
154 Ibid., 3.

Leaders of both organizations promoted exclusionary policies. The same "blind faith" that Goodwin attributed to Mormons could be equally applied to the Utah Masons in this instance. The formal law of exclusion stood for nearly sixty years before it was laid to rest in 1984.

Problems with the history of Mormonism and Masonry have been pointed out on both sides of the issue. Most of the literature dealing with the issue is written by individuals with personal objectives in either promoting the ban or rescinding it. Thus, the majority of material is clearly slanted and filled with misinformation.[154] Nevertheless, it is evident that anti-Mormonism was the primary contributing factor that led to the official ban of members of the Church from Masonic halls.


UTAH VALLEY STATE COLLEGE
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# Plato's Theory of the Ideal State and the U.S. Constitution

Thomas Mesaros

There is growing criticism of and continued requests for Constitutional reform. "Almost from the day it was ratified, the Constitution has been the object of debate over ways in which it might be improved."[1] The disputes on this issue range from wishes to reduce the amount of separation of powers to questions of how strong the central government needs to be. The truth is the Constitution was the answer to the problems of the comparatively weak central government outlined in the Articles of Confederation.

While the Constitution was the basis for the formation of a stronger central government, it can be argued that it is the genius of the design of the Constitution that allows flexibility within the government to change as the needs of the country change. Further, it can be asserted that the government, under the Articles of Confederation, was not consistent with the ideas of justice within the state, according to Plato, the classical Athenian philosopher and student of Socrates. This could be a partial explanation for the brief life of that government under the Articles of Confederation. Moreover, the United States Constitution advocates Plato's theory of justice in the state, which maintains that the perfect state "will obviously have the qualities of wisdom, courage, self-discipline, and justice,"[2] meaning that there must be three branches of government, each one containing either wisdom, courage, or self-discipline, with justice existing in the separation of those powers. Each of these qualities owes allegiance to a specific function within the state or, in this case, an individual branch of government. This could help account for the Constitution's longevity and continued uniqueness.

1 James Q. Wilson and John D. DiIulio, Jr., *American Government: The Essentials* (Boston: Houghton Mifflin Company, 2001), 41.
2 Plato, *The Republic*, trans. Desmond Lee (London: Penguin Books, 1987), 138.

The journey from a weak government under the Articles of Confederation to the stronger government shaped by the Constitution led to the addition of a third branch of government, which was a movement toward Plato's definitions of the ideal state and justice. The inclusion of a system of checks and balances would be, according to Plato, the very definition of injustice because each branch needs to function separately. It is clear, however, that separation of powers is imperative and one of the reasons for the success of the government of the United States, under the Constitution, even though it goes directly against the nucleus of Plato's theory. In fact, the strength and power of the United States' government is the checks and balances on the separate powers of the different branches of government.

The formation of a government in the United States was necessary after the Declaration of Independence from Great Britain and was accomplished under the Articles of Confederation. The founders of this new government were not faced with an easy task. They were unimpressed with the tyrannical rule that they experienced under the Royal Crown of England and were afraid that the new government in the New World would only serve as a replacement for the type of rule they resisted. The result was a very weak central government that recognized each state as sovereign in its own territory, free to tax, trade, and basically govern according to its own needs; a method of rule that was, unfortunately, very reminiscent of the Ancient Greek polises. This resemblance should have alerted caution from the beginning, but it did not.

The central government had no power to tax, regulate trade and commerce, or even protect itself. Although the government was allowed to appoint key army officers, this army was small and dependent upon the fledgling independent state's militias for support. Essentially, the Articles of Confederation created nothing more than what would later be known as a "league of friendship." The need for a stronger central government would manifest itself through a series of events and the need for an abolition of the "old" government and the construction of a "new" one would become quite apparent.

"The eleven years that passed between the Declaration of Independence and the signing of the Constitution in 1787 were years of turmoil, uncertainty, and fear."[3] It was apparent that conflict would arise simply by virtue of the differences in the individual states' constitutions. For example, Pennsylvania and its radically democratic government would seem too strong, while the government in Massachusetts, which was significantly less democratic, would prove to be too weak. In January of 1787, Shays' Rebellion took place in Massachusetts. A group of disgruntled ex-

3 James Q. Wilson and John D. DiIulio, Jr., 21.

Revolutionary War soldiers and officers, who feared losing their property to creditors because of debt and high taxes, prevented the court of Massachusetts from sitting. The governor requested that an army be sent by order of the Continental Congress in order to suppress the rebels, only to find that there was not anybody to send. He then turned to the Massachusetts state militia to discover that there was no such thing. Finally, private funds were raised in an effort to finance a volunteer army that marched into Springfield, and were effective in the removal of the dissenters with little more than a few shots fired. Although there was no major disturbance, the weaknesses of the central government became abundantly clear.

This motivated some who might not otherwise have gone to the Philadelphia Convention in 1787, to attend the event. This group included George Washington, who would prove to be the key to success of the construction of the Constitution. It is known that the framers of the Constitution viewed the democratic experiment in Athens as a failure and the Founding Fathers saw parallels to their present situation[4]. It was problematic to raise a standing army that would represent all of the individual sovereign states. Hamilton suggests, "The causes of hostility among nations are innumerable. There are some which have a general and almost constant operation upon the collective bodies of society. Of this description are the love of power, or the desire of pre-eminence and dominion-the jealousy of power, or the desire of equality and safety."[5] Just as the bane and eventual downfall of Athens was her inability to unite the other polises behind her when necessary, it was apparent that the weak government of the "league of friendship," was correspondingly unsuccessful.

One might think that this government, according to Plato's ideals of the perfect state, was doomed from its inception. There needs to be a government with three different and specific branches, with very definite and separate powers, in order for there to even be a possibility of justice within a state, and the Articles of Confederation lacked that third arm of government. The Constitution would provide for an executive, a legislative, and a new judiciary branch of government, each branch with its own function. Although, not the motivation of our Founding Fathers, this would be pleasing to Plato.

Plato asserts, "The worst of evils for one's own community is injustice."[6] Injustice is defined as "Interference by the three classes with each other's jobs, and interchange of jobs between them, therefore, does the

4 Alexander Hamilton, "The Federalist: number VI," in *The Federalist Papers* (London: Penguin Books, 1987), 104-5.
5 Ibid, 104
6 Plato, 147

greatest harm to our state, and we are entirely justified in calling it the worst of evils."[7] Three separate branches of government, each performing their own duties would be the answer to the problems encountered by the government under the Articles of Confederation.

After much difficulty, debate, and concession, the new government of the states emerged from beneath the Constitution of the United States of America. The difficulties began at the commencement of the Philadelphia convention, whereupon the idea of the abolition of the Articles of Confederation was first entertained. The delegates sent by the various states were upset and rightfully so. They were only given permission from their states to amend the articles, not to do away with them. James Madison, the author of the Constitution, however, had a different frame of mind. He orchestrated the arrival of the delegates and it was his intent to have the Virginia plan proposed by the Virginia governor, Edmund Randolph.

The Virginia Plan called for a strong national union that would be organized and separated into three governmental branches. The legislative branch was to comprise an upper house and a lower house, one elected directly by the people, the other to be appointed from nominees of the various state legislatures by the elected group. An executive and members of a judiciary were to be chosen by the national legislature, who would act as a council of revision for the national legislature, who would have supreme power on all matters deemed unfit to be resolved by the individual states.[8]

Historically, changes of and alterations to power are not smooth or well-accepted. The ideas contained within the Virginia Plan were no different. The topic of the Virginia Plan became the major item of business at the Philadelphia Convention in 1787, and was countered by the New Jersey Plan. The New Jersey Plan called for only a revision of the Articles of Confederation, as there was a growing fear on the part of the smaller states that the convention was going to draft a new government that would elect representatives to both houses of Congress on the basis of population. This would mean, for the smaller states that the larger states would obviously and easily control the happenings of the government and the smaller states would be powerless against them.[9] New Jersey called for a slight enhancement and strengthening of the national government and that each state would have equality with one vote a piece in the Congress.

7 Ibid, 146

8 Mary Beth Norton et al., *A People and a Nation: A History of the United States.* (Boston: Houghton Mifflin, 2001), 187-8.

9 Ibid

The debates continued at great length and with great passion. The appointment of a committee with a strict mandate to come to a peaceable and agreeable solution saved the convention.[10] The result of this committee was the Great Compromise. This arrangement gave equal weight to the concerns of all parties and reconciled the viewpoints of both the small and large states by suggesting, "A House of Representatives consisting initially of sixty-five members apportioned among the states roughly on the basis of population and elected by the people"[11] with "A Senate consisting of two senators from each state to be chosen by the state legislatures."[12] It was this compromise that would be responsible for the beginning of the government that people from the United States of America enjoy today, although some alterations would occur through the amendment process.

After the achievement of the Great Compromise it was determined that many more issues were in need of resolution. Although disheartening, there was a growing sense of accommodation in the process. The idea of the hotly contested and debated issue of the "electoral college" was born of a debate between delegates who had thought that Congress should appoint the President, while others thought that he should be elected directly by the people.[13] After much debate, the final argument against the Constitution stated it would not pass unless there was a guarantee of the addition of a "Bill of Rights," which contains the first ten amendments to the Constitution.[14]

Following the heated debates of the Philadelphia Convention, the arduous task of convincing the states of the need for the Constitution remained. In an effort to ease this process, James Madison, Alexander Hamilton, and John Jay, who were concerned over whether or not the state of New York would allow the constitution, submitted a series of anonymous letters to the *New York Independent Journal* to persuade the people of New York and educate them to the need for and benefits of this new government.[15]

*The Federalist Papers* have been described by Clinton Rossiter, a distinguished American scholar, as "The most important work of political science that has ever been written, or is likely to be written, in the United States. It is, indeed, the one product of the American mind that is rightly counted among the classics of political theory."[16] They give insight as to

10 Wilson and DiIulio, Jr., 27.
11 Ibid
12 Ibid
13 Ibid, 338
14 Norton, 196-7.
15 James Madison, Alexander Hamilton, and John Jay, *The Federalist Papers*, ed. Isaac Kramnick (London: Penguin Books, 1987), 32-3.
16 Ibid., 11

the motivations, concerns, and hopes that the framers of the Constitution experienced.

It is the collection of *The Federalist Papers* that allows insight into the motivation behind different aspects of the Constitution, as well as a more in-depth look at what makes the Constitution so unique and remarkable. The first item is separation of powers, outlined in the first three Articles of the Constitution. Article I expresses the powers of Congress, Article II delineates the powers of the executive, while Article III indicates what powers are to be reserved for the judiciary.

The Congress has the power to determine the rules of Congress in each house during their respective terms of office[17] and to pass the laws by which the country shall be governed.[18] Additionally, the Congress has the power to collect taxes and duties for the payment of accrued debts.[19] They have the power to borrow money on behalf of the credit of the United States, as well as regulate commerce between foreign Nations, among the States, and with the Indian Tribes.[20] Further, they are responsible for the establishment of laws for naturalization and bankruptcy.[21] They maintain the power to coin money, provide punishment for counterfeiting, establish a post office, secure copyrights and patents, create courts, punish piracies, declare war, create the army and navy, call the militia, govern the District of Columbia, as well as the passage of any other laws that are necessary and proper to execute the powers given to the government by the people through the Constitution.[22] Finally, the House of Representatives is solely responsible for the appropriation of funds[23] and the impeachment of government officials,[24] while the Senate has the power to try those impeachments.[25]

The executive branch of government consists of the President and his cabinet. The cabinet serves as a board of advisors to the President, who acts as commander in chief of the armed forces, is able to grant reprieves and pardons for federal offenses, call special sessions of Congress, receive Ambassadors, ensure that the laws are faithfully executed, exert the "executive power," and appoint officials to lesser offices.[26]

Moreover, the judiciary's power is concentrated in one Supreme Court and is responsible for the establishment of inferior courts as are deemed

17 U.S. Constitution, art. 1, sec. 5.
18 U.S. Constitution, art. 1, sec. 7.
19 U.S. Constitution, art. 1, sec. 8.
20 Ibid.
21 Ibid.
22 Ibid.
23 U.S. Constitution, art. 1, sec. 9.
24 U.S. Constitution, art. 1, sec. 2.
25 U.S. Constitution, art. 1, sec. 3.
26 U.S. Constitution, art. 2, sec. 2.

necessary. Further, "The judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority."[27]

If these were the limits of the U.S. government, there would be an apparent arrival at Plato's definition of the ideal state. The legislative body is representative of wisdom as the ruling portion of the state. Courage corresponds with the executive branch, as it is the responsibility of the President to be commander in chief. And, the judiciary is illustrative of self-discipline, as their functions must be carried out with exactness. Three separate branches of government, each with their own functions. This would be the very realization of Plato's theory of justice, except for the innovation of the framers of the Constitution, who incorporated a brilliant system of checks and balances.

Checks and balances are what give just the right amount of power to the national government, but completely destroy any hope that was had for the possibility of the inclusion of Plato's ideal state or justice. "The Constitution creates a system of *separate* institutions that *share* powers. Because the branches of government share powers, each can (partially) check the powers of the others."[28] It is this ability to look over the shoulders of others that robs a government of the ideal status envisioned by Plato. Congress has checks over the courts and the executive, the President can check Congress and the courts, and the Court can check the President and Congress.

Congress is able to check the courts by changing the number and jurisdiction of the lower courts, using the power of impeachment to remove a Judge from office, and by refusing to approve someone that has been nominated to serve as a Judge.[29] Additionally, Congress has the ability to check the powers of the President by refusing to pass a bill that the President wants, passing a law over a Presidential veto, using the power of impeachment to remove the President from office, refusing to approve presidential appointments, and not ratifying a treaty that the President has signed.[30]

The president has one check over the Congress and the courts. The President can veto a bill that has been passed by Congress, as well as he can check the federal court system through the nomination of judges.[31]

Finally, the Supreme Court can check the President by declaring his actions, or the actions of his minions, to be unconstitutional.[32] Even as, the

27 U.S. Constitution, art. 3, sec. 2.
28 Wilson and DiIulio, Jr, 29.
29 Ibid
30 Ibid
31 Ibid
32 Ibid

Supreme Court has the ability to check the powers of Congress by declaring laws unconstitutional.[33]

It is this system of checks and balances, which Plato would defend as a direct contradiction to Justice, that enables the government of the United States of America to be strong and powerful and yet, at the same time, fight against the tyranny that the first political leaders of the United States feared so much. While the American Democratic Experiment is just over 225 years old, it is the longest surviving democracy in the history of the world and displays no symptoms of breakdown or incapacity as of yet. The government of the United States of America is one of the few countries in the history of the world to not only survive such a radical change in governmental styles, but rather to thrive because of that transformation. The reasons for this are incalculable, but it is evident that the framers of the Constitution left a legacy of political brilliance behind them in the way of *The Federalist Papers*. This inheritance offers enough information to political philosophers to keep them occupied with the investigation of the transition of American Government from a weak association, under the Articles of Confederation, to the much stronger, versatile, and revolutionary government, outlined in the present Constitution of the United States of America.

33 Ibid


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# Journal Staff

## Amber Frampton

A senior from Pleasant Grove, Utah, Amber has her Associate of Science degree in Social/Political Science and will be receiving her Bachelor of Arts degree in History this April. Amber has been affiliated with the UV Leaders organization, Phi Alpha Theta (Historian, 2003-2004), and is currently a representative for the History Department in the Student Senate for the School of Humanities, Arts, and Social Sciences. She currently works in the accounting department for a successful local business. After graduation, Amber plans to continue her education and receive her Doctorate in history, emphasizing in either Latter-day Saint history or Medieval England. She enjoys outdoor recreation activities and reading classical literature in her spare time.

## Tiffany L. Knoell

Tiffany Knoell is currently a sophomore at UVSC. She recently matriculated into the History program and is anticipating graduation in late 2006. According to the Magic Eight Ball, her future academic plans center around obtaining both a Masters degree and a Doctoral degree in history with an emphasis in British medieval history. She has been quoted as saying that she would like to write books that may or may not pay for her impending travel habit. Tiffany is the mother of three children: Jonathan, Alexander, and Katherine. She is a fan of the Oxford comma and her husband, Michael.

## Brittany A. Lassater

Brittany attended Brigham Young University at the age of 15 and, after completing 30 credit hours, she enrolled as a history major at Utah Valley State College in 2002. In 2004, she received an Associate's degree with high honors in History and Political Science, and also saw her essay, "The Historiography of India," published in Crescat Scientia. She then began a second Bachelor's degree in English having had a long standing interest in modern British & American literature and literary theory. Currently she is the Vice President of Phi Alpha

Theta and a member of the editorial staff of Crescat Scientia. Brittany enjoys studying Mayan calendrics & astronomy, women's history, and American Indian history and, when she is not preparing for a test or writing a paper, she likes to draw, run, conduct research, and read (Ernest Hemingway and Fyodor Dostoevsky are her favorite authors). Upon graduation from Utah Valley State College, she will earn a Doctorate in either history or English and seek a professorial position at a prestigious women's college.

## Erik Smith

Erik Smith was born in Payson, Utah and raised in Port Angeles, Washington. After serving an LDS mission in Honduras for nearly two years, he fell in love with the country and its people. Every year since, Erik has attempted to spend time in Latin America serving and learning. These experiences influenced his studies in college. Erik has been pursuing a BA in history with the majority of personal study dedicated to Latin American history spanning pre-Columbian times to the present. Erik is currently involved in Phi Alpha Theta as well as other organizations in the college. When not engaged in academic work, he loves to spend time with his wife and three wonderful children who always encourage and remind him that it's okay to dream and venture off the beaten path.

# Manuscript Authors

## Nord Anderson

Nord Derek Anderson studies history at UVSC. He was born and raised in Utah County. After graduating high school from Spanish Fork, he served a mission for the Church of Jesus Christ of Latter-day Saints in the Budapest, Hungary mission. In Addition to attending school, he currently plays lead guitar and backup vocals in the local band "No Band." Following his graduation from UVSC, he plans on attending graduate school in the field of history.

## Courtney Burns

Courtney Burns was born in Gettysburg, Pennsylvania and is the oldest of five girls. After moving several times around the United States, her family moved to Orem, Utah, where Courtney graduated from Mountain View High School. Because of interests in history, political science, and religion, Courtney is pursuing a Bachelor of Arts degree in Integrated Studies with emphases in Social Science and Religious Studies. Courtney's main interest in these areas is the connection between religion and violence and her thesis examines these issues in the context of Northern Ireland. On completion of her Bachelor's degree in April 2005, Courtney has been accepted at Queen's University, Belfast where she will study Comparative Ethnic Conflict. Courtney hopes to work internationally with aid or conflict resolution groups in regions of conflict.

## Lee Koelliker

Lee has always enjoyed studying history due to the valuable ties history has with our everyday culture and society. Lee loves the detective type role one undertakes when studying and trying to interpret both past mistakes and successes of history. He believes that by understanding theories, feelings, beliefs, and relations one may then learn how to be a valuable contributor in society, thus making history come alive. Lee is a senior at Utah Valley State College and will be graduating with a Bachelor of Arts degree in history. Lee hopes to further his education in the field of history by continuing on with a post-graduate education; Lee hopes someday that he will be able to share his love for history with students as a professor.

## Ted Memmott

Ted Memmott, from Spanish Fork, Utah, is a senior majoring in history. His areas of emphasis at U.V.S.C. have been American history, including Constitutional history, and European history starting with the Middle Ages. He plans to go to law school following his graduation from U.V.S.C. in December 2005. Ted and his wife Silvia have been married since 1997, and they have two curly-haired daughters, Elisabeth and Leslie.

## Thomas Mesaros

Thomas P. Mesaros, Jr. is originally from Northeast Ohio. He earned a diploma at Ohio's Jane Addams School of Practical Nursing where he graduated as the valedictorian in 1994. He continues to work in the field of nursing, but developed an interest in history when he returned to school at Utah Valley State College to earn a degree in nursing and become a Registered Nurse. Thomas is now graduating with a Bachelor of Arts degree in history. While at UVSC, Thomas has been active in Phi Theta Kappa and Phi Alpha Theta two honor societies on the UVSC campus. Additionally, Thomas was the assistant editor for the premiere edition of UVSC's history journal, *Crescat Scientia*, as well as the founding president of the UVSC history club. Upon graduation he plans to finish a degree in nursing and then pursue advanced degrees in the discipline of history. Ultimately, Thomas would love to come back to UVSC as a full-time faculty member in an effort to give back to the school some of what he has received from UVSC.

## Amberly Dawn Page

Amberly Page is in her fourth year at UVSC. She received an Associate in Science degree at UVSC in 2003 and will be graduating in spring 2005 with a Bachelors degree in Integrated Studies with an emphasis in history and music. Her plans are to pursue a Masters degree in musicology and to continue her studies of ancient forms of music. She currently resides in Sandy, Utah with her husband.

## Luke Peterson

Luke E. Peterson is a junior and history major at UVSC. He currently works as the research assistant to the Center for the Study of Ethics and as a grant-writer. Luke is also the Executive Director of Utah Students for Clean Elections, a nonpartisan nonprofit organization that advocates for campaign finance reform and increased government ethics. Luke was recently accepted to a Fall 2005 internship with the Campaign Legal Center in Washington D.C.

## Liberty P. Sproat

Liberty P. Sproat is a native of Orem, UT where she continues to reside with her husband. She earned a bachelor's degree in European Studies from BYU and will graduate from UVSC in April 2005 with a second bachelor's degree in History Education. She plans to pursue a master's degree in a humanities-related field within the next few years. Her areas of academic interest include Cold War America, nineteenth-century Europe, and the Weimar Republic. She loves to watch foreign films and learn foreign languages.

## Kristi Torp

Kristi Torp is currently pursuing a bachelor of arts in history and plans to attend grad school in sociology or library science after taking a year off. In addition to American West history, she also enjoys Middle Eastern history and the history of genocide. This paper was also accepted at the Rural Sociological Society's Annual Conference in 2004, although the author was unable to attend the conference.

## Emily Wade

Emily Wade is from Woods Cross, Utah. She will graduate from UVSC this semester with a degree in History. She gained a great love for the people of the world and a desire to study their history while serving as an LDS missionary in Maracaibo, Venezuela. She has been married for a little over two years to the man of her dreams, Jonathan Wade. After graduation, Emily and her husband plan to go back east where Emily will either find a job or apply to graduate schools, while her husband pursues his PhD.