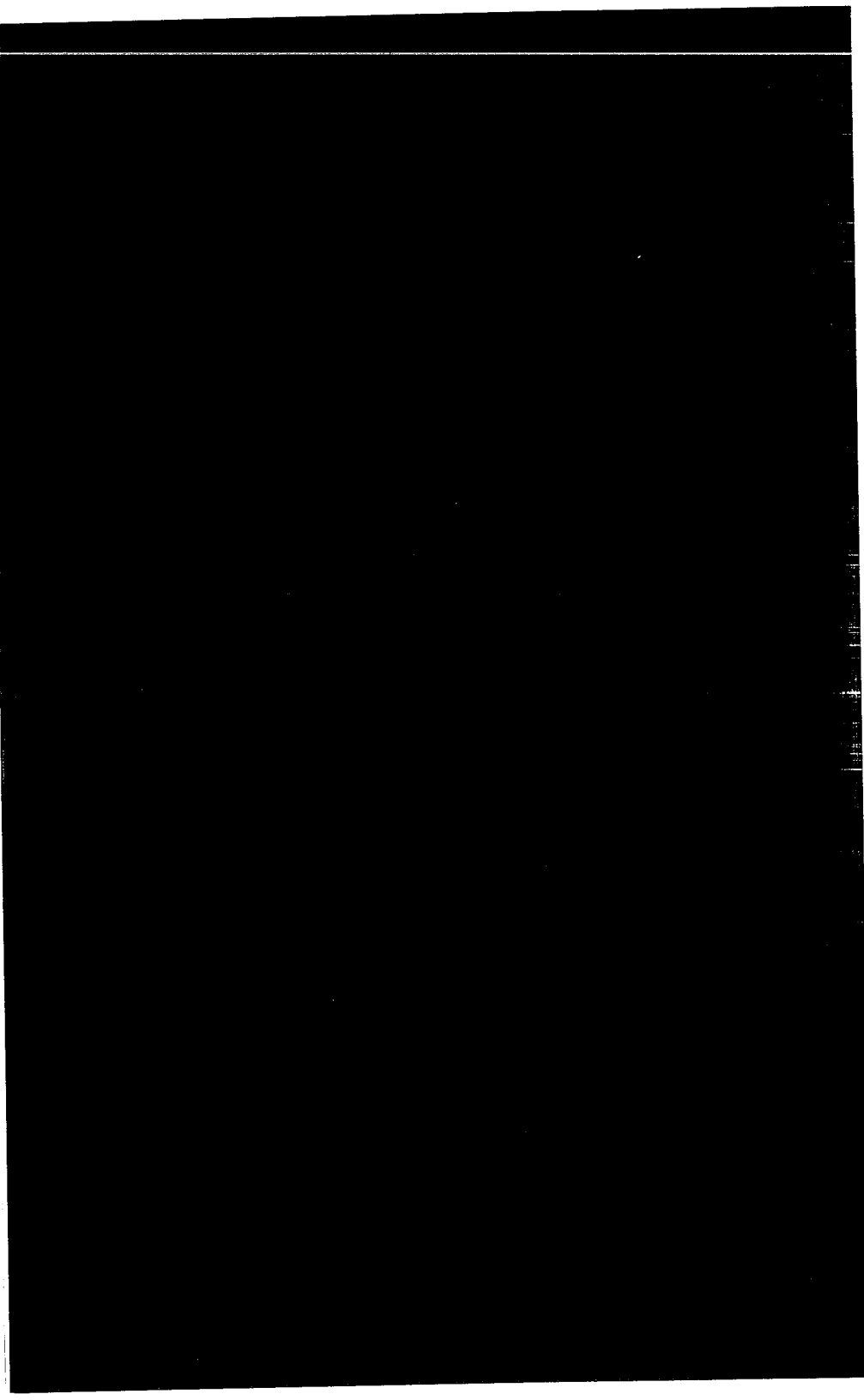# CRESCAT SCIENTIA

JOURNAL OF HISTORY

UTAH VALLEY UNIVERSITY
2008

CRESCAT SCIENTIA

UTAH VALLEY UNIVERSITY
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CRESCAT SCIENTIA

UVU JOURNAL OF HISTORY

Editor-In-Chief
M. Marisa Dore

Assistant editors
Lisa Davis
Zarieck Smithey

I

I would like to dedicate
this edition to the memory of
Professor Christopher L. Kirsch.

• • •

Lives of great men all remind us
we can make our lives sublime,
and departing, leave behind us
footprints on the sands of time.
Longfellow, Charles Sumner, St.7

• • •

You will not be forgotten.
I thank you for your inspiration,
encouragement, and enthusiasm
concerning this journal and
my future.

MARISA

Dear Reader,

Thanks to the contributions of the student authors as well as the dedicated efforts of the editorial team, this issue of *Crescat Scientia* is arguably the most robust to date. Marisa Dore, the editor-in-chief, deserves special mention; without her perseverance and faith in this project it would not have been nearly so full a success.

Now in its sixth iteration, the journal has become annual fixture in the Utah Valley history program. In a real way it represents our students' great potential. Since 2003, many of the journal's contributors and editors have gone on to graduate school or careers. (One is an air traffic controller!) The genius of the journal has been in giving student writing and critical thought the gentle test of going into print. The capacity to impress with fair judgment or to make an embarrassing mistake is what the opportunity for intellectual growth is all about.

After all, our title, *Crescat Scientia* is Latin for "may knowledge grow."

Keith Snedegar
Faculty Advisor

ACKNOWLEDGEMENTS

'T is not in mortals to command success,
But we'll do more, Sempronius; we'll deserve it.

Addison, *Cato*, i, 2

It may not be in mortals' power to command success, but the scholars who have contributed to this journal have done a great deal to deserve it. The budding talents of these authors are impressive, and their evidence is provided in this unique and wonderful journal.

Further appreciation needs to be extended to the faculty and staff who helped to promote the *Crescat Scientia*. You are as equally deserving of praise and success for your dedication and time, as the scholars who have contributed their articles. We cannot name all of the people who assisted with this year's edition. However, a personal thanks is extended to Paula Wankier, Kathren Brown, Christopher Kirsch, Heath Gertsch, and Keith Snedegar.

Last but not least, I want to thank my team members, Lisa and Zarieck, for their instrumental help and encouragement.

Thank you for everything.

JOURNAL STAFF

M. Marisa Dore
Marisa was born at a very early age in Washington State, where she lived until serving a mission for the Church of Jesus Christ of Latterday Saints in Uruguay, South America. Once her mission was completed, fate led her to Utah where she started studying at the wonderful Utah Valley University, and she met her equally wonderful, supportive, and sexy husband, Phil. She has been blessed with three boys, Hyrum, Alexander, and Nathaniel Dennis. Once Marisa has completed her student teaching Fall 2008, she hopes to find a job locally- but if not, she and her little family will go where the winds of fate lead her next.

Lisa Davis
Lisa grew up in Utah County, the third of five children. Her parents taught her the value of hard work and to face the world with a smile. She loves the outdoors, poetry, classical and jazz music, creative writing and especially enjoys learning anything new. Lisa also finds joy in serving her community and seeks opportunities to make the world a happier place. Lisa earned her Associates in History from UVSC with high honors, and is continuing her studies there while enjoying the excitement of being a part of UVSC's transition to a university.

Zarieck Smithey
Zarieck is currently studying political science at UVSC. He has scholarly articles published in journals at Utah Valley State College and the University of California, Davis. He hopes to continue his education by pursing a Master's Degree in political science with an emphasis in international relations and quantitative methods. He currently lives in Springville with his wife, daughter and newborn son.

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CONTENTS

After all, what is a lie? 'T is but
The truth in masquerade; and I defy
Historians, heroes, lawyers, priests to put
A fact without some leaven of a lie.

Byron, *Don Juan*, Canto xi, st. 37

Those who have debated the nature of history well know its dilemma. Is history only what actually happened, or is it also what is believed and written about what happened? Should history be narrated as a story, or a chronology? Should historians merely recount history, or account for history? Is it possible to be objective about history, or is the portrayal of history always slanted? These and many other questions arise when discussing the role of history in the world. As times change and different technologies develop, the role of the historian becomes increasingly important and challenging. The knowledge, memories and portrayal of the past is what makes the present- as the Freshman author, Brenda Peterson, reminds us in her article about the American Revolution.

This journal demonstrates many different ways of portraying history, from the account-like narration to the chronology style of narrating history. It is an eclectic collection of themes ranging from Asia, Europe, South America and United States history. The authors have provided the means to broaden a reader's understanding of history, but it is up to you, as the reader, to seek out the better understanding of history presented through these articles. "May knowledge grow" as you read and ponder on the articles included in this edition.

M. Marisa Dore
Editor-in-Chief

FOR LEON HOWES—A DYNAMIC INDIVIDUAL DOING HIS DUTY.

I Leave Today—A Soldier's Sonnet

Mountains of sand and the heat of day,
are elements that I will have to face.
They've called my number, and I've got to go.
Regardless, even if I do not know
what we are fighting for, I Leave Today.

I'm newlywed to a wonderful wife.
For her I am willing to give up my life.
For freedom to love, I'm willing to go.
I'm willing to fight. I'm willing to show,
that that's what it's really for. I Leave Today.

I am gazing into her tear filled eyes,
while holding her warm and delicate frame.
She's tender and true, and I start to cry:
"I don't want to go, but... I Leave Today."

D. LAWRENCE SABIN

BIOGRAPHICAL NOTES

D. Lawrence Sabin has been a travelling poet all his life. He was born in Hawaii as his father was in the Navy and Army, he was always moving from place to place. He spent most of his adolescence journaling and playing the piano. He has written numerous songs, lyrics, poems and short stories. He spent two years providing missionary services in Brazil where he learned Portuguese. He later joined the US Air Force where he was injured while on duty. He spent nearly seven years on crutches/wheelchair and was told by doctors that he had a very slim chance to walk again. Today he attends Utah Valley University where one of his English teachers encouraged him to keep writing. He now is majoring in English and Communications and anticipates living by his pen.

If you enjoyed this poem then you may enjoy these articles:
"Sharpening the Sword in Defense of Islam: The Evolution of Jihad from the Seventh Century to Today," by Lee Koelliker, *Crescat Scientia* v. 3 (2005), pgs. 97-113.
"Bui Doi: The Dust of Life," by Erica Beus, *Crescat Scientia* v. 2 (2004), pgs. 39-45.
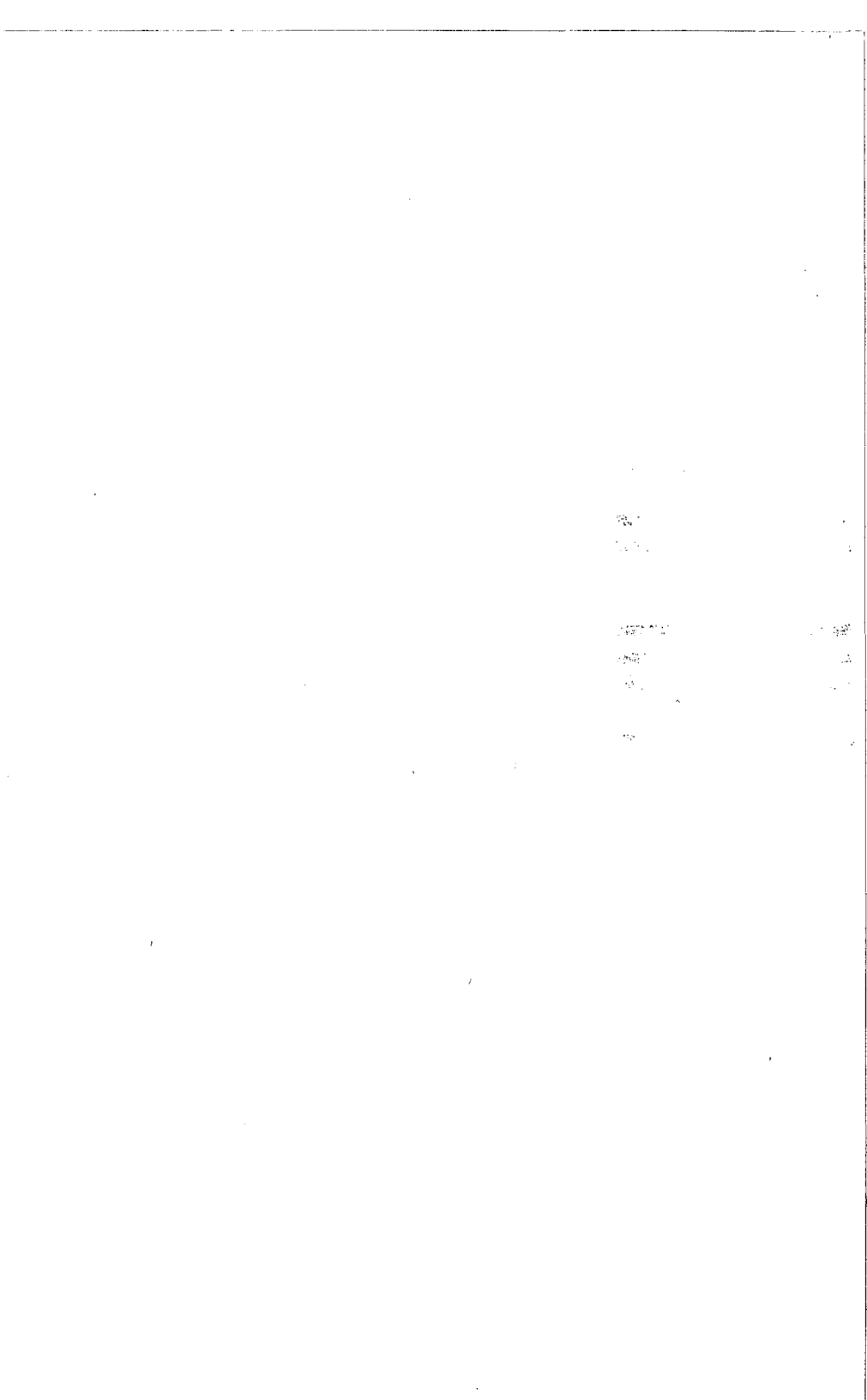
LETTERS, JOURNALS, TECHNOLOGY, AND THE FUTURE OF BIOGRAPHY

IRENE ADAMS

For some people, "Great-grandmother" is only a face in a photograph. Others know their great-grandmother only as an elderly, frail woman. A few remember great-grandmother as the lady who made cookies and gave gifts. It can be hard for children, and even for adults, to get a sense of a great-grandparent, a grandparent, or even a parent, as being a complete person, with a history, a childhood, fears, secrets, and dreams. Imagine reading a letter your great-grandmother wrote to your great-grandfather when they were dating, or to your grandfather when he was away from home. Imagine reading her childhood or young adult diary, and seeing that she had many of the same questions and fears that you have had. Is your great-grandmother only a name, or is she a real person to you?

You know your parents and your siblings. You may know your grandparents. But how well do your children know them, and will your grandchildren know them as anything other than names on a family record?

It is interesting and fun to hear family stories, to learn about the people who shaped who you are. When the family story-teller dies the stories may die with him. A few stories may be remembered for a while, but may not be remembered very accurately and may not be passed on.

In my work at Brigham Young University's Special Collections area of the library, I see people coming to learn about or reconnect with ancestors through

journals/diaries[1], letters, and photographs. In some cases, they also use local histories or published biographies. But the items that mean the most to them are the letters and diaries. Not long ago, a man brought his young-adult son to see the diary of their ancestor several generations back. The man wanted his son to see and feel this connection to that ancestor. But the father was brought almost to tears when he discovered that we also had the diary of that ancestor's father! People come from hundreds, even thousands of miles to see diaries of ancestors or relatives. Sometimes those visitors already have typed transcripts of the diaries. Sometimes they have photocopies of the originals. Even so, they want to see the original. There is something special about touching the book, turning the pages, seeing the stains, seeing the marks of tears or the writing that changes with various emotions. They fight the clock during their entire visit, trying to read the whole manuscript, or they request copies of the whole journal (which gets expensive when the journal consists of several volumes of up to 2-300 pages each). They stop to tell us about stories or experiences they discover in the journals, and they cannot wait to share their discoveries with other family members. Watching these visitors, I can almost see the ancestor transformed from a sketchy black and white portrait into a three-dimensional, full-color, living, breathing person.

This does not only happen with relatives. I have read Civil War letters to researchers on the phone, helped others search for first-hand accounts and reactions to the "discovery" of the Grand Canyon and other natural wonders, and shown researchers original interview notes (written on tiny scraps of whatever paper was available) by Walter Mason Camp of survivors and other figures on both sides of American Indian battles. In Mormon history, Special Collections has such treasures as the diary of Hyrum Smith, brother to and co-martyr with the founder of the LDS church, Joseph Smith. The diary's cover is a piece of painted oilcloth made by their mother, Lucy Mack Smith, another highly respected and admired figure from early church history. This journal allows a type of physical contact with all three of them, even though its actual record is quite brief and mostly mundane. Another journal, also by a well-known figure in LDS history, Emmeline B. Wells, is valued more for its content. She describes what it was like to be forced to leave comfortable homes in Nauvoo, Illinois, to cross the frozen Mississippi in February, 1846, to have to set up camp on the other side of the river, and to have madness all about her, but to have "peace within".

Photographs can be as valuable as the journals and letters in making a connection between generations or time periods. Not only do they give a face

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[1] The terms "diary" and "journal" will be used interchangeably throughout this paper, simply to avoid repetition. In my experience, some people avoid the term "diary" because it is associated with young teenage girls, and the term "journal" is more age- and gender-neutral.

to a name, they may give a great deal more, depending on the picture. They may reveal that the viewer has inherited great-grandmother's smile or hair-color or that great-great-great-grandfather lost a leg in the Civil War. They may reveal where a family came from, what they did for a living, how healthy they were in general, what standard of living they enjoyed or endured, even how they felt about certain things as determined by flags, books, or other objects prominently displayed in the photo or in the background.

Again, this does not only apply to relatives. Think of the famous photographs that captured a moment in time not only applicable to the subject of the photograph but to thousands or even millions represented by that photograph. Examples include the hopeless woman from the Dust Bowl/ Grapes of Wrath period, the lines of people in middle-class or even upper-class clothes at soup kitchens during the Depression, the victorious soldiers raising the flag at Iwo Jima, and the quiet dignity of Rosa Parks seated in the front of the bus (even if the latter two were staged recreations, they replicated actual events), or the little girl burned by napalm in Vietnam. Happier images include "The Kiss" in Times Square between a returning WWII soldier and whatever woman happened to be handy at his moment of joy on being home, and the men, women, and children swinging hammers, axes, picks, or anything they could find to chip away at the hated Berlin Wall as it finally broke open.

So, journals, letters, and photographs help us connect with people from the past in a way that makes those people real to us: three-dimensional, emotional, intellectual, spiritual, physical, colorful, and interesting people who faced life's challenges and succeeded or not to various degrees. In very many ways, they were like us, but they faced a very different world, and their letters, pictures, and diaries help us to see their world through their eyes, if we are lucky. If we are interested in history from below, the value of everyday letters, diaries, and photographs is self-evident, then. Where else can we capture the feelings, beliefs, and values of the common person if not in their personal writings and photographs? Certainly public records can tell us income (tax and bank records), family makeup (census, marriage/birth/divorce records), academic achievement (school records), and even some interests (subscription or membership records, wills and estate records, some types of land records). Such reconstructed images are better than nothing, but how much richer is the picture if we know their own words and faces?

This may seem less an issue with public figures than with our relatives who are not well known. There are records of prominent people's speeches and interviews, as well as records of their votes and newspaper articles written about them. But the speeches may not actually have been written by them, or even edited by them, having been produced by professional speechwriters. The interviews may have been carefully crafted or edited before publication or

broadcast. Leaders may have voted the way they did not because they believed in that issue but as a compromise to get votes on things they did believe in, so a vote may not reveal what we think it does. Journalists who wrote about them may like or dislike, agree or disagree with them, and those feelings may have affected what was written about them, so the articles may reveal more about the journalist than about the public figure. Another consideration is whether the public figure differs considerably from the private figure. The supremely confident politician might actually have wondered about the rightness of a specific action or the chances of victory in a specific cause. Private letters and journals might show a side of public figures rarely or never seen by the general public. Those private revelations are often more endearing, as seems to be the case with letters from George Washington. They might, instead, be inflammatory or even incriminating, as with the Nixon tapes that fall somewhere between private and public records. How valuable have letters and journals been in producing biographies of public figures? Here are some revealing statistics. These come from a non-scientific sample of popular biographies found in the biography section of a local (Orem, Utah) public library. For this reason, they may be very unrepresentative of scholarly biographies. However, popular biographies – as the name implies – are more widely read and may signify the form that most people believe gives them a more complete picture of the person.

A biography of George Washington has 588 endnotes.[2] Forty-seven percent (279) are from letters, and another 5% (28) are from diaries. A biography of William Randolph Hearst has 1,459 endnotes[3], and 41% are from letters (1% from diaries). A biography of Thomas Jefferson has 1,445 endnotes[4], and 48% are from letters (1% from diaries). Some would-be biographers decide to let their subjects entirely tell their own stories: some diaries have been published with only minor editing (and translation, as necessary), as in the case of Joseph Goebbels[5], Dwight D. Eisenhower[6], and a young girl named Anne Frank.

Letters and diaries are, obviously, a major source of information for biographies of people from the past several centuries. With major technological changes in communication – including telephones and fax machines as well as electronic forms like e-mail, instant messaging, blogs, and virtual communities like MySpace – what will take the place of letters and diaries to provide

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[2]   Willard Sterne Randall, *George Washington: A Life*, (New York: Henry Holt, 1997).
[3]   David Nasaw, *The Chief: The Life of William Randolph Hearst*, (Boston: Houghton Mifflin, 2000).
[4]   Willard Sterne Randall, *Thomas Jefferson: A Life*, (New York: Henry Holt, 1993).
[5]   Joseph Goebbels, *The Goebbels Diaries, 1942-1943*, trans. and ed. Louis P. Lochner, (Garden City, NY: Doubleday, 1948). (Another volume covers 1939-1941)
[6]   Robert H. Farrell, ed., *The Eisenhower Diaries*, (New York: W.W. Norton, 1981).

insights and unguarded statements in future biographies? Do electronic formats allow the kinds of reflection or depth letters and journals allow? Are electronic formats saved at all or saved in a form that can be retrieved even a few years from now? This paper will look at the history of letters and diaries, the relative accuracy of these more private writings in comparison to writings meant for publication, the use of letters and diaries in research, and the effects of technology on letter and diary writing, concluding with implications for the future of biography.

History of Letters

Letters and messages have been sent ever since there was writing, but the development of a regular system for sending letters and having a reasonable expectation of their being delivered in a reasonable period of time is a very recent development.[7] Such a system requires roads, workers, transportation, organization at a high level, and maintenance of all of these: who would be motivated to take on that cost? We'll see that governments were not eager to do so. Early letter-carrying probably began in the ancient Near East or Greece, with letters being carried by travelers or slaves. The carrier was believed to carry something of the essence of the writer – a sense that lingers today in the previously-mentioned connection one feels in seeing and touching a handwritten letter or journal. By the thirteenth century, there were organizations that needed to exchange information – universities, trade guilds, banks, etc – and they developed methods for transferring documents and information. Governments also needed to transmit military orders and information, and have always found means to do so. A Royal Post was established in France in 1464 specifically for government use, but private citizens were able to use it if they received permission and paid for the privilege. The Holy Roman Emperor Maximilian established a horse post system in 1491 that lasted until 1867. These systems were within individual countries. International trade caused an informal postal system to develop in order to track shipments, communicate, etc., and others began to use this merchant system for international communication.

In 1512, Henry VIII had "posts" of fresh horses set up every 10-15 miles to allow for rapid transmission of government messages.[8] Charles I established the Letter Office of England and Scotland in 1613, allowing public use but at high cost determined by the destination and the number of pages, with postage paid by the recipient rather than the sender. Security was a constant

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[7] Gary Krug, *Communication, Technology and Cultural Change*, (Thousand Oaks, CA: Sage, 2005), 118-20.

[8] Ibid., 120.

concern. Letters were transferred by carriers. If untrustworthy, these were potential sources of leaks. Even if they were completely trustworthy, carriers could be robbed or killed, allowing the letters to be captured or redirected.[9] Letters that arrived at the proper recipient could be leaked by scribal readers or by others who found them after the recipient had read them. They might even be purposely shared by the intended recipient, even though they were meant by the writer to be private.[10]

Surprisingly, the senders of letters did not have to be able to write, themselves. They could pay local scribes to do the writing for them.[11] At the other end, recipients paid scribes to read the letters to them. So, letter-writing was not as dependent on widespread literacy as would be expected. However, getting the letter to the intended recipient was a problem before government-sponsored postal services developed. In fact, governments were in no hurry to assist letter-writers. They did not trust private letters, which could easily – and, in fact, often did – involve treasonous plotting.[12,13] In times when more people were born, lived, and died in the same village or local area, there was little need for letter-writing, anyway, until the great migrations of the nineteenth century.[14] Those who would have distant connections were merchants or nobility, the latter more often suspected of treasonous motives than the former. Accordingly, governments restricted access to postal messengers.[15] Intercepted letters (sometimes forged) were a key tool in the English Civil War, and were published in order to show the writer's "true" motives and character in his own voice.[16] The king's own intercepted letters in 1645 showed his duplicity and helped Civil War efforts.[17] Interception and publication were so common that writers even wrote with the resigned expectation of such exposure.[18]

After the English Civil War, a national postal service – regular delivery of letters along specific routes – was created in Britain in 1650.[19] Oliver Cromwell as postmaster general in 1655 realized that interception of treasonous letters was easier when the letters were under government control, so the government made competing carrier services illegal in 1657. The postal service was known

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[9]   Gary Schneider, *The Culture of Epistolarity: Vernacular Letters and Letter Writing in Early Modern England, 1500-1700,* (Newark, DE: University of Delaware Press, 2005), 22.
[10] Ibid., 22-25.
[11] Krug, 121.
[12] Ibid., 118.
[13] James How, *Epistolary Spaces: English Letter Writing From the Foundation of the Post Office To Richardson's Clarissa,* (Burlington, VT: Ashgate, 2003).
[14] Krug, 119.
[15] How.
[16] Gerald McLean, "Re-siting the Subject," in Amanda Gilroy and W.M. Verhoeven, eds., *Epistolary Histories: Letters, Fiction, Culture,* (Charlottesville, VA: University Press of Virginia, 2000), 176-197, 182.
[17] How.
[18] McLean, 182.
[19] How.

to open and examine letters. Accordingly, letters were not considered private, and writers took that into account. Once the government controlled the postal system, letter-writing was freely allowed to develop. Initially, there were no envelopes as charges were by the page, and letters were packaged together for carriage.[20] Mixing up letters, or reading others' letters while looking for one's own, was not uncommon. Postage was paid by the recipient, who probably strongly discouraged long or frequent mailings. In 1680, the London Penny Post was developed, whereby any letter could be mailed anywhere in London for a penny, using stamps paid for by the sender.[21] Writers were then free to send letters as often as they wished and could afford. Letters could still be intercepted at various points, and could be examined and re-sealed by postal employees as needed, so complete privacy was not assured, but writers who were not plotting the overthrow of their government could be reasonably certain of privacy.

The U.K.-wide Penny Post was introduced in 1840.[22] This allowed the sending of a basic letter anywhere in the United Kingdom for a penny stamp (in 1680 the London Penny Post allowed a letter to go anywhere in the London area, which shows how economical this U.K-wide service —at the same price — was 160 years later). As a result, the number of letters doubled from 75.9 million in 1839 to 168.8 million in 1840. The volume brought down costs of paper and pens, which increased writing even more. Since postage was not by number of pages, envelopes began to be used, increasing privacy, and Christmas cards appeared by 1843. These later developments came at a time of major migrations of Irish, Scots, and English both within and outside the U.K., when family separations increased the desire for inexpensive and reliable postal services. Overseas mail was prohibitively expensive until Canada introduced the Penny Post to cover postage on letters between Canada and Britain in 1898, a service that was copied by other countries and made it possible for common people to communicate across oceans.

In the United States, the Boston tavern of Richard Fairbanks became the repository for overseas mail as early as 1639, and postal routes followed trade routes and used taverns and coffee shops as drop points, following the British pattern.[23] But in the more spread-out American towns and colonies, going to pick up mail might take all day, so it was not convenient and it was combined with other necessary trips.[24,25] That and the lack of paper, ink, and a reliable system, as well as the cost and a low perceived need, caused the American

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[20]   Schneider, 22.
[21]   How.
[22]   Krug, 121.
[23]   Ibid., 126.
[24]   Ibid., 127.
[25]   Clifford Stoll, *Silicon Snake Oil*, (New York: Doubleday, 1995), 154.

system to develop more slowly.[26] Some cities had home delivery for a fee in the early 1800s, which became more widespread after the Civil War, but home delivery didn't become common until the late nineteenth century. With the 1896 establishment of Rural Free Delivery, rural farmsteads and up to 50% of the U.S. population received regular home delivery. Rural Free Delivery was pushed by senators from agricultural states.[27] The Post Office opposed it because of the expense of going to homes so widely spread, the fact that city dwellers would subsidize it, and the question of adequate literacy of farmers. However, with Rural Free Delivery came magazine subscriptions, mail order catalogs, and a greater emphasis on literacy.

Early letters tended to be formal, but the "familiar letter" developed in the eighteenth century and the writing was expected to be more expressive, candid, self-revealing, and casual in tone.[28] Letters revealed the writer's manner and breeding, so proper form and presentation were important, and guides for letter-writing, penmanship, spelling, and grammar were published in the hundreds between 1750 and 1800 to help writers of all classes present themselves in the best possible way. The popularity of these guides points out that letter-writers were projecting an image of themselves, and that image might be different depending on their relationship with the particular addressee.

A final interesting historical point is that, though book writing was not fully acceptable for women until the end of the eighteenth century, letter-writing was fully open to women in the seventeenth and eighteenth century.[29]

History of Diaries

A diary can be defined as "a document created by an individual who has maintained a regular, personal and contemporaneous account"[30] Its characteristics are that it is regular (there are dated entries at fairly regular intervals or related to specific events), personal (a specific, indentifiable individual makes the entries and controls access to the diary), contemporaneous (events are recorded at or close to the time they occur so that there is little distortion due to problems with recall), and a record (whether written, audio, or audiovisual, and it includes whatever the diarist felt was important, be it activities, events, impressions, etc.). It may be a simple log, without personal comments, or it may be much more involved. It may be intended to be public or private, or some point in between. The writer may even address the potential audience or different audiences.

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[26] Krug, 126.
[27] Stoll, 154.
[28] Krug, 123-4.
[29] Ibid., 125
[30] Andy Aleszewski, *Using Diaries for Social Research*, (Thousand Oaks: Sage, 2006), 1.

The modern diary, beginning in sixteenth century Europe, was preceded by Japanese diaries reportedly dating from the tenth century and by the Saxon Chronicles.[31] The former did not have a clear date structure, though, and the latter was impersonal and may not have been kept contemporaneously. Edward VI kept a log-type chronicle from age 12 until his death at age 15. It may have begun as an academic exercise, and it had little commentary, but it was occasionally more personal and informal. Diaries became much more popular in the seventeenth century, and many survive from that time. Some of these diaries were personal, but others covered professional activities, like scientific research, travel, parliamentary debates, village activities, etc. Some of the reasons for the increased popularity include the mass production of pens and paper, the Reformation and the rise of Protestantism with its emphasis on the vernacular languages and self-reflection (easier to do in writing) and individualism, increases in reading and writing, the production of ready-made almanacs that encouraged observation and record-keeping, and changes related to capitalism.

By the nineteenth century, diary writing had become a habit for cultured people – those who had the time, resources, and education to be spending on such a habit – and many wrote diaries for possible publication, since other diaries had been published by this time.[32] What began for some groups as religious self-surveillance became a secular tool for self-understanding in psychoanalytic times. In the twentieth century diaries have been used in training programs for self-reflection and self-disclosure. In totalitarian societies such as Mao's China, diaries have been used by children and adults to encourage correct thinking (reflections written in the diaries are read publicly in classes and elsewhere, encouraging reflections that are appropriate and acceptable). Later twentieth-century journals could take the form of audiotape or video systems that make record-keeping much easier. In the twenty-first century, weblogs are another option.

Publication of diaries was not an issue until the nineteenth century, when a market for such personal writings was discovered.[33] There are several types of published diaries. A record of facts would be like Cook's diaries of his voyages or Darwin's journals of observations and interpretations. Alaszewski characterizes memoirs as being written by politicians as monuments to themselves and their observations or their important role in events. Diaries that bear witness include Anne Frank's diary or the journals of stroke victims or caregivers, diaries that provide insight and understanding from an insider's point of view. Artistic journals document the creative process and how writers

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[31] Ibid., 3-8.
[32] Ibid., 9-11.
[33] Ibid., 13-18.

create their works. They may also include everyday life and ideas for works. The fictional diary is used to tell stories. A fictional story is written in a first-person, diary style.

While Aleszewski lists types of published diaries, others categorize diaries – published or not – differently, though with many similar categories. Woodfine[34] lists journals that entertain with information about people and things, "religious journals" that reflect on sermons or bad examples and focus on repentance and try to record the writer's efforts at improvement, "conversion journals" that show how the writer was called to grace and that show the better life that followed, and "naval diaries" that are like ship's logs and record day-to-day activities not really intended for posterity but just to ease the boredom and confinement of shipboard life. Parliamentary diaries are also a record of daily events, but may contain more detail on Parliamentary debates than the official records do, and from multiple insider viewpoints. (Of course, politically motivated diaries may be self-serving, and historians must consider the purposes for which they were written, as is true of any historical document.)

Kagle, whose book is American-centered, gives a different list of diary types, including Western Travel and Settlement, War Diaries – Military, War Diaries – Civilian, Travel-Dominated Life Diaries, Generalized Life Diaries, Transcendentalist Journals, Spiritual Journals, and Diaries of Romance.[35] He points out that diaries have been a part of American culture ever since the "great migration" of colonists to New England in the 1630s. In fact, much of what we know about the Puritan settlers and their descendents comes from the diaries of John Winthrop, Samuel Sewall, and others. Keeping journals was often a family tradition, an exemplary line consisting of John Adams, John Quincy Adams, and Charles Francis Adams.

Women had few opportunities for education and opportunities for self-expression, but many produced fine diaries. Ideas and attitudes not acceptably expressed by women could be written in private diaries.[36] Protestant women were expected to engage in self-examination, and this allowed women to become involved in the typically male activity of writing – in diaries, anyway.[37] However, women often had to be careful about what they wrote, because men felt that they had the right to read women's – especially wives' – diaries.[38]

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[34] Philip Woodfine, " 'Nothing but Dust & the most minute Particles': Historians and the Evidence of Journals and Diaries," in Dan Doll and Jessica Munns, eds., *Recording and Reordering: Essays on the Seventeenth- and Eighteenth-Century Diary and Journal*, (Lewisburg, PA: Bucknell University Press, 2006), 185-210.

[35] Steven E. Kagle, *Late Nineteenth-Century American Diary Literature*, (Boston: Twayne, 1988), 1-3.

[36] Ibid., 9.

[37] Aleszewski, 33.

[38] Deborah Martinson, *In the Presence of Audience: The Self in Diaries and Fiction*, (Columbus,

Because men could read, judge, and even edit women's diaries, women may have been cautious and written in such a way as to conceal what they thought, felt, or did, so women's diaries may not be as revealing as expected. There are also gender differences in beliefs about diaries. Men often wrote about their public lives, and they expected their diaries to one day be published. Men's diaries came to be seen as rough drafts for their published memoirs, then. Women's diaries tended to concern their personal lives. They were considered "nonproductive" writing, equivalent to needlepoint, that kept women and girls busy. So men's diaries were serious, although written in draft form, while women's were seen as frivolous. This belief might be the source of the current common attitude about diaries as the province of lovesick teenaged girls.

Use of Letters and Diaries in Research

Journals turn history around. Instead of millions of people flowing through a historical chain of events, journals show historical events as a background for a person's life.[39] Events fade in and out of the picture, while the person is always in the center. I think this is more the way we experience our own lives, and why reading a journal makes it easier to put ourselves into another time or place. Diaries are set in time and place.[40] There is an immediacy about them that reminds the reader that the author didn't live in "history" but in his or her own here-and-now. Whatever the questions of accuracy (to be discussed later), "these writings still afford us unique glimpses of the past at the level of the individual and community."[41]

In an article about using primary sources in teaching history to children, McCormick points out that "personal accounts can provide us with insights into the struggles and challenges faced by our predecessors."[42] She says letters and diaries tend to be written more plainly than other writings, presumably speeches and essays. Finally, she states that the National Education Council for History Education "advocates the use of primary documents such as letters, diaries, and journals in order to allow students to perceive past events and issues as they were experienced by people of the time and recapture the essence of their real lives."[43]

Presenting history from an individual's viewpoint makes it "more interesting, more human, and more tangible."[44] Historians use newspaper

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OH: Ohio State University Press, 2003), 1-8.

[39] Robert A. Fothergill, *Private Chronicles: A Study of English Diaries,* (London: Oxford University Press, 1974), 9.

[40] Ibid., 9.

[41] Woodfine, 204.

[42] Theresa McCormick, "Letters from Trenton, 1776: Teaching with Primary Sources," *Social Studies and the Young Learner* 17, no.2 (2004): 5-12, p.6.

[43] Ibid, 12.

[44] Woodfine, 187.

accounts to make generalizations about the public mood, but the direct testimony of individual diaries can balance that overreliance on news reports and show how much the public was really concerned about national affairs.

Diaries provide an atmosphere and sense of the moment, they give access to personal development, perception and motives necessary for understanding political figures and events, they allow readers to explore the mental world and social characteristics of another time and place, and they allow the roles and relationships of women – often left out of the historical record – to be studied.[45] And they are invaluable as an alternative to official sources in a restrictive society: Pepys diaries provided information otherwise unobtainable while the restored monarchy controlled the media.

Most of these comments about diaries can also be said about letters, and similar indications of the value of letters in research are found at the end of the "History of Letters" section.

Accuracy or Reliability of "Private" Writings
I had expected to find well-established guidelines for historians ranking various sources in order of their perceived accuracy, and I expected to find letters and journals very high on that list because they are unguarded private writings with no reason to be less than fully honest. Instead, I found no consensus but several warnings and caveats about using such sources. All the articles and books mentioned them as valuable sources, but ones that needed to be used with the same kind of care as other historical documents.

One issue is whom the letter or diary was written to or for (which includes how public or private it is meant to be). I have already mentioned guidebooks for writing letters and how they could help writers present the "right" self to different recipients. Diaries are written with an audience in mind.[46] If that audience is the public (the diary is intended to be published), the writer will probably present his or her best self at all times, giving the best possible reasons for actions and attitudes. If that audience is future descendants, writer may leave out potentially embarrassing material and may also present only the best possible picture. If the wife knows the husband is reading her diary (or vice versa), that will color what is written. If the audience is the self, there may or may not be self-deception. If the audience is God, the writing may be scrupulously honest, but might also be overly self-condemning. I would think that the audiences as listed above would result in a ranking of honesty from least to most honest. Letters might be similarly ranked, with ones meant for some level of publication being the most carefully managed in terms of self-presentation, with letters to "superiors", "inferiors", peers, friends, and

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45   Aleszewski, 24, 31-2.
46   Martinson, 1-20; Fothergill, 95-6, 32-3.

family being more honest as the receiver is closer in rank and relationship. Letters may be more subject to image management than journals, since letters are specifically meant to be read by others and are more subject to drafts and revisions than diaries are.[47]

Another issue is how representative the letters or diaries are. Aleszewski gives a number of conditions necessary for diary-keeping, and most of them require resources – especially leisure time – that lower classes do not generally have. (They include a vernacular writing system, an education system with a critical mass of literate individuals, necessary writing materials, motivation for keeping a record along with a reasonable expectation of privacy, time to devote to writing, and the discipline and effort required to actually do the writing.[48]) These requirements create a systematic bias in terms of who keeps diaries, tending toward the social elites.

What type of journal was it? A simple log-type book has very little self-presentation to manipulate, and might be much more accurate than a memoir. Travel journals also seem to involve little need for image management. Sometimes travel-type journals provide detail missing in other types of descriptions. Kagle tells of a diarist describing her wagon during a westward migration as being roomier because it has square bows instead of round bows, a detail not found in most descriptions of wagons.[49] Travelers might record facts or impressions local people take for granted. Such details may be very useful to historians, and do not seem as subject to falsification (although they may be subject to misinterpretation).

Once they are written, do they survive? Letters and journals can be destroyed by fire, flood, willful neglect, or intentional destruction.[50] Why are some chosen for preservation and others not? If they survive, are they available to researchers or are they in private collections or uncataloged archives?

Diaries are not considered by historians to be literal truth, but evidence that leads to a more accurate understanding of the past.[51] Some are more obviously distorted than others and historians do not have a set standard or method for determining the accuracy of diaries as historical evidence. However, diaries can be judged by methods used for other documents, examining provenance, purpose, stance and intentions of the writer, and comparisons with other evidence and with what is already understood about the time period. Additional issues include when the journal was written (at the time of events or retrospectively), whether and how it was revised by the writer, how it may have been edited by family or descendants, and how it may

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[47] Schneider, 32, 45.
[48] Aleszweski, 116.
[49] Kagle, 10.
[50] Aleszewski, 49.
[51] Woodfine, 187-91.

have been edited for publication. Again, most of these points apply to letters or collections of letters, too.

An important consideration in the discussion of accuracy in letters and diaries is the issue of forgeries. Documents may be forged for a variety of reasons, not just money. Letters to important people were forged in Spain in the fifteenth century (one hundred in one case) to inflate the importance of the families who supposedly had correspondence with them.[52] Letters were sometimes forged to frame a political enemy.[53] Locally, Mark Hoffmann forged a variety of early American and early Mormon documents in the early 1980s.[54] In this case, a major motivation was certainly money, but there were issues between him and the Mormon Church, as well (even though he was a member of that church). Of a list of twenty six known Mormon forgeries, eleven (42%) were letters. The number of early American forgeries is still unknown, but at least two were letters (of Betsy Ross and Daniel Boone). Hofmann has not fully revealed the extent or nature of the forgeries, so it is not known for certain why he created so many false letters. Part of the reason may be because such forgeries are harder to detect, especially if writers are selected who do not have any or many known handwriting samples. But part is probably the attraction letters have to people who would consider buying artifacts.

Technology and the Decline of Letter- and Diary-Writing
Jenie Betteridge studied the effects of technology on the isolated Irish island of Whiddy, which didn't get a post office until 1940.[55] The post office included a community telephone, the first on the island. Electricity was installed in 1961 and television followed a year later. As she interviewed the very small population over an extended period of time, many people said that television had greatly changed their way of life. People got their news faster, were part of the larger world and its issues, watched and talked about television programs instead of local life, visited less and stayed to themselves (and their televisions) more, and wanted far more material things (that they had seen advertised) than previously. However, no one seemed to have considered the telephone to have had much of an effect. Beveridge felt that that was largely because the telephone was a newer method of doing what they had always done – communicating with each other – while television was something almost

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[52] Maude Bingham Hansche, *The Formative Period of English Familiar Letter-Writers and Their Contribution to the English Essay,* (Philadelphia: n.p., 1902), 18.

[53] Schneider, 96.

[54] David J. Whittaker, "The Hofmann Maze: A Book Review Essay with a Chronology and Bibliography of the Hofmann Case," *BYU Studies* 29, no.1 (1989): 103-124.

[55] Jenie Betteridge, "Answering Back: The Telephone, Modernity, and Everyday Life," *Media, Culture, and Society* 19 (1997): 585-603.

completely new. But comments by islanders indicate that the telephone had pervasive effects, a few of which apply specifically to this paper. Where they used to eagerly await letters, now everything was done by telephone except bills. The postmistress said that, since the phone came, she did not sell many stamps and people did not write many letters anymore. The telephone greatly reduced face-to-face interaction, but may have increased contact, especially in the aging population, since daily phone calls were much easier than regular hikes to visit far-flung homes. However, one islander mentioned that it was not the same as seeing the person. This is true of mail, too, of course. As far as written records, though, mail leaves such records while telephone calls do not.

The telegraph did not replace mail because it was too arcane and reached too few homes.[56] Krug reports that the telephone also did not replace mail until cell phones and telemarketing, but does not offer enough evidence to support that, especially in light of Beveridge's study (cited earlier). Krug says that electronic forms are the successor to mail, having the same ability to remake the writer in a new social structure as letters did at their beginning. Either way, technology seems to have taken the place of postal letters.

Stoll compares e-mail and postal mail in several ways.[57] These include:

- Reliability – Email gets lost or slowed by Internet unreliability, crashes, network slowdowns, and other problems on a regular enough basis that it is largely an expected risk. Postal mail is so reliable that there is a major uproar if mail is destroyed, but electronic losses are tolerated and even expected. As a comparison test, Stoll had his brother mail him a postcard every day from New York to California for two months, and he emailed himself a message every day for the same period. All of the letters arrived, averaging three days and ranging from 2-8 days. The emails averaged twelve minutes and ranged up to two days, but five never arrived (three bounced and two just disappeared). Email also gets lost as accounts die or computers get sold or destroyed. Postal mail gets through in spite of incorrect spellings, wrong addresses, bad handwriting, etc., while email requires perfection. Stoll described a May 1991 catastrophe in which a single incorrect email message caused a chain of events that shut down Apple's mail server and relay machines across the continent. No single erroneous postal letter could shut down the nation's postal service.
- Copying insertions – Email makes it very easy to copy and paste portions of documents without re-typing. Unfortunately, it is easy to insert them without critical thinking or even original thinking.

[56] Krug, 131-2.
[57] Stoll, 155-67.

- Form and content – Email can send photographic attachments, films, and scanned images – subject to such limitations as file size and software needed on both ends – but can't send perfumed love letters, a child's original drawing, cash, pressed flowers, or many other odd articles that can be sent through postal mail. Email also lacks warmth, with no fading ink, crinkled pages, pretty stamps, or return addresses that evoke memories of visits there.
- Access – Not everyone has email, but (almost) everyone has postal mail access.
- Appearance – Letters can take many forms and styles, and are made more distinctive by your handwriting, signature, and other features. None of these apply to email: your message looks the same as everyone else's.
- Longevity – People have shoeboxes of old letters. Does anybody keep old email? (This point will be discussed later in this paper.)
- Urgency, Importance, and Reflection – Email comes with a sense of urgency, especially when your system announces that you have new mail. With postal mail, it is fairly common to take a week or so to answer. This gives time for reflection, reviewing, editing, and reconsidering as necessary. Email replies are expected much more quickly, so are written with less care, review, and consideration of consequences. What is not answered immediately gets left to look at later – and usually never gets looked at again. Perhaps because of the ease of sending to large groups or because of the sheer volume of email received, email is not taken as seriously as postal mail. Stoll sent an email request for comments on a scientific paper and only half the recipients responded. When he mailed the same request, all of the recipients responded. After reading an email message, people don't typically contemplate what was said in it, as they are likely to with a letter. Instead, they immediately move on to the next message.

Admittedly, some of these comparisons are romanticized, as well as dated (the book was published in 1995), but some of it is still accurate. As you think of emailed notes you have gotten versus letters from the same person, think of the differences between them. The emails were probably much shorter, rougher (as in draft form rather than written with normal care), and more narrowly focused. The writer did not feel a need to fill the page, only the screen, so there may be less likelihood of filling up space with interesting family news or other topics. And text messages are even shorter and far less likely to have any depth or breadth.

A November 2004 survey indicated that more than eight million Americans had created a "blog" or web-based diary and about 32 million had

read blogs.[58] However, most blogs are updated infrequently and most are largely unlinked and unread. While the second fact is probably true of paper diaries (infrequently updated and largely unread), the blogs are probably inherently different from paper diaries because they are published at the time of writing. They are not private reflections but public statements, which makes them more like published essays than private journals. Therefore, they probably do not really take the place of traditional diaries. And preservation of these online journals is a major issue, as it is with all electronic records.

Telephones, e-mail, and text messaging are alternatives to regular mail and have come to replace it to a large extent.[59] "Letter writing was the most popular form of written self-expression open to most people until the late twentieth century and the development of e-mail."[60] "Today, diaries are for storing memories".[61] These statements, along with earlier ones about electronic versions replacing postal mail or diaries, indicate that paper letters and diaries will not be available as a source for future biographies. Email is qualitatively different from paper letters, and blogs are different from private diaries. Historians have always adjusted to new forms. But the change of forms is less the issue than whether those electronic documents will be available and accessible at all in the future.

A survey asked 110 people who work with computers and technology on a regular basis whether they would feel comfortable discarding important paper documents if they had electronic copies of those documents.[62] Eighty six percent said no. They gave five reasons, some of which have already been touched on, but all of which have implications for the future of electronic documents.

Inaccessibility. Paper can be looked at directly. Electronic documents require both hardware and software to be accessible. Besides it just being an inconvenience to have to get on the computer to view the document, there is the greater problem of obsolescence, both in hardware and software. If the documents are not regularly migrated to new versions or formats – or digital media – they become completely inaccessible. This is already common as people can no longer access 15-year-old floppy disks or 5-year-old Zip disks or documents created in programs no longer available.

Lack of Tangibility. Clay tablets, papyrus, parchment, paper, even microfilm can contain document visible to the eye, even if microfilm requires

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[58] Shawn McIntosh, "Blogs: Has Their Time Come – or Gone?" *Global Media and Communication* 1, no.3 (2005): 385-388.

[59] Krug, 131-2.

[60] Krug, 117.

[61] Fothergill, 72.

[62] Peter E. Hart and Ziming Liu, "Trust in the Preservation of Digital Information," *Communications of the ACM* 46, no. 6 (June 2003): 93-97.

magnification. Digital documents are electromagnetic and invisible. Burned dots on a compact disk reflect in such a way that you can tell that a disk has been used, but you cannot see the documents. That makes many people uncomfortable. At the very least, it takes away the connection with the writer that is felt by the reader when touching the actual document the writer touched.

Fluidity. This issue is much more serious than the lack of tangibility. A paper copy is what it is, and it does not change. Alterations are usually obvious or can be fairly easily discovered. But digital documents can be very easily and very convincingly altered. There can be very little trust in something so impermanent and alterable. (The writer of a biography that deals with a controversial issue in the subject's life cannot pin much weight on an electronic document, knowing how easily such documents can be altered.)

Short Preservation Period. Different media have different lifespans. Clay tablets and stone are very difficult to destroy and can last for thousands of years. Papyrus is less durable. Paper varies considerably depending on its quality and acid content. The actual media on which digital documents are stored have projected lifespans but have not been around long enough to test those projections. However, the document, itself, can disappear in an instant. Even acidic paper takes time to deteriorate, and does it a little at a time. Electronic documents disappear totally and instantly.

Privacy and Security. While people appreciate being able to store documents remotely, they worry about the risks to their privacy if others access those documents.

Challenges of access and preservation in light of continually changing standards, hardware, and software are also cited by Tibbo[63] and by Reagan.[64] Reagan brings up several other issues related to access and preservation. He cites an incident "several years ago" when naval engineers noticed that the diagrams for the USS Nimitz' propulsion, electrical, and other critical systems developed minor changes over time. These were digital images stores on the ship's computers. Lines did not look the way they originally did. What else had changed? This was a nuclear-powered aircraft carrier, and its maintenance data were corrupted. If it can happen there, it can happen anywhere. People lose documents all the time. Hard drives crash, flash drives can get broken, the new computer does not have the necessary drive to accept the older type disk, email services go out of business. Files can deteriorate without obvious catastrophes. How secure is any digital preservation program?

Reagan pointed out the difficulty of even saving a relatively simple email.

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[63] Helen R. Tibbo, "Archival Perspectives on the Emerging Digital Library," *Communications of the ACM*, 44, no. 5 (May 2001): 69-70.

[64] Brad Reagan, "The Digital Ice Age," *Popular Mechanics*, 183, no. 12 (December, 2006): 94-139.

Saving a postal letter is not difficult, even if it has cards, pictures, newsclippings, and other items enclosed with it. You just put the whole packet in your shoebox with your other letters. Consider a similar packet received as electronic mail. Is there an attachment? What type of file is it? If it is a spreadsheet, you will have to decide whether to save just save the data in the spreadsheet or to save the functionality, too (in case someone needs to try different numbers in that spreadsheet later and use the formulas to calculate results). If there are pictures, what format do you save them as and how do you keep the associated files together? Will any of these files be readable in a few years?

Taken to the individual level, many people never print their digital photos but only look at them on the computer. At the very least, they should make backup copies in case of a hard drive crash or other disaster, but many never do. It is also unlikely that they print or backup email, copies of their blogs or webpages, or other digital messages they receive. Some of that is available in corporate or Internet provider backups, but for how long? And how long will it be accessible to the individual? Of course, none of the telephone conversations are recorded, so all of that communication will be lost. Digital videos have all the same weaknesses as other digital documents, but don't have the option of being printed out for backup.

Technology seems to have replaced most letter and diary writing, and the replacements are much more fragile and tenuous than what they are replacing.

Implications for the Future of Biography

Hundreds of thousands of letters from the early modern period (1500-1700) survive, according to Schneider, who read 40,000 for the study reported in his book, and who claimed that that is only a fraction of what is available. Instead of letters and diaries that can be preserved for centuries and read with no assistive devices other than eyeglasses, more and more people are turning to the telephone, email, text messaging, blogs, web pages, and web communities. Phone conversations that have taken the place of many letters leave no trace and are completely unavailable to researchers. Instant messaging and text messaging systems also typically leave no trace, so are also gone. Much of email is deleted, and what is not deleted is often not actively saved[65], so is dependent on access to a specific provider who may or may not be around in a few years and who may or may not back up systems. Web pages and blogs are equally dependent on providers, and are public writings, so are likely to be very unlike the private writings valued by biographers. Even the public records that can be used to reconstruct many aspects of individual lives are

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[65]   William Merrill Decker, *Epistolary Practices: Letter Writing in America before Telecommunications*, (Chapel Hill, NC: University of North Carolina Press, 1998), 236.

becoming increasingly digital. Unless much better and more reliable methods of digital preservation are developed soon, there may be very little accessible and personal information available to biographers and social historians in the not-too-distant future.

BIOGRAPHICAL NOTES

First, to prevent any confusion, let me point out that my legal name is Marguerite Irene Adams, so that that is what you will find me listed under in school records.

I am currently working on a Bachelor's degree in History, with an emphasis in Public History. I am doing this basically for fun, but also because it relates to my current job at Brigham Young University, where I work in Special Collections in the Harold B. Lee Library. I already have an Associate's degree in Registered Nursing, a double Bachelor's in Sociology and Psychology, a Master's in Library and Information Sciences, and a Master's in Sociology, as well as a very recent Associate's in History from UVSC. (I actually have work experience relating to each of these degrees, including teaching in the Behavioral Sciences Department at UVSC for 3 years.) I plan to continue learning through both formal and informal methods throughout my life. The interest in History came later in my life, and the coursework is very helpful in my work as a reference librarian in Special Collections, where I plan to stay until retirement.

If you enjoyed this article then seek out:

"A Brief Historiography of Black Women Writers," by M. Marisa Dore, *Crescat Scientia* v. 5 (2007), pgs. 17-35.

"Women as Technology in the Weimar Republic," by Liberty P. Sproat, *Crescat Scientia* v. 3 (2005), pgs. 55-75.

From Iberia, to Hispania, to Al-Andaluz, to España: One Thousand Years of History of Medieval Spain

Kellen J. Hernández De Alba

After the division of the Roman Empire between East and West, the influence of Rome over the provinces of the empire of the west gradually fell, especially in Hispania. For many centuries Hispania was a model of the political power of the Roman Empire outside of Italy. However, the continuous civil wars of the empire, barbarian invasions from the north, and pestilences such as the plague contributed to the creation of a Spanish province independent of Rome. The arrival of the Visigoths in Hispania marked the end of the Roman political power and the creation of what eventually became the medieval kingdoms of Spain.

The Romans

In the year 284 AD, after fifty years of civil wars, the Roman Emperor Diocleciano divided the empire in two political zones.[66] With the intention of maintaining a more equal administration and avoiding any possible military revolt, the empire divided into the Roman Empire of the West and the Roman Empire of the East. An emperor with the title of Augustus would rule each

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[66] Clifford R Backman, *The Worlds of Medieval Europe* (New York: Oxford University Press, 2003), 19.

empire. Diocleciano ruled over the empire of the west while Maximianus, a Roman general appointed by Diocleciano, ruled in the east. Under the direction of the emperors, a regent helped to govern with the title of Caesar. Constantine, another Roman general, was the Caesar for the Empire of the West. Once Diocleciano died, Constantine started a military campaign against the rest of the Roman legions. His purpose was to unify the empire under his rule; which he eventually accomplished.[67]

During the Roman dominion in Iberia, the peninsula was divided into five political zones: Galicia, Tarraconense, Lusitania, Cartaginense, and Baetica. These zones were the predecessors of the kingdoms formed within the Iberian Peninsula. Lusitania eventually became what today is the nation of Portugal, Galicia remains a kingdom within modern Spain, and Tarraconense, Cartaginense, and Baetica also form the modern nation of Spain. The Romans gave the Peninsula the name of Hispania, name from which the modern name of Spain derives. These regions in Hispania, however, did not become individual kingdoms until after barbarian invasions from the north.[68]

The Barbarians

By the end of the fifth century, Hispania was almost entirely Latin. The native peoples of the peninsula had become Roman as the centuries passed to the point to which numerous Roman soldiers and emperors had a Hispanic origin. However, the continuous civil wars of the empire weakened the strength of the empire and its borders, leaving them unprotected to northern invaders, the Barbarians. Even the Roman military was composed of numerous Germanic (Barbarian) tribes. Among the tribes that invaded the Iberian Peninsula were the Franks, the Alemani, the Vandals, the Alanos, and the Suevs; these last three would remain in Spain and settled at expense of the Roman population.[69] Due to the Barbarian invasions, the Romans decided to utilize a method that they had used before; the conscription of other Barbarian tribes to fight the invading tribes. In the case of Spain, the Romans looked for the help of the Visigoths to drive the other barbarians out of the province.[70]

The Visigoths

The Visigoths were originally from an area north of the Balkans. For decades, the Goths had been pushed south by other Barbarian tribes, such as

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[67] "Memoria de España", part 5. *Hispania un Producto de Roma*. DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).

[68] "Memoria de España", part 6. *Del Imperio Cristiano a los Imperios Bárbaros*. DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).

[69] Pedro Juan Galan Sanchez, *El Genero Historiografico de la Chronica:Las Cronicas Hispanas de Epoca Visigoda* (Caceres:1994), 66.

[70] Javier Pampliega, *Los Germanos en Espana* (Pamplona: Universidad de Navarra, S.A., 1998), 237.

the Huns.[71] Under the jurisdiction of Emperor Valens, the region of *Aquitanica Secunda*, a region west of Galia between the regions of Loire and Garonne, was set apart for Goth settlement.[72] The Roman Empire gave the Goths this land with the condition that they would be conscripted into the Roman legions at the emperor's request. The Goths were organized in a form of confederation dependent upon and within the Roman Empire. However, the Goths had no control over the Roman populations among which they were placed.[73]

Eventually, the Goths fought to obtain independent control of Rome. This search for independence had success only when the Empire weakened because of civil war. In 418 AD the king of the Goths, Euric (r. 466-484) declared the Goths independent from Rome creating a document known as the Code of Gothic Laws. With their newly acquired independence, the Goths commenced a period of expansion toward the Mediterranean coasts to the south and east, and the Pyrenees to the north. By the last decades of the fifth century, and under the rule of Alaric II son of Euric, the Visigoths had already accomplished control over most of the Iberian Peninsula; with the exception of Galicia, in which the Suevs maintained control, and the Basque Mountains which was under the rule of the Basques. With this conquest of Iberia, the Visigoths took control of the biggest province and most stable of the already fallen Western Roman Empire.[74]

Shortly after the consolidation of power by the Visigoths in the Iberian Peninsula, Alaric II died, leaving his son Amalaric as heir of the newly formed kingdom of Spain. It was not really called Spain at the time; rather, it maintained its old Roman name of Hispania. In Gothic culture, the succession of power was not necessarily organized in patriarchal descent; rather, it was a kind of elective monarchy in which the members of the aristocracy, the warriors or knights, would choose their new leader from among themselves.[75] Since Amalaric was but a child at the death of his father, Gesalic was chosen to lead the Visigoths in Spain.[76]

Gesalic continued the military campaigns of the Visigoths against the Franks for dominion of what today is the southern France.[77] These actions ultimately caused the destruction of the Visigothic capital of Toulouse. Only the intervention of Theodoric, king of the Ostrogoths in Italy, allowed the Visigoths to stop the Frankish advance. Gesalic hid himself behind the Pyrenees, setting the demarcation of what eventually became the border

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[71] P.J. Heather, *Goths and Romans* (Oxford: Clarendon Press, 1991), 19.
[72] E.A. Thompson, *The Goths in Spain* (Oxford: The Clarendon Press, 1969), 2.
[73] Heather, 132.
[74] Ibid., 224.
[75] Jaxques Fontaine, *L'europe Heritiere de L'espagne Wisigothique* (Madrid, 1992), 11.
[76] Thompson, 8.
[77] Henry Bradley, *Famous Nations: The Story of the Goths; The Story of the Saracens* (New York, 1890), 117.

between Spain and France.[78] The intervention of Theodoric also contributed to Ostrogothic interest in Spain. Thanks to the help provided, the Visigoths found themselves paying yearly tributes to Theodoric.

Eventually Gesalic was betrayed by one of his generals, Ibbas. This Ibbas allied himself with Theodoric, and in 511 AD they managed to exile Gesalic from Spain. Gesalic tried to get help from the Vandals in northern Africa, but these, fearing repercussions from Theodoric, also exiled him from their lands into France. In France Gesalic managed to get some help, but not much more than what he got from the Vandals. Gesalic put a small army together with which he invaded Spain, but he was unsuccessful and eventually captured. Gesalic was assassinated near the River Durance, finalizing with the fruitless dominion as the first king of Spain. Amalaric, still too young to govern the country, was left under the regency of his grandfather Theodoric. Just as with the rest of Gothic history, this was a period characterized by numerous internal and foreign wars. Theodoric sent emissaries from Italy to help in the administration of Hispania as a means to solve the internal conflicts.

Like the rest of Germanic tribes, it is possible to notice a steady Romanization of the Goths in Spain and Italy. As an example, one of the emissaries sent by Theodoric was a Roman citizen. Later during his reign, Theodoric chose other Romans to serve in different positions of his government as well as the church and the army. One other example of the Gothic Romanization was the acceptance of the Catholic religion against the Arian religion the Goths originally practiced.

In 526 AD Theodoric died, leaving Amalaric as sole ruler in Spain, while Athalaric, another grandson of Theodoric, ruled in Italy. Of Amalaric and his administration, we know next to nothing. Of the few things that have been recorded, we know that during his reign the border between France and Spain was finally settled. Also, it is possible that the settlement of the border was due to the important diplomatic role Amalaric played with the Franks. Amalaric married Cleothild, daughter of the Frankish king Clovis, forging in this way a loose alliance with the Franks, but at least securing a pacific relationship with the two kingdoms.[79]

Amalaric's marriage with the Frankish princess would in turn prove to be his ruin. Cleothild practiced Catholicism while Amalaric tried constantly to force her to convert to Aryanism. Cleothild resisted Amalaric's constant, but ultimately frustrated, attempts to convert her to his religion. This resistance, however, cost her constant humiliation and mistreatment. Cleothild looked to her brother Chidilbert of Paris fro help. Chidilbert started a military campaign

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[78]   Herwig Wolfram, *History of the Goths vol. I & II* (Los Angeles: University of California press, 1988), 301.

[79]   Bradley, 315.

in order to rescue Cleothild from Amalaric, as well as to recover some land that was lost to the Visigoths in past battles. Chidilbert managed to corner Amalaric in a Catholic church near Barcelona; here Amalaric was assassinated "either by Amalaricís own troops or by a Frankish warrior named Besso."[80] Chidilbert rescued Cleothild and returned her to France and he also recovered some lands north of the Pyrenees. What was surprising is that Chidilbert did not try to continue his campaign into Spain, but he left it to be governed by the Visigoths.

The assassination of Amalaric did not come as a surprise for the Visigothic aristocracy. By the time Amalaric was killed, he was no longer popular among his own countrymen. The end of his reign marked the end of the dynasty of Theodoric I (r. 418-451AD), which lasted for a period of one hundred and thirteen years.[81] This was the longest lasting dynasty of the Gothic history of Spain. After the end of this dynasty, no other dynasty or family would retain continuous power for longer than thirty-four years. A series of struggles for power, assassinations, and calumnies would characterize the rule of the remnant of Gothic rule in Spain.

As mentioned before, the Visigoths had no concept of a hereditary monarchy. The Gothic rule was very conflicting and few where the kings that died in peace. Most of them were assassinated or replaced by some one else. Theudis, the Roman soldier chosen by Theodoric to help in the administration of Spain, took control of the kingdom after the death of Amalaric. Theudis found a kingdom involved in continuous conflicts with "the Franks in the north and the Byzantines in the south. To his administration we can adjudicate the sole piece of Visigothic legislation between to reigns of Gesalic and Liuva."[82] Theudis was assassinated in his palace and succeeded by Theudigiselic. Theudigiselic was assassinated while drunk during a celebration of a victory over the Franks in 541 AD. Agila, who succeeded Theudigiselic, was killed by the hand of Athanagild. Athanagild had joined a revolt of the Roman-Hispanic population allied with the Byzantines. Athanagild died in his bed, but he spent the majority of his reign, as the three generations that would follow, fighting the Byzantines, trying to remove them from Spain. Goisuintha took control after Athanagildís death. However, during his reign, various independent warlords popped out in different parts of the country. Liuva was one of these warlords. Liuva finally defeated Goisuintha and took control of the kingdom, governing jointly with his brother Leovigild.

Throughout this time of continuous war, the Visigoths never managed to integrate their culture to the population they controlled. E.A. Thompson

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[80] Thompson, 12.
[81] Ibid., 13.
[82] Thompson, 14.

explains, "As for the Goths, they always felt themselves to be distinct from the Roman population of Spain. *Even* Catholic Goths, like Renovatus, might call themselves by Roman names, but they never called themselves Romans."[83] Part of the division was the fact that the Visigoths were Aryans, and very few in numbers compared with the Roman population. The Romans preferred the Catholic religion and eventually the Visigoths would adopt it as well.

When Liuva died, Leovigild took control as sole king of the Goths. Many considered him a great unifier since during his rule he restored Gothic control in Spain, brought peace to the kingdom by eradicating all the rebellions, annexed Suevic Galicia to his dominions, and stabilized the economy. He also changed the attitude that the general public had of the Gothic monarchy by modeling it after the Byzantine kings.[84]

Just as the previous kings, Leovigild tried to control the populations within his kingdom with a strong hand and absolutist legislation. Leovigild found himself with the problem of creating legislation for very varied populations; Aryans, Catholics, Romans, Suevs, Basques, and Jews. The multiplicity of ethnicities created instability in the government of the Goths; and finally brought about the demise of the Gothic rule in Spain. Leovigild tried to maintain a legislative control over the various ethnicities; one example is the annexing of different statutes to the Gothic laws and the revocation of obsolete laws. He also tried to create a dynastic monarchy; this would only last until his grandson Liuva II.[85]

In his attempt to create a dynastic monarchy, Leovigild ended up causing a civil war with his own son Hermenegild. Leovigild had his son marry a Frankish princess. This princess, being catholic, ended up converting Hermenegild to Catholicism. Hermenegildís conversion inevitably caused a political rupture between him and his father. Hermenegild ruled in southern Spain with Seville as his capital.[86] His reign was near the Byzantine colonies, and Hermenegild used this proximity to his benefit. Hermenegild allied himself with the Byzantines and started a military campaign against his father for control of the peninsula. This campaign would continue until the year 585 AD. In this year Leovigild took control of the cities of Merida and Seville, which had fallen in control of Hermenegild. During these battles Hermenegild lost the support of the Suevs in Galicia, and eventually Hermenegild would escape to Cordoba where his brother cornered him. Recared, the second son of Leovigild was sent to negotiate with his brotherís rendition. Hermenegild finally abdicated his kingdom and power. His father supposedly forgave Hermenegild; nonetheless, Hermenegild was disposed of his royal clothing and placed him in captivity

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[83]   Ibid., 25.
[84]   Ibid., 57.
[85]   Thompson, 60.
[86]   Henry Bradley, *The Story of the Goths* (London: G.P. Putnams's Sons, 1888), 324.

for the rest of his life. Shortly after, Hermenegild was assassinated, probably at his father's request.

Leovigild maintained a relative peace within his kingdom for the rest of his days, even when the Byzantines maintained some control in different places throughout the Mediterranean coasts and the Baleares. Regarding the Suevs in Galicia, Leovigild started an extended campaign against them finally conquering them by defeating the Suev king Audeca. The Suevs, just like the Byzantines and the Basques, were Catholics. Leovigild took measurements to convert these populations to Visigothic Aryanism without much success. Leovigild is known for being "the only Arian king of Spain who is said to have been a persecutor of the Catholics in his kingdom; but he is never accused of bloodshed in this connection"[87] It is possible that, in part, Leovigild was simply trying to stabilized the political situation that his son Hermenegild had caused; more that actively persecuting Catholics for their beliefs. This theory had its bases in the fact that Leovigild's second son Recared was baptized a Catholic shortly after he took possession of the kingdom. Also, it is possible that Leovigild himself had considered the possibility of conversion to Catholicism; though this cannot be proved. Leovigild could not have been baptized, at least publicly, since that action would have caused outrage within the Gothic aristocracy. In the same way Recared did not declare himself a Catholic immediately, but waited until a few years into his reign after, the consolidation of his power. Leovigild died in his bed, leaving a relatively pacific kingdom and the remembrance of being one of the best Visigothic kings of Spain.

Since the Visigoths did not believe in hereditary dynasties, Recared had to convince the Visigothic aristocracy to elect him as their ruler. Once in possession of the kingdom, Recared continued the dictatorial policy of his father. Recared managed to maintain peace in his kingdom and ended the persecution of the Catholics, persecution which even by the last years of his father's rule had already lost popularity among the Goths. Recared would start a social change during his rule. Since his conversion to Catholicism, many of the nobility followed his example by getting baptized as well. The country steadily started to become entirely catholic; however, this change did not come easily, since many of the Aryan authorities opposed the change openly. Actually, because of this change of religions, Recared suffered various attempts against his life.[88]

The change to Catholicism continued regardless of the opposition of the Aryan authorities. One of the principal reasons for the acceptance of the change was, as mentioned before, the steady Romanization of the Goths.

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[87]   Thompson, 78.
[88]   Thompson, 101.

Leovigild was the last Gothic king to create separate legislations for both
Goths and Romans.[89] Recared created, in contrast with his father, legislations
that benefited Romans and Catholic-Goths equally, leaving out Aryans and
Jews, promoting conversion to Catholicism. For the past two centuries before
Recared, the religion of the Goths had been Aryanism. However, after the
third council of Toledo, conversion to Catholicism was almost complete.[90]
Recared proclaimed Catholicism has the state religion, and even though some
of his successors were Aryans, there is no evidence that any of them tried to
restore Aryanism as the religion of the kingdom.[91]

For the rest of Visigothic history in Spain, the succession of power was
constantly decided by means of force. Continuous civil wars, assassinations
among the nobles, and fights for power characterized the political situation
of Spain until the coming of the Arabs in the sixth century. In 710 AD,
Roderick took control of the Visigothic throne. Some called him a usurper,
since Roderick opposed the right of the son of Wittiza, the previous king, to
rule over the Goths. In any case, by the time Roderick started his reign, Spain
was divided in several sections controlled by various warlords. The reign of
Roderick lasted no more than two years.[92]

In 711 AD, the Arabs under the command of Musa invaded Spain.
Roderick was cornered by the Arabs in the battle of Guadalete, during which
Roderick's troops deserted him in the heat of battle. As a result, Roderick was
captured and killed by the Arabs. One other king named Achila succeeded
Roderick. However, few historians talk about Achila; instead they refer to
Roderick as the last Visigothic king of Spain.[93] Why is Roderick considered
the last Gothic king of Spain? Well, that is not entirely clear. It is possible that
the title is given to him because he was the last king to conquer the largest
territory in Spain. One other theory is that he governed for a relatively long
period for his time - one full year. In any case, after his defeat, the Arabs took
control of the peninsula with much ease, taking only seven years to end the
Visigothic control over Spain. It would take the Catholic kings seven centuries
to recover the lost territories of Spain.

The Arabs

In 711 AD the Muslim Governor of Northern Africa, Musa bin Nusair,
sent his troops, under the command of General Gebel Tariq ibn Ziyad, to start
an invasion of the Iberian Peninsula. By this time the Hispano-Roman, Jewish,
and other populations had had enough of the continual dynastic conflicts

[89] Ibid., 108.
[90] Thompson, 155.
[91] Antonia Mendez Madariaga, *Arqueologia Paleontologia y Etnografia* (Madrid: 1990), 219.
[92] Jean Descola, *Historia De España* (Madrid: Spain Press, 1959), 86.
[93] Thompson, 251.

of the Visigoths. The general public saw the Arab invaders as a solution to the monarchic wars that had involved Spain for so many years. Gebel Tariq started his invasion in the rock that still bears his name, Gibraltar. Gebel Tariq defeated Roderick in Guadalete and over the next seven years took possession of most of the Iberian Peninsula, except for the mountain regions in the north of Asturias, Galicia and the Basque Mountains. The invaders saw a better possibility to expand their conquest to France, leaving these small Christian enclaves behind. In 732 AD the invasion in France saw its end in the battle of Poitiers, where Charles Martel defeated the Arabs and stopped their advance.[94] France would never see the Arab invaders threatening their borders again, however, Christian Spain was lost to Islam.

The Muslims that entered the peninsula were not all of the same ethnicity. "Arabs, Syrians, Egyptians and Berbers" were part of the contingency that entered Spain.[95] These various groups divided the conquered land among them. The Arabs stayed in the Valley of the Guadalquivir, the Syrians took the zone of Granada, the Egyptians established themselves in Murcia, and the Berbers took the area of Extremadura, Andalusia and other areas in the center of Spain. Just like it had happened with the Visigoths, the Arabs found themselves with the problem of centralizing power among numerous ethnic groups. Different groups fought for control of the conquered lands. Up until this point the Arabs found the conquest of Hispania relatively easy due to their unity. But unity in the new conquered lands was more difficult to accomplish. This problem would be solved with the arrival of the Umayyad. In the year 749 AD, a political change took place far away in the Middle East. The Abbasid replaced the Muslim dynasty of the Umayyad. One of the defeated Umayyad princes, Abd-al-Rahman, managed to escape annihilation and fled to Spain. There he consolidated the Muslim power over the peninsula. With the arrival of Abd-al-Rahman a unified government was established, creating the New Emirate of Cordoba or al-Andaluz, Emirate that will remain under Abd-al-Rahman's family control until 1031 AD.[96]

The success of the Muslim conquest was due in part to the freedom of religion the Arabs allowed conquered peoples to retain. The Arabs had a sacred book, the Koran or al-Qurían, in which numerous peoples were mentioned. The Jews and Christians were seen as predecessors of the more perfect religion of Islam. Since they were mentioned in the Koran, the Jews and Christians were considered by the Arabs to be "People of the Book", leaving them

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[94] Gabriel Jackson, *The Making of Medieval Spain* (Harcourt Brace: Jovanovich, Inc., 1972), 10.

[95] Ibid.,11.

[96] Hugh Kennedy, *Muslim Spain and Portugal: A Political History of al-Andalus* (London: 1996), 30.

protected from Arab persecution.[97] The Muslims respected the religion of the Jews and Christians and tolerated their presence among them. This respect and toleration, however, did not mean that the Jews and Christians would have the same rights as the Muslims. Nonetheless, both Jews and Christians were treated better by the Arabs than by the Visigoths.

The Reconquest

From the moment in which the Arabs entered Spain, the Christian aristocracy started a process of resistance and re-conquest of the territories lost, which they called "The Lost Spain."[98] Two small enclaves managed to retain their independence from the Arabs: the Kingdom of Asturias in the Cantabric Mountains, and the small Basque Kingdom of Pamplona. These kingdoms were made up of Visigothic nobility that had escaped north during the Arab invasion. The economy of these kingdoms was based on the possession of cattle. The Cantabric Mountains in the south and the Pyrenees in the north served as borders. From these two kingdoms the remnant of the Visigothic nobility, now Catholic Spaniards, would start the process of re-conquest. This would last seven centuries, from the battle of Covadonga until the fall of the Alhambra.

Don Pelayo, son of the Count of Favila, could be considered the first King of Asturias. His importance stems from the battle of Covadonga. Even though this was a battle that had no more importance for the Arabs, than a small skirmish, it meant for the Christians the true beginning of the process of re-conquest. Pelayo reigned from 718 until 737 AD, and during this time he tried constantly to recover dominion over lands lost to the Arabs. However, the importance of his reign relies on the fact that for the first time, the king was no longer seen as an "invading Goth," but as a Spanish king trying to re-conquer "The Lost Spain."[99]

In 737 AD, Don Pelayo died in the town of Onice. His intended to be successor Favila also died, supposedly killed by a bear.[100] Alfonso I, son of the Don Pedro Duke of Cantabria, is then named as king of the Asturias. To King Alfonso can be adjudicated the stabilization of the Visigothic dynastic succession in the new kingdoms of Spain. His family name lasted for many centuries, and his name will become a synonym of Christian power in Spain. He was also the first king to be given the title "The Catholic," being named then Alfonso I the Catholic. Alfonso managed to recapture some territory, namely the cities of Astorga, La Rioja, La Bureba, and even Mérida, even

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[97] Hugh Goddard, *A History of Christian-Muslim Relations* (Chicago: 2000), 24.
[98] Jose Antonio Vaca de Osma, *Grandes Reyes Españoles de la Edad Media* (Madrid: Espasa Calpe, S.A., 2004), 21.
[99] Osma, 18.
[100] Ibid., 23.

though he retired from this city shortly after attacking it. This was a very common phenomenon, attacking a city to later abandon it, the reason being that regardless of the number of victories, the Christians had few numbers to maintain control over large territories.[101] This meant that the Christians had to leave conquered lands behind, creating a desolated land that served as a buffer zone. However, even with this hit and run practice, Alfonso managed to recover much territory and extend the Asturian kingdom up until the regions of Cantabria and Galicia.[102]

With Don Pelayo and Don Alfonso, the kingdom of Asturias occupied a privileged placed in the process of re-conquest. Thanks to small victories and continuous warfare, the Asturians managed to maintain their little kingdom free of Arab influence. Eventually the Kingdom of Asturias experienced a demographic growth, thanks to immigration of Christians from the south. The defeat of the Arabs continued in part thanks to internal divisions among them. Don Alfonso II "The Chaste" started the construction of castles and fortresses in borderland areas, pushing in this way the border southward.[103] Very much like the Americans would do centuries later in the frontier, with the construction of forts to expand their territories; the Asturians used castles to expand their kingdom. Alfonso II reigned for almost fifty years, and during his reign he managed to re-conquer the old Gothic capital of Toledo; but his biggest contribution was the construction of the Cathedral of Santiago in Compostela, in Galicia. This building was constructed because of the news that the body of Saint Iago (Santo Iago or James) had been deposited in a small church in the city. The Cathedral of Santiago de Compostela and its cult would serve as a symbol of the Christian Crusade against the Moors, hence the name "Santiago el Matamoros," Saint James the Moor Killer. The cult to the apostle also generated numerous peregrinations that in turn helped to forge a union among the Catholics of Europe and support for the Catholic Spaniards.[104]

Alfonso II abdicated his kingdom to his son Alfonso III, as the means of continuity of his dynasty, retaining the power among the old Visigothic families. However, his other sons dethrone Alfonso III, dividing the kingdom among them and creating the kingdoms of Leon, Asturias, and Galicia respectively. It was not until two generations later that Fruela reunified the kingdom under the crown of Leon. The reunification of the Kingdom was not total; the nobles of the eastern-most part opposed the reunification, and in 1037 AD, Fernand González declared this region independent of the kingdom

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[101] Joseph F. O'Callaghan, *A History of Medieval Spain* (London: Cornell University Press, 1975), 181.
[102] Ibid., 193.
[103] Ibid., 185.
[104] Jackson, 58.

of Leon, creating the kingdom of Castille.[105]

In the county of the Jaca there is a river named Aragon. The surrounding counties took upon them the name of the river to name their kingdom. The history of the first kings of Aragon is engulfed as much in legends and myths as in reality. It is generally accepted that the first king of Aragon was Aznar Galindo, since there is little evidence to the contrary. In contrast with Asturias, those in Aragon had to fight the Basques in Navarre. The Basques were not Christian, but pagans opposing the traditions of the Christians, Jews, and Muslims. The subjugation of the Basques by the Aragonians was a very difficult task, but eventually successful.[106]

Eventually the aristocracy gave part of the Throne of Aragon to Sancho Garcés I. Sancho founded the kingdom of Pamplona that would last for six generations. Of his descendants, Sancho III was known as King of the Spains since from his reign four kingdoms resulted. He married Doña Sancha, and at his death, his kingdom was divided in four parts. To his elder son Garcia Sanchez III, went the kingdom of Pamplona, or what is today the Basque country. His son Fernando I retained the kingdom of Castille, being named first true king of Castile. Ramiro I took the crown of Aragon. Finally, Gonzalo took the counties of Sobrarbe and Ribagorza. So for historians, the most recent origins of Castille and Aragon are found in the Kingdom of Pamplona.[107]

In what today is Catalonia, the French, excited about the defeat of the Arabs in the battle of Poitiers, invaded the region with the purpose of fortifying their border and in that way avoiding any possible Arab conquest. Literary note to this paper "La Chanson de Roland," comes from this time and place. Charlemagne conquered Barcelona in the year 801 AD through his son Louis the Pious, creating in this way the French dominion of the Spanish Mark.

In the meantime the Arab dominion started to decline in the year 1002 AD, the Arab general Almanzor, who had accomplished numerous victories against the Christians, died because of serious injuries during the battle of Catalañazor. At his death the once powerful Caliphate of Cordoba started his decline. A civil war for the control of the government debilitated the Caliphate even more. This war would last from 1009 until 1031 AD, resulting in the disintegration of the Caliphate and the proclamation of independent Muslim provinces known as Taifas.[108] These Taifas fought among them for control of the territories, and occasionally resorting to the Christian kings for help them in their conflicts. There were up to thirty different Taifas.

The Christian kingdoms saw this as an opportunity to obtain

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[105] Ibid., 82.
[106] T.N. Bisson, *The Medieval Crown of Aragon: A Short History* (Oxford: Clarendon Press, 1986), 10.
[107] Bisson, 19.
[108] Kennedy, 130.

territories for themselves. Also, the continuous immigrations of the French, Mozarabs, Mudejars and Moors, into Christian lands meant an increase of population and improvement of the economy. It can be said that the Christian kings acted as thugs, collecting tributes from the different Taifas for protection from other Taifas or even from the same Christian kingdoms. At this time it was not a simple matter Christians fighting Muslims; there were more than just two factions of each faith. It is true that the Muslims saw their reign systematically destroyed by internal conflicts, but they were not the only ones. The Christians fought amongst each other as well. The valley of Ebro saw diverse disputes between Castille, Pamplona and Aragon which increased the divisions between the Christian kingdoms, debilitating them internally and postponing the re-conquest further.

The kingdom of Leon was the most Visigothic in its tradition. The monarchy was based in religiosity and a hierarchy promoted by the Clergy. By contrast, the kingdom of Castille, being a frontier reign, became more democratic making state decisions by the council of the nobility. Fernand I, King of Castille, looked to acquire more territories through his marriage with the sister of Bermund III, son of Alfonso V king of Leon. Bermund III died, and at his death, Fernand named himself king of Leon and Galicia, by right of his marriage with Bermundís sister. The reign of Fernando I meant the beginning of the Castilian Hegemony in the Iberian Peninsula. However, when Fernando I died, the kingdom was divided once more into three reigns. The kingdom of Galicia was given to Garcia, the kingdom of Leon to Alfonso VI, and the Kingdom of Castille to Sancho II. Sancho II tried to reunify the kingdoms. but he was assassinated near the outskirts of the city of Zamora presumably by orders of his sister Urraca. After declaring his innocence for the assassination of Sancho II, Alfonso VI of Leon took control of the kingdom of Castille unifying it with Leon once more. Alfonso VI is considered one of the greatest kings of Spain since he managed to finally re-conquer the City of Toledo. With the conquest of Toledo, the Christian kings started to repopulate the conquered lands. The repopulation of conquered lands was a technique used by the Christian kings up until the end of the Reconquista.

In 1076 AD, Sancho IV, King of Aragon, annexed the kingdoms of Pamplona and Navarre by force. Pamplona would loose its status as a kingdom until the year 1134 AD, the year in which it gain independence from the kingdom of Aragon as the kingdom of Navarre. In 1162aD Sancho VI íThe Wiseî would be named the first king of Navarre. This is the way in which the Christian kingdoms started their expansion - by joining their lands, or through conquest of Muslim territories. Under the dominion of Ramiro I, son of Sancho III, Aragon became a strong kingdom; it was developed from a county controlled by the kingdom of Pamplona. And because of the famine,

caused by internal wars, the kingdom of Aragon pushed south and east to re-conquer land under Muslim control. Sancho Ramirez, son Ramiro I, was able to consolidate the hegemony of the kingdom through war against the Muslims. The kingdom rapidly turned out to be a common stop in the peregrination to Santiago of Compostela. Travelers that passed through here spent their money in the area, increasing the revenue of the local populations. Sancho Ramirez unified the kingdoms of Aragon and Pamplona, and shortly afterwards he was succeeded by his son Pedro I. Eventually family disputes ravaged this kingdom too. Ramiro II, king of Aragon and Pamplona, ceded his kingdom to his son-in-law Ramon Berenguer II. Ramon Berengueris brother Berenguer Ramón II killed his brother, and took control of the reign. Berenguer Ramón II had previously co-reign with his brother in the county of Barcelona. Ramón Berenguer III inherited the crown of Aragon and Mallorca with the help of the Pissans, and it was the Pissans that called him "Princeps Illustris Catalonensis," bringing for the first time the name of Catalonia to the people of Barcelona.[109]

Following the family interest forged in the royal houses of Spain, a daughter of Ramon Berenguer III and sister of Ramon Berenguer IV married Alfonso VII king of Castille-Leon. These decided to split between them the conquered territories of Andalusia. Ramon Berenguer IV took Valencia while Alfonso VII took Extremadura. In this way the two kings formed an alliance that would continue until the time in which the Catholic kings unified the two kingdoms.

On the other side of the peninsula, Portugal started to consolidate its territory as an independent kingdom. Alfonso Enrique I proclaim himself king of Portugal in 1139 AD.[110] Alfonso Enrique I was son of Teresa (a daughter of Alfonso VI) and Henry of Bourgogne. Teresa and Henry inherited from Alfonso VI the county of Porto Calo, what is today the modern city of Oporto, south of the Miño River. Throughout wars and conquest of Arab territories, just like the rest of Iberian kingdoms, Portugal could expand its borders south, creating an independent kingdom of Castille and Leon. In 1143 AD, Castille recognized the kingdom of Portugal as a tributarian monarchy of Alfonso VII, but independent nonetheless.

The Arabs, on the other hand, were continually weakened by internal disputes and by Almoradivs in the south. The Almoradivs intervened in Spain, forming a united kingdom in Andalusia.[111] The Taifas of Granada looked for the help of the Almoradivs to stop the Christian advance over their lands. In the year 1086 AD, only a year after the fall of Toledo, Alfonso VI was defeated

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[109] "Memoria de España", part 9. *La Península de los Cinco Reinos*. DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).
[110] Ibid.
[111] Kennedy, 154.

in the battle of Sagrajas by the Almoradivs, where it is said he was hurt in the leg. However, the Almoradivs could not manage to dominate the conquered zones, since they didnít have enough troops. In any case, the Almoradivs managed to recover much land lost to the Christians, and in less than twenty years achieve control of all the Taifas of the old Caliphate de Cordoba. Eventually the Almohads, the Arabs from Granada, would rebel against the Almoradivs.[112] The Almohads looked for help from the Christian kings in order to fight the Almoradivs. Halfway through the twelfth century, Alfonso VII and Ramón Berenguer IV tried to exile the Almoradivs from Spain. These two kings tried to re-conquer the lands of al-Andaluz in Almoradiv control.

Alfonso VII named himself Emperor of Spain and king of kings since many of his subjects included the kings of Navarre, Aragon, and Portugal; the Counts of Barcelona; and even some Muslim monarchs. Alfonso VII was trying to revive the Visigothic tradition of having a united Spain. In 1212 AD, Alfonso VIII, Pedro the Catholic and Sancho VII fought the battle of the Navas of Tolosa, against Al-Nazir, leader of the Almoradivs. Al-Nazir lost the battle, resulting in the end of the Muslim influence in Spain.[113]

The battle of Tolosa opened the Valley of the Guadalquivir to the Castilians and Leoneses. However, Pedro the Catholic of Aragon was defeated shortly after by the Arabs, leaving the expansion solely to the Castilians. The crown of Aragon and Catalonia had to expand east to the region of Levante. Castille was successful in imposing dominion over most of Spain, becoming the most powerful kingdom in the peninsula, and eventually expanding their dominion to the Atlantic as well. The Arabs tried to maintain their dominion in the newly created kingdom of Granada, retarding the complete dominion of the Christians over Spain for two more centuries. Granada would remain as a tributarian kingdom of Castile for these two centuries. Around this time Fernando III "The Saint" governed over the Kingdoms of Castille and Leon, including also Galicia, Asturias and Santander. Alfonso X "The Wise" continued the expansionist policy of his father after he inherited the kingdom, but with little success.[114]

By the thirtieth century, there were only five kingdoms in the Iberian Peninsula. The kingdom of Portugal reached its maximum extension within the peninsula. During this time the kingdom of Castille-Leon was the most powerful and populous; the kingdom Navarre was under Basque control; the kingdom of Aragon started its expansion in the Mediterranean; and the kingdom of Granada steadily lost more and more territories to the Christian kingdoms. While the Castilians continued their struggle against the

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[112] Ibid., 179.
[113] "Memoria de España", part 10. *La Época de la Calamidades*. DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).
[114] "Memoria de España", part 10.

Grenadines, the Catalans tried to expand their territory to the Baleares Islands and Sicily. Jaime I was able to conquer the island of Mallorca in 1229 AD and in 1235 AD he also conquered the islands of Ibiza and Formentera. Navarre got locked between the kingdoms of Castille-Leon and Aragon. During this time internal disputes threatened to break apart the kingdom of Castille and Leon, but the intervention of Maria de Molina and her diplomatic ability saved the kingdom and allowed it to remain intact. To avoid possible future ruptures the aristocracy created a system of "Mayorazgos." This meant that the elder son of the family would retain the patrimony of the family, while the rest of the sons would have to find their own way. Many of these nobles tried a life in the church or in the military.[115]

With the conquered lands, many people immigrated south in search of a better life. This movement of people to unoccupied lands created a very strong economy. When more land was needed for the newcomers, the Christian kings would get the land from more conquests of Muslim lands, eventually pushing the Arabs further south. The stabilization of the kingdoms also contributed to the development of the romance languages of the Iberian Peninsula. In Castille-Leon, Castilian dominated thanks to the works of Alfonso X "the Wise". In Aragon the Catalan language took hold and remained close to its original Latin origin. Portugal and Galicia developed their own language; and with only a thin borderline between the two countries the languages became very similar. Only the Basques in Navarre managed to retain their ancestral language, which even today has an unknown origin. The Arab language that was still spoken in Granada gave way to the languages of the victors as these tongues moved south.[116]

The Arabs in Granada, under the rule of Mohamad I of the Nazari, brought all the remaining Taifas together. This Muslim kingdom would be the last enclave of Islamic resistance in Spain, and would remain as such until 1492 AD. When the Catholic Kings finally conquered it. What is curious is that this Muslim kingdom became an ally of some Spanish kings, especially with the kings of Castille-Leon. The Grenadines and the Castilians fought together to bring down some Spanish pretenders to the Castilian Throne and vice versa for the Grenadine crown. Even when Granada was a tributarian kingdom of Castille, its rulers never managed to establish the hegemony of the region.[117]

In 1325 AD, Alfonso XI took control of the throne of Castille. Alfonso XI continued the expansionist policy of the Castilians and eventually was

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[115] "Memoria de España", part 7. *El Islam y la Resistencia Cristiana*. DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).

[116] "Memoria de España", part 7.

[117] Hugh Kennedy, *Muslim Spain and Portugal: A Political History of al-Andalus* (London: 1996), 249.

successful in conquering the Rock of Gibraltar, putting to an end the Almoradiv invasions from northern Africa. Alfonso XI died of the plague that scourged Spain shortly after. With his death the dynastic conflict was renewed, causing a new civil war. Henry of Trastamara, bastard son of Alfonso XI, claimed the throne for himself, opposing his half brother Pedro I. While Castille warred within, the crown of Aragon was also divided into three reigns at the death of Pedro the Great of Aragon. Catalonia and Valencia fell upon the rule of Jaime II, and Mallorca y Sicily turned themselves into independent kingdoms, also under Jaime II. Jaime II fought the French to recover Ampurias y Urgel. He also conquered the Mediterranean enclaves of Athens, Neopatria, and Sardinia, creating a naval power in the Western Mediterranean.[118]

In the fourteenth century, to add to the existing problems of the Christian kingdoms, the Black Plague entered Spain. Catalonia, being the port of entry of Spain to the east, was the most affected by the epidemic. Approximately six million people died all around the peninsula, and many more were affected. However, not all the dead were killed by the plague. Many Jews were accused of bringing this scourge over the Spaniards; in 1391 the Jews were persecuted openly all throughout the peninsula.[119]

At the end of the fourteenth century, thanks to the influence of the English Magna Carta, the kingdoms of Spain organized parliaments as part of the monarchies. In Castille, the courts were not of great importance since the king did pretty much as he pleased. In the kingdom of Aragon however, the courts were of great influence to the legislation of the country; the king could only legislate if he was in quorum with his court. The courts were composed of members of the nobility, the church, and some representatives of the bourgeoisie. Clearly these courts were an attempt of the medieval kingdoms to reinstitute the antique Roman law under the dominions of the Christian monarchies.[120]

Pedro I, contender to the crown of Castille, tried to consolidate his power by asking help from the English. He promised the English land and riches, but ended up deceiving them, so they abandoned him leaving him alone to fight his own war. Henry of Trastamara attained the capture of Pedro in Montiel, and there killed him and consolidated power over all of Castille.[121] The kingdoms around Castille tried to take advantage of the situation. Portugal tried to take control of Galicia, while Navarre tried to extent its borders to the south. Even the kingdoms of Aragon and Granada tried to take control of parts of Castille.

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[118] "Memoria de España", part 8. *La Disgregación del Islam Andalusí y el Avance Cristiano*. DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).
[119] Ibid.
[120] Ibid.
[121] Jose Antonio Vaca de Osma, *Grandes Reyes Españoles de la Edad Media* (Madrid: Espasa Calpe, S.A., 2004), 226.

Henry ended up fighting the rest of his life with the different kingdoms of the peninsula, managing to take control of Navarre. When his son Juan I took the throne, he continued the pacification policy of his father. In the same way that the different kingdoms tried to take control of different territories of Castille at the death of Alfonso XI, Juan I tried to take control of Portugal when its king, Fernando I of Portugal, died. However, Juan's pretensions were unfruitful, since the Mestre of Avis defeated Juan in the battle of Aljubarrota and crowned himself as Joao I of Portugal.[122]

In Aragon, Fernando of Antequera was elected king since the previous dynasty was lost.[123] Pedro IV king of Aragon reigned from 1336 until 1387 AD. His kingdom extended from Valencia to Sardinia and the Duchies of Greece. At his death the kingdom was divided in the reign of Sicily and the Greek Duchies fell over to Pedro's son Martin. Catalonia, Andalusia, Valencia, and the Baleares were left for his son Juan I. When Juan died, Martin, the younger son of Martin I, succeeded him for the crown of Aragon. Martin died with no sons, so the Aragones courts named Fernando de Antequera as the new monarch. Fernando I managed to unify most of his kingdom, but was never able to gain the favor of the people of Barcelona. Alfonso V, son of Fernando I, took the throne when Fernando died. Alfonso V decided to conquer Naples, and here Alfonso V lived the rest of his days. Ferdinand the Catholic took the crown of Aragon when his father, the king of Naples, died.[124]

As mentioned before, the kingdom of Navarre got trapped between kingdoms with no possibilities for expansion. Sancho VII, king of Navarre, died with no children, so Theovald of Champaign, being the most closely related relative, succeeded Sancho to the Navarres throne. With this new king, a series of Frankish dynasties had power over this Spanish kingdom; first the dukes of Champaign, then the Capets, and lastly the Bearn.[125] The French kings incremented the possessions of Navarre in France, but never in Spain. These dynasties remained in Navarre until 1328 AD. After this year the kingdom of Navarre became a prefecture of the kingdom of Castille in the time of Enrique II. Shortly after, Carlos III, who had inherited the kingdom of Navarre, died, causing a struggle for power in the kingdom. His daughter, Blanca of Navarre, inherited the reign in his stead. She had married Juan II of Aragon, and of this marriage Ferdinand was born. Charles of Vienna tried to fight for the throne of Navarre, but ended up being defeated and

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[122] "Memoria de España", part 9. *La Península de los Cinco Reinos.* DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).

[123] T.N. Bisson, *The Medieval Crown of Aragon: A Short History* (Oxford: Clarendon Press, 1986), 136.

[124] "Memoria de España", part 11. *La Monarquía de los Reyes Católicos.* DVD, prod. TVE (Madrid, Spain: FHS Video, 2005).

[125] "Memoria de España", part 9.

exiled to France. Charles returned some time later with a small army, but he was captured and his lands disposed of. The crown of Navarre fell under the control of Juan II, who assigned his daughter Leonora as regent of Navarre. When Juan II died, Ferdinand became king of the two kingdoms of Navarre and Aragon.[126]

Shortly after the death of Juan I of Castille, the Castilian kingdom fell into hands of Henry III, who at this time was only a child. Numerous revolts sprouted out all through out the country. During Henry's III reign the conquest of the Canary Islands was started, expanding the Castilian dominion further into the Atlantic. In the same way, the kingdom of Portugal started its conquest of different islands in the Atlantic and off the coast of Africa. With the death of Henry III, Fernando of Antequera remained as regent of Castille.[127] Once Juan II of Castille turned of age, Fernando of Antequera dedicated his time solely to the administration of his kingdom. Juan II ceded his government to Alvaro de Luna, who exercised a dictatorial dominion over Castile. Alvaro conquered more territories from the Moors, but even with his military success, he was heated by the Castilian court. Alvaro was decapitated, and the Castilian throne passed to Henry IV. Henry IV would not last long in power; he was forced to give the throne to his sister Isabel of Trastamara in 1474 AD. Isabel would be known as the Catholic Queen and married the heir of the crown of Aragon, Ferdinand the Catholic King. With this marriage the two most powerful kingdoms of the Iberian Peninsula united, bringing about the fall of the Kingdom of Granada.[128]

The kingdom of Granada slowly fell under the pressure of the Spanish kingdoms. The Grenadines were completely isolated from the rest of the Arab world, since the Castilians had control of Gibraltar. Many Muslims looked for refuge in Granada, escaping from the Christian kingdoms.[129] Granada managed to maintain its independence for nearly two centuries, thanks in part to the disagreements within Castille and Aragon. In 1423 AD Muhammad VIII, sovereign of Granada, was demoted. A series of mediocre rulers tried to consolidate power in the kingdom, but ended up involving it in a civil war. Finally, Mulley Hacen took control of the Caliphate until 1482 AD.[130]

In 1474 AD, Isabel was named queen of Castille and Leon. However, part of the aristocracy would not accept her. Those who opposed her wanted Juana la Beltraneja to be queen, since this way, Juana would be able to join

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[126] Bisson, 147.
[127] Joseph F. O'Callaghan, *A History of Medieval Spain* (London: Cornell University Press, 1975), 524.
[128] "Memoria de España", part 11.
[129] Kennedy, 305.
[130] "Memoria de España", part 11.

Castille and Leon with Portugal.[131] Isabel and Ferdinand had to marry in secret, since both Henry IV and the pope opposed their marriage. Isabel knew that she needed the support of Aragon to help her consolidate power in Castille. Henry IV was in favor of the union of Isabel with Alfonso V king of Portugal, but Henry IV died before he could have any part in Isabel's marriage. Those who supported Isabel did it because they knew that a union with the crown of Aragon would consolidate the house of Trastamara in both kingdoms. Ferdinand of Aragon was also part of the house of Trastamara, and with the union of the kingdoms, Isabel and Ferdinand would assure a continuation of their dynasty. The kingdoms would never be completely unified under the reign of the Catholic kings; this political union would only come to Spain under the reign of Don Carlos I of Spain - V of Germany. In any case, the political union that resulted from this marriage would eventually resulted in a united Spain. Ferdinand defeated the Portuguese opposition in the battle of Zamora del Toro; while he was fighting Isabel gained the favor of much of the nobility through favors. The Catholic Kings managed not only to unify their kingdoms, but also the church and the courts, leaving them with near absolute power. Once Isabel and Ferdinand managed to stabilize the kingdoms, they started the process to finish the conquest of Granada.[132]

The Catholic kings took advantage of the internal division of the kingdom of Granada.

In 1482 AD, a faction leaded by the wife of Mulley Hacen, Fatima, rebelled and started a new civil war in Granada. She wanted her son Boabdil, son of Fatima and Mulley Hacen, to be the king; he end up taking the throne, but always relying on the counsel of his mother and his court. Mulley Hacen escaped assassination and continued his struggle for power. While the two Muslim factions were fighting each other, the Catholic Kings attacked them both. Boabdil was captured by the Christians and was obliged to pay a high tribute in exchange for the help of the Christian military against Mulley Hacen. Mulley Hacen abdicated the throne to his Brother Al-Zagal, who reached an agreement with Boabdil to divide the kingdom between them. Boabdil was again captured by the Christians and forced to continue the war against Al-Zagal. The war also served the Christians in the process of re-conquest, since while the Arabs engulf themselves in civil war, the Christians took control of various cities around the kingdom. After 1489 AD, Boabdil ended up battling the Catholic Kings by himself, since his uncle Al-Zagal had been defeated. Finally, and after many years of war, on January 2nd of 1492 AD. Boabdil finally surrendered the Muslim capital of Granada at the Alhambra. This put

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[131] Maria Jesus Fuente, *Reinas Medievales en los reinos Hispanicos* (Madrid: Impresion Anzos, 2003), 343.
[132] "Memoria de España", part 11.

an end to the process of Reconquista. After seven hundred years of Islamic
dominion over the Iberian Peninsula, Spain and Portugal ruled as the only
Christian kingdoms in Hispania.[133]

The Catholic Kings would continue for many more years, legislating
and strengthening their kingdom. The discovery of America by Christopher
Columbus was the pinnacle of their kingdom, next to the expulsion of the
Moors. At the end of their reign the Catholic kings gave way to a new dynasty
and a new age that would be known as the European Renaissance. Spain has
always had a very tortuous history, from the time of the Roman Empire until
the end of the Reconquista. However, the people that settled in this place saw
it as their home, and knew it as such: Iberia, Hispania, Al-Andaluz or Spain.

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[133] Kennedy, 309.

BIOGRAPHICAL NOTES

My full name is Kellen Job Hernández DeAlba. I'm 26 years of age, I'm from Tlalnepantla, México State, México. This last semester was my third semester at UVSC, soon to be UVU. I'm a Junior I guess since I finish my generals at LDSBC. I'm a History Major and Double Minor in Spanish and Native American Studies. I want to specialize in Latin American, Native American, and Polynesian History and Culture. Hopefully some day I will finish a doctorate and teach history college level.

If you enjoyed this article then seek out:

"The Historiography of India," by Brittany A. Lassetter, *Crescat Scientia* v.2 (2004), pgs. 109- 119.

DANCE AS A TOOL OF STATE:
IN ANTICIPATION OF THE OLYMPICS 2008 IN CHINA

MEREDITH ASHTON

"Dancing is a way of knowing the world. History helps us recognize that fact." Ann Cooper Albright

An analysis of dancing within a specific culture yields insight and knowledge into the evolving politics, economics, religion, science, intellectual life, and art of that culture; dance is a reflection of the culture. States have used dance throughout their histories as a tool to clearly communicate the values and concerns of those in power, "there is in fact no such thing as art for art's sake, art that is detached from or independent of politics" (Mao Zedong 1967). An example of dance used as a tool of state is the opening ceremonies of the 2002 Winter Olympic Games held in Salt Lake City. Ideas of multiculturalism and individuality were demonstrated in the dance performance of the ceremonies because those in power –American organizers of the Games-- support these ideals as American values. Another nation that has used dance as a tool of state to satisfy the ruling power's dynamic political ideas is China. Beginning in the early 1900s, as communism spread and dominated the Chinese political landscape, traditional Chinese dance changed, disappeared during the 1960s Cultural Revolution in the 'bashing of everything old', and then reappeared during the post-1976 reform period.

In 2001 Beijing won the bid to host the 2008 Summer Olympics. China's political leaders will likely use dance performances at the opening ceremonies of these Games as a tool to communicate their values and concerns to the

world. Since 'dance is a way of knowing the world' the purpose of this research is to explore how dance was used as a tool of state during the 2002 Winter Olympic Opening Ceremonies and throughout Chinese political history.

> 1.   An analysis of live video footage from the 2002 Salt Lake Winter Olympic opening ceremonies and printed source material has been conducted in an attempt to illuminate what dance forms were used at the 2002 Winter Olympic opening ceremonies in Salt Lake City. How do these dances reflect American culture as a tool of state?
>
> 2.   In addition, an exploration was made of archival footage of dance performances on the Internet and printed source material available in special archival collections to discover what dance forms were used in Chinese political history, how do these reflect Chinese culture as a tool of state. How did the 1960s influence dance in China?

Dance reflects the culture. The performance of dance at the 2002 Winter Olympic Opening Ceremonies reflects the dream that colors our American culture. The American dream is hope for a bright future and to accomplish this, we can melt together in unity. An integral part of the dream is valuing multiculturalism and hope for a bright future. "American ideals, values, and concerns", for this research, refers to the ideals, values, and concerns of those in power.

The opening segment of the ceremonies is the story of the Child of Light. The small boy representing the Child of Light skated around the ice with a lantern representing the human spirit or the 'fire within'. Obstacles are increasingly surrounding the child and the climax builds until the boy falls down. He pulls himself up, by his own initiative, persisting onward, and is met by the 300 other children of light flooding the space with their lanterns. In the end, the child of light transforms in to the "fire within". The theme of the 2002 Olympics "Light the Fire Within" is embodied in this story, but it also represents the persistence of the American human spirit and speaks to the hope of a brilliant future, an integral part of the American dream; the dream that any individual who persists onward will experience upcoming brightness. The hope for a bright future is particularly significant after the dark experience a few months prior; the 2002 winter games served as a group-healing for the United States in the tragic aftermath of September 11. To finish, the "children of light" hold lanterns above their heads with extended arms as the light and life of the American opportunity.

"The Great Melting Pot" is a phrase commonly associated with America. For the first time in history the five Native American tribes in Utah came together for the 2002 Olympic Opening Ceremonies to welcome everyone in their native languages and perform their native dances, this reflects the American ideal of unity through multiculturalism. After the five Chiefs led their people into the stadium, Native American dancers formed a large circle that surrounded the five drum circles on the center ice. Each individual tribe brought their native traditions and joined together on the common ground of dance. Similarly, the American dream encourages individuals to bring their native traditions and "melt" together on the common ground of America. Skaters costumed as eagles skate on to the ice circling the drummers. The use of the circle, a symbol of connectedness, represents the connection we share on this common ground of America and the strength we have as a nation through the unity of many cultures.

Thus we see that the performance of dance at the 2002 winter Olympic opening ceremonies was used as a tool of state reflecting the political confidence in a bright future and ideal of unity through multiculturalism as American values.

Another nation that has used dance performance as a tool of state to satisfy the ruling power's dynamic political ideas is China. Prior to the communist revolution, China had no "national dance." All the various dance forms present in the country at this time were identified later as belonging to one of three basic categories making up the "Chinese Tradition," which includes "Han (Chinese) classical dance (as seen in Chinese opera), Han folk dance (as seen in peasant festivities), and dances of the 55 officially recognized minority nationalities."[134]

> Since the Communism Revolution in 1949, the state has played a powerful role in the creation of national Chinese dance. The state authorities, party theorists, and leading dance teachers have all participated actively in the interpretation or reinterpretation of dance forms, symbolic movements, and representation of meaning. Their efforts constitute part of the process of the construction of a national Chinese 'culturalism,' in the sense of mobilizing identities within the context of the nation-state.[135]

Beginning in the mid-1950s, dance dramas were created to reflect New China. The dance dramas were a combination of classical dance preserved in

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[134] David Y.H.Wu, "Chinese National Dance and the Discourse of Nativization in Chinese Anthropology," *The making of anthropology in east and south east asia.*Ed. Shinji Yamashita, Joseph Bosco, and J.S. Eades. (New York: Berghahn Books, 2004), 200.
[135] Ibid., 202-2.

Chinese traditional opera: newly invented, refined, standardized traditional minority dances; and modern, military and balletic movements, foreshadowing of the Cultural Revolution to come in 1966. *The East is Red* (1964), a song and dance epic depicting important stages of the Chinese Revolution, is an example of a dance drama, "This stage production presented a creation myth, an historical vision, a belief system, and a moral landscape in which the generation of the Cultural Revolution came of age."[136] *The East is Red* moves through a series of monumental events, including the old disaster-ridden China; the birth of the Chinese Communist Part; the Northern Expedition; Land Revolution, the Long March by the Red Army; the Anti-Japanese War; the War of Liberation; the founding of New China. The rising Sun in the East corresponds, synonymously, to the New China that is rising as well as Mao Zedong, the rising leader ushering in the radiant future. Similar to the way Louis XIV used dance as a tool of state in the French court to communicate his power when he played the role of the Sun King, Mao Zedong's face is hoisted up on a red flag as a clear message of his influence synonymous with the rising sun.

The East is Red includes costumed participants representing workers, peasants, national minorities, and members of the Liberation Army that all come together in a grand march for the finale, symbolic of the 'workers-unite' theory from Marx and Lenin that Mao adopted in his campaign for communism. The dancing in *The East is Red* includes dances from the national minorities, classical Chinese opera, revolutionary ballet, folk dances, and military marches. The culmination of all of these dance forms performing together represents the People's Republic of China, and this same representation combined with some Western dance forms will be something to look for in dance performances at the Olympic opening ceremony in 2008.

In the1960s, the Central Visiting Group organized by the Chinese Communist Party and government went to national minority areas in border areas where they classified specific minority nationalities and their specific dances based on geographical location: however, the minorities had no say in whether the classification of dances reflected reality. One minority group in Guizhou protested against being classified together with the Miao nationality, believing that they belonged to the separate Ge minority group. Professor Zhang from the National Dance Academy in China recorded about this disagreement that "there was nothing we could do but accept the [official] reality of the dance classification." The classification of minority dances was all in an effort to define what being Chinese means as defined by the Communist party. The professional musicians and dancers that traveled with the government to national minority places learned the dances, but since

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[136] www.morningsun.org is one of the sites that discusses this dance epic.

these folk dances were not "deemed elegant," they were restaged, rearranged and improved.[137] On National Day in 1951, the premiere performance of "Great Unity of the Peoples", a large song and dance, included scenes of people from different national minorities singing and dancing to their hearts content, symbolic of the liberation of these oppressed people, as well as the diversity within the People's Republic of China, now officially described in the country's constitution as a "unified, multi-ethnic state."[138] But the dancers participating in the national minority dances were the trained professionals who had traveled with the government and learned these folk dances, not genuine minority dancers; so another main part of the celebration on National Day in 1951 was "a review of the achievements of professional musicians and dancers in learning from the national folk art tradition."[139]

When David Y.H. Wu, an anthropologist with a double identity having received undergraduate training in China and graduate training outside China, traveled to national minority sites (1980s), he was invited to watch dance performances by members of minorities and they usually performed the folk dances associated with that area. But as he saw these dances he recorded that they were "newly invented, refined, standardized, staged, and often performed by professional dancers (including Han Chinese) trained at national or regional dance academies."[140] The dancers doing the minority dances were professionals trained at academies, not dancers from minority groups trained in traditional ways. Dance academies were another way the state used dance as a tool to promote the guiding political ideology. Dance academy authorities, Communist Party authorities, and government officials of the Ministry of Culture who attended performances consistently provided direct orders and criticism in regards to the performances. "Dance workers are always playing a game, guessing which forms or which plays will be favored by the authorities and which will display national culture to the people in the politically correct way, i.e., as revolutionary, progressive (modern and scientific), patriotic, authentic, and traditional... Dances, according to the government definition of literature and art must serve the country and support party and state ideology."[141]

In 1958-1959 Ballet in China gained prominence during the "Great Leap Forward," a kind of prologue to the Great proletariat Cultural Revolution of 1964-1976. These were times when China's political leaders stressed revolution in helping the country make progress in comparison to other modern nation states, especially the Soviet Union and the United States. Ballerinas executing

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[137] Wang Kefen, *The History of Chinese Dance* (Beijing: Foreign Languages Press, 1985), 103.
[138] www.english.peopledaily.com.cn/constitution/constitution.html
[139] Kefen, 103.
[140] Wu, 200.
[141] Ibid., 202.

virtuosic leaps were featured on postcards and in sculptures. Ballet was an ideal genre of dance to adopt during this revolutionary time because "being an internationally recognized dance form occupying a position of high prestige among the major non-Communist as well as Communist nations, [ballet] is useful in carrying the message of revolutionary China to other countries."[142] With the legalizing of women's rights, ballet was also used to demonstrate that Chinese women were no longer oppressed, subservient beings. Ballet showcased female strength and brilliance in assertive ballet poses such as arabesque and developpe ecarte devant on full pointe. In fact, the female parts in traditional opera were played by men, and women had no opportunity to participate in dance or drama without losing their respectability and shaming their family; so the traditional woman of the opera, played by males, is characterized by "demure and reserved movement" with concealed locomotion as much as possible and lowered eyes. But the ideal revolutionary woman could stand and leap as high as a man, breaking the chain of complete male dominance. For example, one of the first scenes in the ballet, *Red Detachment of Women* (1964) shows the heroine breaking through the chains that fetter her.

Another reason that ballet was accepted in revolutionary China was because it supported strict attitudes toward public sexuality, though modifications to promote proper public morality were still made. Males supporting female movements in pas de deux, adagio or allegro work were curtailed, and there was even a version of the Western classic Swan Lake that was choreographed in China in which Odette never meets or dances with the Prince. Revolutionary ballet shunned romantic themes and severely cut out male-female touch. Instead, the quick mobilizing movements in ballet support the 'action' of the revolution in the bashing of everything old, "the Cultural Revolution in China demanded the rejection of the traditional ideology and its expression in ceremonial dance with slow, orderly, restrained movements. Change, speed and action must characterize the new ideology and the new dance."[143]

Both Chinese and international historians now unanimously recognize that The Cultural Revolution was a disaster that hindered Chinese culture from progressing for ten years. While revolutionary dance forms were being promoted, most creative artists during the Cultural Revolution were sent to "re-education camps" in the countryside to improve their political acceptability as intellectuals while doing manual labor. Since 1978, in an effort to recover from the embarrassment of the Cultural Revolution, Chinese dance performances have attempted to emphasize tradition over revolution, featuring national minority dances in national holiday celebrations, local festivals, large

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[142] Gloria B. Strauss, "Dance and Ideology in China, past and Present; A Study of Ballet in the People's Republic," *Asian and Pacific Dance,* Ed. Adrienne L. Kaeppler, Judy VanZile, and Carl Wolz (New York: Committee on Research in Dance, Inc., 1977),36.

[143] Ibid., 26.

sport events, and stage performances. For example, The National Minority Theatrical Festival held in Beijing in 1980 was the first festival in 30 years that was organized solely for national minority art. Revolutionary ballet has faded, but the study of ballet remains a foundational training ground for dancers in the academies who also study traditional Chinese dance forms. Thus we see that throughout Communist China's history, the creation of and changes to Chinese national dance reflect the prevailing political ideology of the times. While revolutionary ballet reflects the Cultural Revolution, national minority dances reflect both the unification of a diverse nation and the return to tradition after "the bashing of everything old."

Dance will continue to support political ideas of the current state in China, specifically as global attention turns to Beijing for the 2008 summer Olympic Games. As we look forward to the coming Olympics, we can see in prior Olympic ceremonies and in China's own Communist past how dance offers a nation state the chance to perform its cultural values for other national and worldwide audiences.

BIOGRAPHICAL NOTES

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Although this paper has won no previous awards or been submitted for publication, it has opened new and exciting possibilities for research including traveling to China to witness the opening ceremonies for the 2008 summer games in Beijing.

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Marbury v. Madison: John Marshall, Judicial Review, and the Constitution

George Easton Brown

Following the American Constitutional Convention of 1787, it became the duty of James Madison to convince the independent Virginia state delegates to ratify it. It was not an easy task to persuade leaders such as Patrick Henry and George Mason to ratify the new Constitution. They were among many ardent state rights' proponents who feared the new Constitution would encroach upon state and individual freedom. However, not all participants at the Virginia State Ratifying Convention were dissuaded by the critics of the Constitution. Among the participants and supporters of the Constitution was a gifted lawyer, Revolutionary War veteran, and local political leader named John Marshall.[144]

Marshall later became famous for his service as Chief Justice of the Supreme Court of the United States. In 1803, Marshall wrote the opinion in *Marbury v. Madison*, where he, with the unanimous consent of the Supreme Court, declared that the Court had the right to rescind congressional legislation that contradicted the Constitution. This concept is known as judicial review.[145] Although this principle was not introduced by Marshall and the Court, some state courts had invalidated acts passed by their legislative representatives prior

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[144] Garry Wills, *James Madison* (New York: Times Books, 2002), 36.
[145] When courts invalidate legislative acts, it is referred to as judicial review. The U.S. Constitution does not use this term. The Federal judiciary's responsibilities are enumerated in article 3, section 2 of the Constitution.

to this case, *Marbury v. Madison* was a controversial decision, because the Constitution is vague about the role of the federal judiciary

Likewise, *Marbury v. Madison* was situated in a political controversy between the Federalists and Republicans. During the presidential election of 1800, Thomas Jefferson and Aaron Burr each received 73 Electoral College votes.[146] The House of Representatives then selected Jefferson as the new president.

Following the election, before Jefferson was sworn in as the president, John Adams, the sitting president, appointed new Federalist judges after Congress had created new federal judgeships. William Marbury, one of Adam's appointees, did not receive his commission after Jefferson was inaugurated. Marbury filed a complaint with the Supreme Court under Section 13 of the Judiciary Act of 1789, requesting that this commission be granted to him. The Supreme Court had two questions to answer: was Marbury entitled to his commission and did the Court have the right to hear the case in original jurisdiction?

In early 1803, Marshall and the Court answered these questions. It declared that Marbury was entitled to his commission because he had been nominated by the president, confirmed in the Senate, and his commission was signed by the secretary of state. However, the Court declared that Marbury was not entitled to petition the Court in original jurisdiction, because the Constitution is specific when the Court exercises original jurisdiction.[147] Since Marshall was affiliated with the Federalists, his critics accused him of putting party before the Constitution.

However, from an examination of the opinion in *Marbury*, Marshall put the principles of the Constitution first. Because the proper constitutional procedures were followed, according to Marshall, Marbury's commission became a legal right. However, the Court did not issue an injunction. According to Marshall, Section 13 of the Judiciary Act was unconstitutional because the Supreme Court acts as an appellate court unless otherwise specified by the Constitution. To Marshall, any statute that violated the Constitution should be rescinded by the federal judiciary. In 1788, Marshall asked the delegates at the Virginia State Ratifying Convention, "To what quarter will you look for protection from an infringement on the Constitution, if you will not give the power to the [j]udiciary?"[148]

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[146] Susan Dunn, *Jefferson's Second Revolution: The Election Crisis of 1800 and the Triumph of Republicanism* (New York: Houghton Mifflin, 2004), 8.

[147] United States Constitution, art. 3, sec. 2. It reads, "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction."

[148] Speech of John Marshall at the Convention of Virginia, Richmond, Virginia, June 20, 1788, in Herbert A. Johnson, Charles T. Cullen and Nancy G. Harris, eds. *The Papers of John*

Therefore, I will argue the decision by the justices of the Supreme Court in *Marbury* reflected Marshall's belief in the supremacy of the Constitution. More specifically, Marshall reminded the executive, legislative, and judicial branches that any law violating the Constitution was void. Also, I will show how prominent Founding Fathers, such as Alexander Hamilton, endorsed judicial review. Likewise, the opinion in *Marbury* reflected Marshall's desire to remove the Court from political debates.[149] I will not evaluate Marshall's overall judicial philosophy or attempt to show how these views were reflected in future opinions, nor will I compare *Marbury* to cases that proceeded it.

The election of 1800 was one of the most important and controversial elections in American history. Jefferson and the Republicans came to Washington promising to lower taxes, prevent the creation of a standing army, and repeal the Alien and Sedition Acts.[150]

The contention between both parties was exacerbated by the Alien and Sedition Acts of 1798. The Federalists used the Sedition Act to silence their critics.[151] For example, the Sedition Act prevented the publication of newspapers deemed "false" or "malicious" or overly critical of the policies of the federal government.[152] Citizens were arrested for criticizing the president and encouraging opposition to the government. In a letter Thomas Jefferson wrote to Littleton W. Tazewell on April 10, 1800, Jefferson listed the names of people prosecuted for political reasons. Jefferson noted the case of Thomas Cooper, a Reading, Pennsylvania man arrested because he sent a letter to the Senate and a local newspaper condemning the policies of the Adam's administration.[153] Jefferson sarcastically wrote, "Mr. Cooper . . . is indicted here for a letter he addressed to the [p]resident in the public papers last fall. An English lawyer would be as much puzzled to find indictable matter in it."[154] The Alien and Sedition Acts served as one of many impetuses to Jefferson's election.

Likewise, David Brown, a Massachusetts laborer and Federalist opponent, was also prosecuted. Brown declared the president an aristocrat; according to him, Adams allowed oligarchs to run the government.[155] In addition to his outspoken opposition, authorities charged Brown for assisting other

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Marshall: Volume I (Chapel Hill, NC: University of North Carolina Press, 1974), 277.

[149] By political debates, I specifically refer to circumstances where the executive and legislative branches have sole authority. Because these two branches are directly accountable to the people, they are involved in political debates.

[150] Dunn, 6.

[151] Ibid, 5-6.

[152] William Rehnquist, *The Supreme Court* (New York: Knopf, 2004), 27.

[153] Thomas Jefferson to Littleton W. Tazewell, April 10, 1800, in Barbara B. Oberg, James P. McClure, Elaine W.Pascu, Martha J. King, *et al.*, eds. *The Papers of Thomas Jefferson, Volume 31: 1 February 1799 to 31 May 1800* (Princeton, NJ: Princeton University Press, 2004), 492.

[154] Ibid.

[155] Dunn, 114.

Federalist opponents by publically displaying posters criticizing congressional leaders and discussing Thomas Paine's revolutionary tract *The Age of Reason.*[156] Authorities fined Brown $480 and sentenced him to 18 months in prison, the most severe punishment meted out against anyone prosecuted under the Sedition Act.[157] President Jefferson eventually pardoned Brown.[158] Charles F. Hobson, editor of John Marshall's papers, stated, "Federal judges . . . rendered themselves obnoxious by delivering grand jury charges that intemperately denounced opposition to government and exhorted the citizenry to support the administration's policies."[159]

The nation was in disarray. In a letter to Archibald Stuart in 1799, Jefferson wrote, "Congress is daily plyed with petitions against the alien and sedition laws . . . several parts of this state [Pennsylvania] are so violent that we fear insurrection. This will be brought about by some if they can . . . if suffered to go on it will press on to a reformation of abuses."[160] Violent rebellion and insurrection did not occur, but Jefferson and Madison publically declared their opposition to these acts. Jefferson authored the Kentucky Resolution and Madison the Virginia Resolution. Jefferson reiterated his support of the Constitution but declared the Alien and Seditions Acts as, "Palpable violations of the said Constitution."[161] Since the Constitution was ratified by a majority vote of the states, individual state legislators had the right to discount laws passed by the federal government that violated the Constitution. Jefferson declared, "The several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy."[162]

Federalists feared Jefferson. They believed he was a radical whose enthusiasm for state rights would undermine the power of the federal government. Federalists claimed that Jefferson and the Republicans would institute the ideals of the French Revolution in the federal government.[163]

After the election of 1800, during the early months of 1801, Adams developed a strategy to maintain Federalist influence within the government. Since the Constitution grants the executive authority to appoint federal judges,

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[156] Ibid.

[157] Ibid.

[158] Ibid.

[159] Charles F. Hobson, "Defining the Office: John Marshall as Chief Justice," *University of Pennsylvania Law Review* 154 (2006): 1427.

[160] Letter to Archibald Stuart from Thomas Jefferson, February 13, 1799, in Barbara B. Oberg, et al., *The Papers of Thomas Jefferson, Volume 31.*

[161] "The Kentucky Resolution," December 3, 1799. The Avalon Project. Retrieved on 17 March 2008. http://www.yale.edu/lawweb/avalon/kernes.htm .

[162] Ibid.

[163] John A. Garraty, "The Case of the Missing Commissions," in *Quarrels That have Shaped the Constitution* ed. John A. Garraty (New York: Harper & Row Publishers, 1987), 7.

he appointed Federalist ideologues to the bench, beginning with the Chief Justice. He requested a previous Chief Justice, John Jay, to refill the vacancy, but Jay refused. Consequently, Adams appointed his secretary of state, John Marshall. The Federalist controlled Congress created more judgeships by enacting the Circuit Court Act, also known as the Judicial Act of 1801, on February 13, 1801. This bill created six new appellate courts with sixteen judgeships to fill.[164] Adam's newly selected judges were pejoratively referred to by Republican opponents as the "midnight judges,"[165] because of their appointment a month prior to the changes in Congress and the presidency.

In Adams' view, these new judges would maintain Federalist influence within the federal government. In the letter reoffering Jay the position, Adams wrote, "In the future administration of our country . . . the firmest security we can have against the effects of visionary schemes or fluctuating theories, will be in a solid judiciary."[166] Thus, if the Republicans had nefarious intentions, the judiciary would prevent them from making radical changes.

Unexplainably, Marshall, the outgoing secretary of state, never delivered the commissions.[167] Following Jefferson's inauguration, he instructed his secretary of state, James Madison, to withhold 17 of the 42 commissions.[168] Jefferson and the Republican controlled Congress then proceeded to repeal the Judicial Act of 1801.

One of Adam's newly selected judges, who did not receive his commission, William Marbury, filed a petition with the Supreme Court under Section 13 of the Judiciary Act of 1789, requesting a *writ of mandamus* (a Latin term meaning "we command"[169]) be issued in his favor to receive it.[170] The Court agreed to hear his case but not until 1803.[171] Arguments in *Marbury v. Madison* began in February of 1803. The Court's opinion, decided unanimously, was written by Chief Justice Marshall on February 24, 1803.

Marshall began his opinion addressing Marbury's petition and whether he had a right to receive his commission. First, as Marshall illustrated, the Constitution authorizes the president the specific right and duty to appoint

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[164] Rehnquist 28.
[165] Peter Irons, *A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions have Shaped Our Constitution* (New York: Penguin Books, 2006), 104.
[166] Letter to John Jay from John Adams, 19 December 1800, in Charles F. Adams, ed., in *The Works of John Adams, Second President of the United States: Volume IX* (Boston: Little, Brown, and Company, 1854), 91.
[167] Peter Charles Hoffer, William James Hull Hoffer, and N.E.H. Hull, *The Supreme Court: An Essential History* (Lawrence, KS: University of Press of Kansas, 2007), 53.
[168] Irons, 104.
[169] Rehnquist, 27. According to Peter Irons, a *writ of mandamus* originated from the English common law and granted judges authority to issue judicial remedies. In Irons, 105.
[170] Hoffer, *et al.,* 7.
[171] Irons, 105.

judges to the federal judiciary with the consent of the Senate.[172]   After a
nominee had been appointed with the approval of the Senate, and the secretary
of state had affixed his signature upon the judge's commission, that judge was
appointed. Marshall wrote, "He [the president] has then acted on the advice
and consent of the Senate to his own nomination. The time for deliberation
was then passed. He has decided. His judgment, on the advice and consent
of the Senate concurring with his nomination, has been made, and the officer
is appointed."[173]

Since Marbury's commission had been signed, following the proper
legal procedures to receive it, Marbury had a legal right to it. According to
William E. Nelson, author of *Marbury v. Madison: The Origins and Legacy of
Judicial Review*, when Marbury's commission was signed, in the context of
Eighteenth Century American legal theory, it became a property right. Rights
to office were considered analogous to property rights.[174] Thus, it became a
legal right.

Marshall declared:

> Mr. Marbury . . . since his commission was signed by the
> president, and sealed by the Secretary of State, was appointed; and
> as the law creating the office, gave the officer a right to hold for
> five years, independent of the executive, the appointment was not
> revocable; but vested in the officer legal rights, which are protected
> by the laws of his country. To withhold his commission, therefore, is
> an act deemed by the court not warranted by law, but violative [*sic*]
> of a vested legal right.[175]

Therefore, Marbury's civil liberties had been violated. He had been
nominated by the president, confirmed by the Senate, and his commission
had been signed by the secretary of state.   Said Marshall, "The very essence
of civil liberty certainly consists in the right of every individual to claim the
protection of the laws whenever he receives an injury. One of the first duties
of government is to afford that protection."[176] If Marbury's petition had been
ignored, Marshall stated, "The government of the United States has been
emphatically termed a government of laws, [and] not of men. It will certainly
cease to deserve this high appellation, if the laws furnish no remedy for the

[172] *Marbury v. Madison*, 5 U.S., 1Cranch 137 (1803), in Charles F. Hobson, Fredrika J. Teute,
   and Laura S. Gwilliam, *The Papers of John Marshall: Volume VI* (Chapel Hill, NC: The
   University Press of North Carolina, 1990), 165-168.
[173] Ibid., 167-168.
[174] William E. Nelson, *Marbury v. Madison: The Origins and Legacy of Judicial Review*
   (Lawrence, KS: University Press of Kansas, 2000), 62.
[175] Ibid, 171.
[176] Ibid, 172.

violation of a vested legal right."[177]

Marshall and the Court next addressed whether Marbury had the right to petition the Court directly. The Judiciary Act of 1789 granted petitioners the right to approach the Court for *writ of mandamuses* in original jurisdiction before requesting an injunction from a lower court. However, Article 3, Section 2 of the Constitution reads, "In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the [S]upreme Court shall have original Jurisdiction. In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under Regulations as the Congress shall make."[178] The important distinction to note is the specific jurisdiction granted to the Supreme Court. Only cases involving ambassadors, government officials, and disputes between states is specifically enumerated. Marbury filed his petition with the Court under Section 13 of the Judiciary Act of 1789 which granted him the right to approach the Supreme Court before he filed his petition with a lower court. Otherwise, the Supreme Court serves as an appellate court.

To the second question, whether Marbury had the right to directly approach the Court, Marshall declared he did not. Marshall argued that the Constitution did not grant the Supreme Court original jurisdiction to hear Marbury's case, and thus, he was not entitled to a *writ of mandamus*. Section 13 of the Judiciary Act of 1789 was rescinded. Marshall wrote:

> The original and supreme will organizes the government, and assigns, to different departments, their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments. The government of the United States is of the latter description. The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the [C]onstitution is written. To what purpose are powers limited [and] to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers, is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, that the [C]onstitution controls any legislative act repugnant to it; or, that the legislature may alter the [C]onstitution by an ordinary act. Between these alternatives there is no middle ground. The [C]

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[177] Ibid.
[178] United States Constitution, art. 3, sec. 2.

onstitution is either a superior, paramount law, unchangeable by
ordinary means, or it is on a level with ordinary legislative acts, [and]
like other acts, is alterable when the legislature shall please to alter
it.[179]

Since the Constitution is the supreme law, it places limitations on the
executive, legislative, and judicial branches. For this purpose, representatives
of the people create written constitutions. Marshall stated, "All those
who have framed written constitutions, contemplate them as forming the
fundamental and paramount law of the nation, and consequently the theory
of every such government must be, that an act of the legislature, repugnant to
the [C]onstitution, is void."[180] Thus, it is federal judiciary's responsibility to
determine how the law applies to the Constitution.
Marshall stated in the Court's opinion:

> It is emphatically the province and duty of the judicial
> department to say what the law is. Those who apply the rule to
> particular cases, must of necessity expound, and interpret that rule.
> If two laws conflict with each other, the courts must decide on the
> operation of each. So if a law be in opposition to the [C]onstitution;
> if both the law and the [C]onstitution apply to a particular case,
> so that the court must either decide that case conformably to the
> law, disregarding the [C]onstitution; or conformably to the [C]
> onstitution, disregarding the law; the court must determine which
> of these conflicting rules, governs the case. This is of the essence of
> judicial duty.[181]

Marshall also declared that courts were not to interfere with the political
decisions of the other branches. In other words, where a statute does not
conflict with the Constitution, the federal judiciary is to refrain from
interference. Marshall wrote, "It follows then that the question whether the
legality of an act of the head of a department be examinable in a court of
justice or not, must always depend on the nature of that act. If some acts
be examinable, [and] others not, there must be some rule of law to guide
the court in the exercise of its jurisdiction."[182] Judicial interference with the
president's duties is not permissible, nor is it proper for the Court to interfere
with legislative decisions where no violation of the enumerated principles of
the Constitution has occurred.

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[179] *Marbury v. Madison*, 5 U.S., 1Cranch 137 (1803), in Hobson, *et al.*, 182.
[180] Ibid, 182.
[181] Ibid, 183.
[182] Ibid, 174.

According to Marshall:

> By the [C]onstitution of the United States, the president is
> invested with certain important political powers, in the exercise of
> which he is to use his own discretion, and is accountable only to his
> country in his political character, and to his own conscience. To aid
> him in performance of these duties, he is [authorized] to appoint
> certain officers who act by his authority and in conformity with his
> orders. In such cases, their acts are his acts; [and] whatever opinion
> may be entertained of the manner in which executive discretion may
> be used; still there exists, and can exist no power to [control] that
> discretion. *The subjects are political.* They respect the nation, not
> individual rights, [and] being entrusted to the executive, the decision
> of the executive is conclusive. The application of this remark will
> be perceived, by advertising to the act of [C]ongress for establishing
> the department of foreign affairs. This officer, as his duties were
> prescribed by that act, is to conform precisely to the will of the
> president. He is the mere organ by whom that will is communicated.
> The acts of such an officer, as an officer, can never be examinable by
> the courts (emphasis added).[183]

Marshall concluded his analogy by writing, "The conclusion from
this reasoning is, that where the heads of departments are the political, or
confidential, agents of the executive, merely to execute the will of the president . .
. . in which the executive possesses a constitutional, or legal discretion, nothing
can be more perfectly clear, than their acts are only politically examinable."[184]
However, when an individual's civil rights are involved, and Marshall
demonstrated that Marbury's rights had been violated, it is examinable by
the courts. Marshall said, "Where a specific duty is assigned by law, and
individual rights depend upon the performance of that duty, it seems equally
clear that the individual who considers himself injured, has a right to resort to
the laws of his country for a remedy."[185]

William E. Nelson stated, "The Marshall Court's assumption of the power
of judicial review was hardly unprecedented. No one . . . wanted the Court to
assume policymaking powers. But the Chief Justice gave adequate reassurance
that it would not when he announced that the Court would consider only

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[183] Ibid.
[184] Ibid.
[185] Ibid.

legal and not political issues . . . in those portions of the *Marbury* opinion that we now tend to ignore."[186]

Likewise, in the opinion, Marshall clarified the limits that applied to all the branches of the federal government. If any branch deviated from the clear language of the Constitution, Marshall rhetorically asked, why have written constitutions? He wrote:

> Those then who controvert the principle that the [C]onstitution is to be considered in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the [C] onstitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void; is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislative a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is preaching limits, and declaring those limits may be passed at pleasure. That it thus reduces to nothing what we have deemed the greatest improvement on political institutions—a written constitution—would of itself be sufficient, in America, where written constitutions have been viewed with so much reverence.[187]

In other words, written constitutions prevent the president and legislative representatives from infringing upon the rights of individuals. All branches are bound. Marshall concluded the opinion by writing, "In declaring what shall be the [*s*]*upreme* law of the land, the [*C*]*onstitution* itself is first mentioned; and not the laws of the United States generally . . . the particular phraseology of the [C]onstiution . . . confirms . . . the principle . . . that a law repugnant to the [C]onstitution is void; and that *courts*, as well as other departments, are bound by that instrument" (emphasis in original).[188]

In Summary, Marshall addressed three important concepts. First, the judiciary protects individual liberties, and in Marbury's circumstance, he was entitled to his commission because his rights were violated. Second, Section 13 of the Judiciary Act of 1789, contradicted Article 3, Section 2 of the Constitution, and thus, was void. Third, the federal judiciary was entitled

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[186] Nelson, 67.
[187] *Marbury v. Madison.*, 5 U.S., 1Cranch 137 (1803), in Hobson, *et al.*, 183.
[188] Ibid, 185.

to rescind congressional legislation that violated the Constitution. In other words, their duty is to apply the law, (for example, a congressional statute), to the Constitution.

Judicial Review was not a new concept prior to *Marbury*. State courts used judical review to repeal laws passed by their respective legislators. In 1783, represanatives of the New York State Legislature passed a law known as the Trespass Act, which permitted New York residents whose property had been occupied or destroyed by the British military during its occupation of the city in 1776, to sue those individuals who occupied their property for damages.[189]

One petitioner, Elizabeth Rutgers, filed a petition with the Mayor's Court of New York demanding that she receive back rent from a British citizen who occupied her family's Manhattan brewery during the British Army's occupation of the city in 1776.[190] Two years later, British merchants under the supervision of Joshua Waddington, with the permission of the British Army, reopened and occupied the brewery. Rutgers demanded that Waddington pay her 8000 pounds in back rent. Alexander Hamilton represented Waddington.[191]

Hamilton presented arguments before the Mayor's Court on June 29, 1784. According to Hamilton, the British Army was entitled to allow merchants to occupy the brewery because the military had abided by the law of nations, an accepted Eighteenth Century wartime tradition, which permitted the occupying military discretion over occupied territory during war.[192] Also, Hamilton argued that the Trespass Act violated the 1783 peace treaty ratified by the Continental Congress. Although the nation lacked a federal judiciary, Hamilton claimed that Congress held exclusive authority to conduct war and sign treaties.[193] The Mayor of New York, who also presided over the Mayor's Court, ruled that Rutgers was entitled to the rent prior to the period when Waddington began paying rent to the British military.[194] Although the Mayor's Court did not repeal the statute, the Court modified it, because it did not conform with the law of nations and violated the American peace treaty with Britain. Therefore, two important concepts were addressed: the judiciary could overturn legislation that violated federal law, and state legislatures could not assume authority held by the federal government.

Some of the Founding Fathers endorsed judicial review. They envisaged the federal judiciary as a check to a tyrannical legislature. Nelson stated,

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[189] Ron Chernow, *Alexander Hamilton* (New York: Penguin, 2004), 195.
[190] Ibid, 197-198.
[191] Ibid, 197-198.
[192] Ibid, 198.
[193] Julius Goebel, Jr., *The Oliver Wendell Holmes Devise, History of the Supreme Court of the United States: Volume I, Antecedents and Beginnings to 1801* (New York: Macmillan, 1971), 134.
[194] Chernow, 199.

"Marshall never relied upon principles that either were made by or required interpretation by judges. On the contrary, the principles that he found fundamental acquired their authority from the 'original right' of the people 'to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness.'"[195] An examination of the notes kept by James Madison from the Constitutional Convention, shows that the federal judiciary were to have an important role in the new nation, and more importanty, serve as a check against legislative tyranny. Although there was disagreement over whether the judiciary should be granted a veto authority, (the debate centered around the revisionary power, a duel right granted to the president and the judiciary to veto congressional legislation), there was general agreement that the judiciary should strike down unconstitutional legislation. In other words, they defended the practice of judicial review.

The Framers of the Constitution discussed the need to place a check on legislative encroachments at the Constitutional Convention. On July 21, 1787, the delegates at the convention debated whether the revisonary power should be granted to the executive and judiciary.[196] James Wilson, a delegate from Pennsylvania proposed, "The judiciary ought to have an opportunity to remonstrating against projected encroachments on the people as well as themselves . . . judges, as expositors of the laws, would have an opportunity of defending their [the peoples] constitutional rights."[197] Wilson was aware that without a check on the legislative branch, it could abuse its authority and infringe upon the peoples' rights. James Madison agreed with Wilson's proposal,[198] but many objected, in particular George Mason because a judiciary veto would create a "double negative."[199] However, Mason agreed with Wilson's premise that the judiciary should, "[D]eclare an unconstitutional law void. But with regard to every law, however, unjust, oppressive, or pernicious, which did not come under the necessity as judges to give it a free course."[200] Mason, similar to Marshall, understood that the federal judiciary was not to be involved in the political process. Because of this, the Court was never granted a veto. The revisionary power was rejected by the delegates.[201]

Marshall's long time ally and collegue on the Supreme Court, Samuel Chase, made the same argument as it pertained to the authority of the judiciary. Specifically, Chase illustrated the necessity of the judicial branch to act as a check on the legislature when it abrogated its Constitutional responsibilies. In

[195] Nelson, 63.
[196] Edward J. Larson and Michael P. Winship, eds., *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: Modern Library, 2005), 101.
[197] Ibid.
[198] Ibid.
[199] Ibid, 102.
[200] Ibid.
[201] Ibid.

a letter to Marshall on April 24, 1802, Chase wrote:

> The Constitution of the United States is certainly a *limited*
> Constitution; because it *expressly prohibits* Congress from making
> *certain enumerated Laws*; and also from doing certain specified Acts,
> in *many* cases; and it is very evident that these restrictions on the
> *Legislative* power of Congress would be entirely [without force], and
> merely waste paper, if there exists no power, under the Constitution,
> to declare Acts made, *contrary to these express prohibitions*, null
> 'and void. It is equally clear that the *limitations* of the power of
> Congress can only be preserved by the *Judicial* power (emphasis in
> the original).[202]

Moreover, Chase stressed that judges had to base their ruling on the
principles of the Constitution, and they were not to invalidate any of its
provisions. Chase stated:

> It is provided by the Constitution . . . that the Constitution
> of the United States shall be the supreme law of the Land; and *by
> the Oath of Office* prescribed . . . all Judges engage to discharge and
> perform all their duties, as Judges, *agreably to the Constitution*. . . .
> This engagement, in my judgement, obliges every Judge . . . not to
> do any *affirmative* act to contravene, or render ineffectual, any of the
> provisions of the Constituion (emphasis in the original).[203]

This correspondence is important because Chase was writing to Marshall
to complain about the actions of the Republican Congress, specifically, the
repeal of the Judicial Act of 1801. Chase emphasized that the judiciary
prevented the legislature from acting outside its limits. Furthermore, he
defined the limits of the judiciary to negate concerns about judges acting
outside the judiciary's defined parameters. Chase was not the only individual
making this argument. The authors of the *Federalist Papers* specified the
purpose of the federal judiciary.

Alexander Hamilton, author of "Federalist 78," claimed that written
constitutions limited the authority of each branch of government. He defined
a limited constitution as, "One which contains certain specified exceptions
to the legislative authority; such, for instance, as that it shall pass no bills of
attainder."[204] According to Hamilton, the federal judiciary prevents the other

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[202] Letter to John Marshall from Samuel Chase, 24 April, 1802, in Hobson, *et al.*, *The Papers of John Marshall: Volume VI*, 112.
[203] Ibid.
[204] Alexander Hamilton, John Jay, and James Madison. *The Federalist Papers*, ed. Clinton

branches from acting outside their enumerated limits. He wrote, "Limitations . . . no other way than through the medium of courts of justice . . . duty . . . must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing."[205] Hamilton's claim, if accepted, permitted the judiciary authority to nullify congressional legislation; however, according to Hamilton, this authority did not situate the judiciary in a position to threaten individual liberties.

Since the representatives of the legislature manage the treasury and have authority to establish a military, and the president commands the armed forces, Hamilton noted, "The judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but hold the sword of the community. The legislature not only commands the purse but prescribes the duties and rights of every citizen are to be regulated."[206]

Furthermore, Hamilton showed why it is important for judges to exercise judicial review, because they prevent legislative representatives from violating the Constitution. However, according to Hamilton "A Constitution is, in fact, and must be regarded by the judges, a fundamental law. It therefore belongs to them to ascertain its meanings as well as the meaning of any particular act proceeding from the legislative body."[207] Judges discern the meaning of the law and do not issue rulings that violate the specific language of the Constitution. The judiciary authority does not exceed the legislatives or executives. According to Hamilton, "Nor does this conlusion [the right to judicial review] by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both, and that where the will of the legislative, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the *judges* ought to be governed by the latter rather than the former"(emphasis added).[208]

Similar to Marshall's reasoning in *Marbury*, courts must give deference to the Constitution. In Hamilton and Marshall's view, courts rescind legislation that violate the Constitution. As Hamilton more succiently stated, "No legislative act . . . contrary to the Constitution, can be valid."[209]

Furthermore, James Madison made the same arugment in "Federalist 39." Madison viewed the Court as a way to ensure a unified federal government

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Rossiter (New York: Signet Classics, 2003), 465.
[205] Ibid.
[206] Ibid, 464.
[207] Ibid., 466.
[208] Ibid, 466.
[209] Ibid.

by preventing state governments from exercising authority outside the federal Constitution. Likewise, Madison did not view the judiciary as a threat to individual liberty. He wrote, "It is true that in controversies relating to the boundary between the two jurisdictions [national and federal interests], the tribunal which is ultimately to decide is to be established under the general government. . . . Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact."[210] By national and federal jurisdictions, Madison was referring to the conflicting interests between state and federal power. According to Madison, the national interest pertained to the interests of states, whereas, federal pertained to the interests of the federal government.[211] Thus, the tribunal referred to by Madison, the federal judiciary, would prevent state legislators from declaring nullification and maintain the authority of the central government.

Although Marshall claimed that Marbury had a legal right to his commission, since he had been confirmed by the Senate and it had been signed by the secretary of state, Jefferson disputed Marshall's claim about Marbury's right. According to Jefferson, the proceedings were not binding because the commision had not been delivered, and since he was the president, it was his prerogaitve whether it was delivered.[212] Because the legality of the issue was subjective, Jeffeson proposed that in the future, "On every question of contruction, carry ourselves back to the time when the consitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, conform to the probable one in which it was passed."[213] However, Marshall used the same logic in *Marbury*, and by nullifying Section 13 of the Judiciary Act of 1789, which allowed petitioners to approach the Court in orginial jursidiction, Marshall applied the same theory.

Jefferson was fearful that unelected judges could interpret and change the Consitution to suit their ideology. In a letter to a judge, Spencer Roane, on September 6, 1819, Jefferson wrote, "The Constitution . . . is a mere thing of wax in the hands of the judiciary, which they may twist, and shape into any form they please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any government is independent, is absolute also."[214] Presidents, senators, and members of Congress are accountable to

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[210] Ibid, 242.
[211] Ibid, 240.
[212] Thomas Jefferson to William Johnson, June 12, 1823 in Paul Leicester Ford. *The Works of Thomas Jefferson: Volume XII* (New York: The Knickerbocker Press, 1905), 257. Even in his later years, Jefferson disputed that Marbury had a legal right to the commission. Jefferson claimed, "Although signed and sealed, yet as long as it remains in the hands of the party himself . . . it is not a deed, and can be made so only be its delivery."
[213] Ibid.
[214] Thomas Jefferson to Spencer Roane, September 6, 1819, in Paul Leicester Ford. *The Works of*

an electorate; whereas, judges serve until death or impeachment and have no accountability to voters.

In fact, Jefferson addressed the problem of unaccountability in a letter he wrote to William Charles Jarvis in September of 1820. He wrote, "When the legislative or executive functioaries act unconstitutionally, they are responsbible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society but the people themselves."[215] However, Hamilton, in the *Federalist Papers*, addressed this issue. According to Hamilton, judges were not to be elected by the people, because if they were, "there would be too great a disposition to consult popularity to justify a reliance."[216] In other words, judges would have to seek approval from the electorate prior to making decisions. Immoral judges could resort to demagoguery to be elected.

As to Jefferson's concern that the Supreme Court justices could interpret the Constitution to their own liking, becoming the most powerful branch, he is correct to be concerned. However, Marshall never argued that the Court should freely interpret the Constitution. Marshall did not believe that the Court should involve itself in debates between the people and their elected representatives. He made it clear in Marbury, that all branches, including the judiciary, can not violate the Constitution. The judiciary can only repeal laws that violate the enumerated principles of the Constitution. Thus, the judiciary is as bound to the Constitution as the other branches.

John Marshall served as Chief Justice of the Supreme Court until 1835. In *Marbury v. Madison*, the Supreme Court declared that any law that contradicted the Constitution was void, and the federal judiciary was responsible for interpreting the law to any case where the Constitution applied. In doing so, the Court did not place itself in a position to be superior to executive and legislative branches; rather, it defined its role as the arbiter of law, ensuring that the other branches do not overstep their limits as prescribed by the Constitution. At the same time, Marshall reiterated that the judiciary was also bound by the Constitution. This aspect of the decision in *Marbury* is overlooked, as it is too often assumed that Marshall was a pawn for the Federalists.

The Framers of the Constitution understood the importance of a government of separated powers. An examination of the Hamilton's "Federalist 78" demonstrates this concept as well as the importance of judicial review. The judiciary prevents the legislative and executive branches of infringing upon the rights of the citizens.

Thomas Jefferson: Volume XII (New York: The Knickerbocker Press, 1905), 137.

[215] Thomas Jefferson to William Charles Jarvis, September 28, 1820. Ford, 163.

[216] Hamilton, Madison, and Jay, 470.

The Founding Fathers were aware that American cultural would change after they were gone. However, they enshrined their legacy of self government and individual freedom in the document Americans still use to govern themselves. John Marshall defended his nation on the battlefield and in the courtroom. To Marshall, written Constitutions preserve the individual liberties Americans revere. In a letter regarding his political philosophy, while involved in Virginia politics, Marshall wrote, "In heart and sentiment, as well as by birth and interest, I am an American, attached to the genuine principles of the Constitution, as sanctioned by the will of the people, for their general liberty, prosperity, and happiness. I consider that Constitution as the rock of our political salvation, which has preserved us from misery, division, and civil wars . . . which will yet preserve us if we value it rightly and support it firmly."[217] John Marshall was no demagogue driven by his own political ambition; he advocated the principles enumerated in the United States Constitution.

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[217] John Marshall to a Freeholder, October 2, 1789, in Charles T. Cullen ed., *The Papers of John Marshall: Volume III, 1796-1798* (Chapel Hill, NC: University of North Carolina Press, 1979), 504.

BIOGRAPHICAL NOTES

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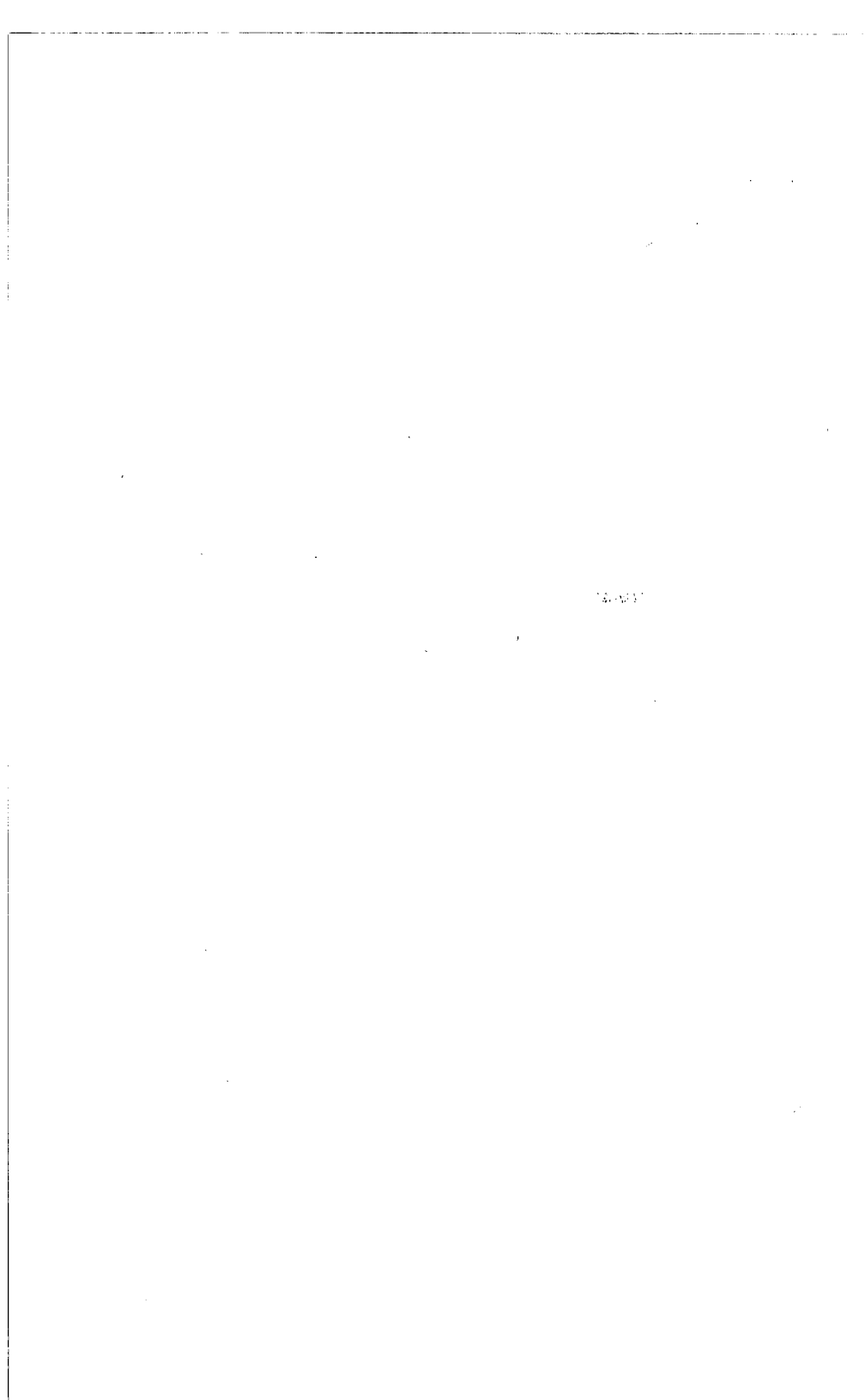
Legally Free, Socially Imprisoned: The New South and the Black Slave

Michal B. Coombs

The Reconstruction Era in postbellum America was a time in which the national government reformed the social, political, and economic lifestyle in the South. These changes were difficult for the southern white man, but even more difficult for the newly emancipated black slave. The white southerner had to face changing a traditional lifestyle; the black southerner had to face being violently rejected as a free and equal citizen. This paper will first examine white southern sentiment to the government's reformations, then discuss the social, political, and economic problems of Reconstruction at both a governmental and personal level for the black southerner. This paper will also introduce three black philosophers who helped their people deal with these problems. Throughout the paper we will see that although the government imposed laws to free the black man, the white southerner kept him socially imprisoned.

At the end of the Civil War, the government set about rebuilding a broken nation and replacing oppression with democracy. This period was labeled the Reconstruction Era. It was a time when differences between North and South created frustration and disillusion because the North's economy was based on industry and education; the South's on agriculture and slavery. During Reconstruction, the national government attempted to rebuild the South by imposing the northern social, political, and economic standards. With each

imposition the South retaliated, rejecting unity and refusing to acknowledge the black population as a free and equal people.

Northern officials wanted to provide a life of liberty for the newly freed slaves (Freedmen), allowing them to participate in basic civil rights. When the government passed amendments and laws that compelled the South to extend freedom to slaves, the South countered by passing local laws that diminished black rights. Southern opposition became violent, and the black man questioned the benefits of freedom. Although slaves were free, their social, political, and economic conditions worsened, as there were no laws to protect them from unjust treatment.

After the Civil War, conditions of the war-torn South contrasted sharply with those of the North. The infrastructure had been completely destroyed, farms, roads, and railways ruined. Economic and social conditions shattered when paper money lost its value and labor became disorganized due to freeing the slaves. A Confederate soldier would return to find "his house in ruins, his farm devastated, his slaves free, his stock killed, his barns empty, his money worthless, his social system, feudal in its magnificence, swept away; his people without law or legal status; his comrades slain, and the burdens of others heavy on his shoulders."[218] In response to this destruction, the federal government, localized in the North, attempted to rebuild the South. Southerners saw their war losses, especially the loss of slaves, as a great blow to their pride and lifestyle. To some southerners, the slave was a cultural symbol of a successful agrarian society, as well as the sign of white rule over an inferior group. To remove that symbol crushed a mental image. It was one thing to change old laws and replace them with new ones; it was quite a different matter to break slavery and replace it with civil liberties. The Reconstruction era was a tumultuous tug-of-war between northern progressivism and southern tradition.

Henry Grady, a southern gentleman and prominent newspaper editor during the decades after the Civil War, witnessed the North-South struggle during the Reconstruction. With the best of intentions, he wanted to prove to the North that the southern lifestyle was worth saving, and it could indeed meld with the social and industrial development the rest of the country was undertaking. He wanted to prove that the attitude of the South really had shifted: the South felt united to the nation, the southerners treated the freedmen as equal citizens.[219] Grady's ideals were perhaps loftier than those of many southerners, whose main focus was to restrict black civil rights and promote white supremacy. On December 22, 1886, twenty-one years after the Civil War ended, Grady presented a speech entitled "The New South" to

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[218] Joel Chandler Harris, *Henry W. Grady: Writings and Speeches* (New York: Cassell Publishing Co., 1890), 86-7.

[219] "History Matters: Henry Grady Sells the New South." *History Matters.* 31 Mar. 2006. Retrieved 11 June 2007. <http://historymatters.gmu.edu/d/57451/ >.

the President. He began, "There was a South of slavery and secession—that South is dead. There is a South of union and freedom—that South is living, breathing, growing every hour."[220] He spoke of the opportunities blacks now had to progress in education: "We have planted the schoolhouse on the hilltop and made it free to white and black" ; to find work with purpose and meaning: "No section shows a more prosperous laboring population than the Negroes of the south, none in fuller sympathy with the employing and land-owning class"; and that every southern man accepted with open arms the freed slave as a brother: "He [the black man] has the fullest protection of our laws and the friendship of our people."[221]

According to Grady, the slavery, hate, and inequality that abounded in the Old South died with the Confederacy. The New South held only bright opportunities in which the freedmen could obtain a new life. Grady finished his speech saying, "The Old South rested everything on slavery and agriculture, unconscious that these could neither give nor maintain healthy growth. The New South presents a perfect democracy...a social system compact and closely knitted."[222] In reality, Grady was presenting false shadows of true southern sentiment; his ideals were more fiction than fact. Southerners in postbellum America were proud of their heritage—the North had perhaps won the war, but they could not defeat the tradition of the South. This traditional lifestyle was rooted in two hundred years of a cultural and social system dependent on slavery.[223] They did not wish to abandon their lifestyle, be placed under careful scrutiny of the national, northern government, or be forced to treat an inferior slave population as equal. "Blacks became symbols of failure and humiliation; it was very necessary to absolutely control blacks. It was a token of [the southerner's] last dignity."[224] Leon Litwack, American historian and winner of the Pulitzer Prize in history, argued that maintaining control over freedmen was of utmost importance. He said, "To lose control over their former slaves, to be deprived of the necessary disciplinary powers, to be subject to their insolence, to be forced to endure their work slowdowns and other manifestations of independence, to be compelled to deal with them as equals was to demand too much, even as the price of military defeat."[225]

Although the South had agreed to free black slaves at the War's end, "racial equality was another matter."[226] As a slave population, blacks had value and

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[220] Harris, 83.

[221] Ibid., 89.

[222] Ibid., 90-1.

[223] John David Smith, *Black Voices from Reconstruction* (Brookfield: Millbrook Press, 1996), 40.

[224] Graham Russell Hodges, *African Americans in the Reconstruction Era* (New York: Garland Publishing, Inc., 2000), 120-1.

[225] Leon F.Litwack, *Been In the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1979), 359.

[226] Jeffrey Rogers Hummel, *Emancipating Slaves, Enslaving Free Men: History of the American*

purpose; once freed, whites violated and legally suppressed blacks. "As a free man, he [the black man] was deprived of all the protection which had been given to him by his value as property; he was reduced to something like the conditions of a stray dog."[227] No one wished to socially integrate blacks into an equal society. Many white southerners felt they should be able to choose the individuals with whom they would associate; the government had no right to enforce integration through compulsory means, as this would impose upon their rights of free association.[228] Due to their defeat in the War, the only way southerners could restore control was by placing the freedmen under their feet as an inferior people: "emancipation had only made more urgent the need to exercise traditional authority."[229]

Southern white men liberally exercised this authority in the form of blatant social violence. Frank Fikes, a freedman, claimed that as a slave his master was very kind to him and never beat him. "We did not have a hard time until after we were freed. They got mad at us because we was free... "[230] This anger escalated to organized violence; white supremacy southerners created the Ku Klux Klan (KKK). This group was formed in 1865 to patrol the streets and punish the blacks they felt acted higher than the bounds of their inferiority. The KKK would "protect" the innocent white man from the "savage" black man.[231] This protection was carried out in the form of burnings, lynchings, rapes, beatings, and other cruelties against the newly freed slaves. "Mob murder increased yearly until in 1892 more than two hundred victims were lynched."[232] Statistics indicate that 3,284 men, women, and children were put to death in the last quarter of the 19th century.[233]

In addition to violence, southern states passed local laws that severely inhibited complete social integration. Under slavery, servants and slaves accompanied their masters into public places without fear or controversy. This was a common practice as part of the southern lifestyle. "But once blacks ceased to be slaves, traveling in the company of their owners, their presence suddenly became an intrusion and a source of contamination, symbolizing an equality most whites found threatening."[234] Exclusion and segregation were practiced to limit social interactions with the freedmen. The Black Codes and Jim Crow Laws kept blacks from becoming full citizens, limited social rights,

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Civil War. (Chicago: Open Court, 1996), 318.

[227] Hodges, 126.

[228] Brenda Stalcup, et al, Editors. *Reconstruction: Opposing Viewpoints* (New York: Greenhaven Press, 1995), 178.

[229] Litwack, 372.

[230] Litwack, 373.

[231] Hodges, 128.

[232] Manning Marable and Leith Mullings, Eds. *Let Nobody Turn Us Around: Voices of Resistance, Reform, and Renewal* (Lanham: Rowman & Littlefield Publishers, Inc., 2000), 209.

[233] Ibid.

[234] Litwack, 261.

and withheld voting rights. Most southern states passed black vagrancy laws, unfair labor laws, and unjust land-renting laws. One former slave pointed out, "Master says we are all free, but it don't mean we is white."[235]

Under slavery, "slaves were essentially private property, and most owners had little interest or concern about the family life of their chattel."[236] Spouses and children were sold, bought, and traded based on the needs and whims of their masters. Once freed, reuniting their families became one of the freedman's priorities. They could now live without the threat of being sold or traded.[237] By creating a family structure, the freedmen could assert an equal social status. In postbellum South, however, this assertion only meant stricter state legislation and more violence for the freedmen. Katherine Franke affirms that by losing the traditional slave society, the white southern man needed to construct a new domain in which he could prove his power.

> White men had their own stake in freedpeople's adherence to marriage laws wholly independent from any altruistic concern for black civil rights or personal sovereignty....For a significant number of slaves, legal marriage was not experienced as a source of validation and empowerment, but as discipline and punishment when the rigid rules of legal marriage were transgressed, often unintentionally.[238]

White southerners felt blacks inferred an equal social status by marrying and therefore prevented legal marriages when possible; white southerners then condemned blacks to beatings, whippings, and in severe cases lynchings, if a legal marriage was not in place.

Southern leaders passed local laws to further limit freedom, their actions reflected the feelings of many southerners: "The people of our state[s] will never quietly submit to negro rule."[239] The federal government now had to redirect its energies from establishing and protecting black rights to battling the southern dissenters. "During so much retaliation the national government withdrew and failed to protect the freedmen by combating white terrorism."[240]

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[235] Hodges, 84.

[236] Marable, 48.

[237] Noralee Frankel, "Breaking the Chains." *To Make Our World Anew: A History of African Americans to 1880.* Eds. Robin D.G. Kelley and Earl Lewis (New York: Oxford University Press, 2000), 237.

[238] Katherine M. Franke, "Becoming a Citizen: Reconstruction Era Regulation of African American Marriages," *Yale Journal of Law and the Humanities.* Updated 16 Feb. 2007. 251-309. Retrieved 11 June 2007. <http://academic.udayton.edu/RACE/04NEEDS/family03.htm>

[239] Hummel, 316.

[240] Frank McGlynn and Seymour Drescher, Editors. *The Meaning of Freedom: Economics,*

Having lost this federal protection, blacks fell victim to legal and illegal forms of white oppression within social and political realms. "Whites found ways... to deny the freedpeople schools, financial capital, and farms. Without these they could wield little political power."[241]

Noralee Frankel, assistant director of the American Historical Association, traced the progression of limited political power. When the government passed the 13th Amendment in 1865, which abolished slavery, the South retaliated by enforcing the Mississippi Plan, which excluded blacks from involvement within any political area. When the government passed the 14th Amendment in 1868, which granted citizenship to and basic civil rights for freedmen, the South countered with the Grandfather Clause, which stated if a black wanted to vote, he had to prove he had a free ancestor who owned land prior to the Civil War.[242] Finally, when the government passed the 15th Amendment in 1870, which clearly stated blacks had the right to vote, the South showed there was a great difference between having the right to vote and exercising that right: "The fact that [black men] had been granted the right to vote did not at all mean that [they] should exercise the right to vote; fraud, intimidation, and violence became the order of election days."[243]

Fraud and intimidation were easy tools for the white southerner to use in the political arena. During slavery, the South had passed laws making it illegal to teach slaves how to read and write. As a result, the majority of blacks were illiterate at the time of emancipation, "a triumph of sorts for the masters, legislatures, and courts who had deemed such a condition essential to the internal security of their society."[244] Southern sentiment was to protect the political society by keeping freedmen from becoming well educated.

Schoolhouses were erected for the freedmen, but teachers, books, and supplies were in short supply. White abolitionists, who advocated freedmen's education and traveled to the South to teach, were violently ostracized by white supremacists. Many southerners expressed concern in educating freedmen: "Suppose we elevate him as a race until he has the instincts and drives of a white man?...Being trained for office he will demand office. Being taught as a Negro child the same things and in the same way as the white child, when he becomes a Negro man he will want the same things and demand them in the same way as a white man."[245] Education was not just a classroom in which

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Politics, and Culture after Slavery (Pittsburgh: University of Pittsburgh Press, 1992), 293.

[241] Smith, 150.

[242] Frankel, 240.

[243] Elsa Barkley Brown, "Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom," *Time Longer Than Rope: A Century of African American Activism, 1850-1950.* Eds. Charles M. Payne and Adam Green (New York: University Press, 2003), 79.

[244] Litwack, 472.

[245] Ibid., 486.

freedmen learned literacy skills; education meant elevating the black man to a status southerners were unwilling to bestow.

Southerners' economic losses contributed to further intimidation of blacks. The financial market in the South ceased to exist in postbellum America. Due to the war's expenses and devastation, the South was the poorest region in the nation.[246] White plantation owners had acres of land and no labor, and many southern women had few homemaking skills. Once grand and lavish, southern plantations were now impoverished, scarcely able to afford necessities.

If the southern white population felt financial loss and ruin in postbellum America, the emancipated freedmen felt it even more acutely. As a slave laborer, it was in the master's best interests to feed and clothe the slaves, to take care of his property; as a "wage slave," the freedmen had to feed and clothe themselves while also working to take care of the master's property. As a slave laborer, work was guaranteed; as a "wage slave," "if the man is out of work the employer doesn't care; that is no loss to him; and if the man dies, there are millions of others eager to take his place...they must either work for him or starve."[247] Where they had once been protected and sustained by their white masters, the black man would now have to survive in "a hostile and competitive environment, exposed now to unfriendly whites, his own innate vices, and a free-market economy."[248]

One of the only viable work options for freedmen was sharecropping, which turned the slave into a renter. A barter system ensued: freedmen would "rent" a piece of land from the plantation owner, and as payment he would give a predetermined portion of the crops he had grown. The renter worked on the "rented" land to have a place to live, feed his family, and try to get ahead. "By charging exorbitant prices and falsifying accounts, many white plantation owners made sure that none of their workers ever got out of debt. In this way, sharecropping often bound the black workers to one plantation owner as securely as slavery had done."[249] Although the government had ensured the black man would no longer be enslaved, southern politicians ensured they would enter the financial market "quite destitute and unprepared."[250]

During the Reconstruction, three black philosophers became influential leaders for their people, urging freedmen to take their place within society. W.E.B. DuBois preached assertion within the social realm, Frederick Douglass preached assimilation within the political realm, and Booker T. Washington preached accommodation within the economic realm. These philosophers

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[246] Hummel, 322.
[247] Marable, 231.
[248] Litwick, 361.
[249] Stalcup, 19.
[250] Hummel, 326.

differed in their approach to civil rights, but their voices resounded with one goal: defeat segregation and promote integration by reforming social, political, and economic standards.

W.E.B. DuBois preached the aggressive philosophy of assertion in order to achieve social equality. He was born a free man in the North in 1868 and became highly educated, receiving his doctorate from Harvard University in 1895. He said that to be recognized as equal citizens, blacks would have to "demonstrate the value of black existence."[251] This meant blacks needed to assert themselves to become more educated, make intelligent demands, and require equality as a basic right and not as a concession by the white population. It was essential to avoid imitating white society and maintain black "racial heritage and individuality."[252]

As an educated black man based in the North, DuBois received great attention from other black intellectuals of the time. The principle of assertion greatly appealed to this population who wanted to maintain their black social culture. DuBois was so influential among black intellectuals that they formed the Niagra Movement in 1905. This movement was formed in part to oppose Booker T. Washington's more conservative tactic of accommodationism, and its goals were to equalize social conditions between blacks and whites. The movement demanded equal education opportunities, suffrage rights, and the abolishment of the Black Codes. Included in "The Niagra Movement Declaration of Principles" were the following list of duties:

> The duty to vote.
> The duty to respect the rights of others.
> The duty to work.
> The duty to obey the laws.
> The duty to be clean and orderly.
> The duty to send our children to school.
> The duty to respect ourselves, even as we respect others.[253]

These demands and duties DuBois implemented through assertion would allow the freedmen to become better socially integrated.

Frederick Douglass believed the freedmen should assimilate into society through political means. He was born into slavery and escaped to the North before the Civil War. For Douglass, the black cause should not be limited; he wished to "fully assimilate his race into mainstream society in which color

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[251] Hodges, 286.
[252] Litwick, 539.
[253] Marable, 229.

itself was no impediment."[254] Douglass presented a speech in 1865 to northern abolitionists, urging that once the right to vote was established, blacks could then compete fairly within society. He argued that voting is a citizen's right, and no one would be satisfied to live in or support their country if their own rights are removed or not even granted. "By depriving us of suffrage, you affirm our incapacity to form an intelligent judgment respecting public men and public measures; you declare before the world that we are unfit to exercise the elective franchise, and by this means lead us to undervalue ourselves, to put a low estimate upon ourselves, and to feel that we have no possibilities like other men."[255]

Douglass was at first widely accepted by white abolitionists, but as his speeches became more learned and concrete in ideals, and he became more distanced from his slave origin, they felt he was less "authentic" as a philosopher. They did not want him to grow or appear intelligent, but to have "a little of the plantation manner of speech."[256] Although he was considered the most influential spokesperson for freedmen's rights and assimilation, the black population was still very hesitant at the end of the Civil War—how far should they go to obtain full freedom and integration? Would they be placing themselves in more danger in pursuing citizenship? Many of the black intellectuals who supported DuBois's philosophy did not agree with Douglass's belief that America would eventually allow blacks to become citizens. Many believed if they maintained segregation by physical separation—by establishing a new black country in the American West or Central or South America—this new black society "would be free to enjoy the privileges of citizenship."[257] Douglass's philosophies and democratic integrations, although noble, were never fully achieved during Reconstruction.

Booker T. Washington, also born into slavery, became the most powerful black politician of the Reconstruction Era. He quickly worked his way up the economic ladder, graduating from the Hampton Institute at the age of twenty-six and founding the Tuskegee Institute, the largest black vocational and agricultural school in the United States.[258] Washington was the most peaceful black protagonist, using his politics of accommodationism to push for the black cause within the economic realm. If the freedmen could peacefully prove they were civil, able, and responsible, the white people couldn't help but bestow complete civil rights upon them. "Washington called on white America to provide jobs and industrial-agricultural education for Negroes.

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[254] Hodges, 285.

[255] Marable, 126.

[256] Deborah White, "Let My People Go," *To Make Our World Anew: A History of African Americans to 1880.* Eds. Robin D.G. Kelley and Earl Lewis, (New York: Oxford University Press, 2000), 215.

[257] White, 217.

[258] Marable, 181.

In exchange, blacks would give up demands for social equality and civil rights."[259] He cautioned freedmen on demanding complete integration; if some segregation remained in place, the freedmen would benefit by having their own consumer market for black businesses.[260]

White America responded to Washington's philosophy with enthusiasm, making him the national leader for black labor relations, education, business, politics, and public affairs. Many white politicians also made substantial contributions to the Tuskegee Institute to help fund the programs. Southern whites liked his ideas because it did not heavily promote black political, civil, and social involvement or aspirations; in their view this kept the freedmen consigned to an inferior status.[261] Black intellectuals, however, criticized Washington's tactics, saying that he was a traitor to the black cause. Many of these intellectuals chose to instead affiliate with DuBois's more assertive philosophies. Despite the open opposition to his philosophies by the upper class black intellectuals, Washington gained most of his supporters through the working class freedmen. The majority of the black population was composed of the illiterate wage-earning freedman who needed the leadership and example of one who was most familiar with their situation. Washington's philosophy of accomodationism provided the hope and safety that this population needed to continue past the Reconstruction stumbling blocks.

Postbellum America was a rocky and unstable period in the history of the United States. Although Grady presented a "New South" in his speech, it was a new south in word and vision only. Post-Civil War life for blacks did not truly offer great change or new respect as equal citizens. "On some plantations, slaves went on working as before, and there seemed no change taking place."[262] Some slaves felt loyalty to their masters and refused to leave, others didn't know what to do with freedom, and "for some, the Master represented safety whereas freedom was uncertain and dangerous."[263] As has been argued, freedom came at a high price—social, political, and economic imprisonment.

Popular Southern white opinion defined blacks as an inferior race, incapable of achievement and an unacceptable component to integrate socially, politically, or economically. "Whites had not changed their basic idea that blacks were semi-human and semi-beasts viewed as an instinctive enemy."[264] Southerners felt they had to do everything within their power to

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[259] Robert A. Gibson, "Booker T. Washington and W.E.B. DuBois: The Problem of Negro Leadership," *Yale University*. 2 Feb. 1978. Retrieved 11 June 2007. <http://yale.edu/ynhti/curriculum/units/1978/2/78.02.02.x.html>

[260] Marable, 121.

[261] Gibson.

[262] Hodges, 60.

[263] Ibid., 63.

[264] Ibid., 124.

combat this enemy, and despite government involvement and black reformers, this white supremacy emotion could not be effectively overcome. "Ironically, Reconstruction brought about little change in the day-to-day conditions of the South's poor blacks. To be sure, they were "free." But their "freedom" was far more limited than the slaves, and their northern white and black friends, had supposed it would become at the moment of emancipation."[265]

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[265] Smith, 151.

BIOGRAPHICAL NOTES

My name is Michal Coombs. I am female, but my name is pronounced like the male "Michael". I was an avid bookworm before I began kindergarten—I remember sitting with my mom and writing "poems" when I was three or four. Always a skeptic, I have found an affinity for non-fiction as I've gotten older; I love researching the "how" and the "why" behind the "what". I grew up in the suburbs of DC and graduated from high school in Pennsylvania (my mother was working on her Doctorate at Penn State). I love learning languages and living in different cultures to more fully learn those languages (I've spent time in Italy and Brazil). I was married to an exceptional companion, David, in June of 2004.

I completed a Medical Assistant course in Baltimore and have been working as a Certified Medical Assistant since 2001, working in a Family Practice, Rheumatology office, and Pediatric office. I love working with patients, learning anatomy and physiology, and I especially love teaching these subjects. I am currently working on a B.S. in Community Health with an Education Emphasis and expect to graduate December 2008. I plan on pursuing a Physician's Assistant Master's Degree. I would love to eventually teach in a technical school.

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THE CROATIAN HOLOCAUST AND THE WEAPON OF FORCED CONVERSIONS: A FAILED GENOCIDE

CHRISTOPHER P. DAVEY

Introduction

In the twentieth century the virus of genocide has metastasized throughout the world. Its cases have varied from incidents of untreated social injustices to serial occurrences of mass death; certainly all have been tragedies. Yugoslavia's history of violence is one of these serial occurrences. The violence in the areas of Croatia, Bosnia, and Serbia, during WWII and the 1990s, has been portrayed as an explosive legacy of ethnic hatred. Conversely, historical research should show keen observers of these supposed legacies, or "Balkan Ghosts," that these atrocities were not only sponsored, but fuelled by calculating and ultra-nationalistic minorities or individuals.

Among the Yugoslavian factions who pushed extremist nationalism during the inter-war period was the Croatian Ustaša movement. Ustaša terrorists despite being outlawed in their homeland had remained very active throughout the 1930s. While exiled in the fascist regimes of Europe, the Ustaša were involved in the assassination of the Yugoslav King Aleksandar in 1934, and gained support from extreme nationalists and some members of the Croatian Catholic clergy. This provided a base of support, though minimal, from which they rose to power in 1941. Once in government, propped up by the surrounding German and Italian Axis powers, they set out to create a nation-state of Croats. However, the state's stability soon faltered when Ustaša

attempts to purify Croatia failed.

Western historians of the *Nezavisna Država Hrvatska* (Independent State of Croatia, or NDH) have dedicated little attention thus far to the measure and extent of genocide as it was perpetrated against the so-called enemies, or out-groups of the fascist Croatian state. There are two major contributing factors to this lack of research. First, evidence of Ustaša crimes became politically charged and distorted by being employed as part of Serbia's nationalistic histories and as propaganda during the more recent genocide of the 1990s. Second, the Ustaša movement fell short of drawing up a coherent ideology or organized system of who was fit for the new, 'pure' state and how these undesirables were to be removed, consequently making it difficult to determine who was intentionally targeted by the state versus those who were at the whim of local Ustaša militia. Inconsistent classification of the Serb out-group resulted in an incomplete attempt at purifying the NDH, especially when compared to the Nazi near eradication of Jews throughout occupied Eastern Europe.

While attempting to deport and kill Serbs within the NDH, the Ustaša, in its initial rise to power, embarked on a policy of forced conversions of Orthodox Serbs to the state sponsored religion of Roman Catholicism. It has been proven by recent research, using NDH archive material, that the program of forced conversions was unsuccessful and abandoned by the early part of 1942.[266] The aim of this paper is to analyze how the failure of this policy affected the genocide, challenging whether or not the Ustaša efforts at purifying the state even qualify as genocidal. Crucial to this analysis will be a clarification of the terms 'genocide' and 'ethnocide'. Broken into its components, the argument addresses how the conversion policy was carried out; the perpetrators and collaborators involved in the policy's enforcement and practice; why forced conversions ground to a halt in 1942; and how this played into the attempted genocide and impacted the Ustaša failure to 'cleanse' the NDH.

Croatian Nationalism

Key to the establishment of the NDH and the progression towards attempted genocide was the rise of popular Croatian nationalism during the Yugoslav period. The nationalist sentiment of this period was a culmination of historical Croatian nationalism, Catholic nationalism, and Ustaša ideology; all these elements were integral to the general picture of the Ustaša "ultra-nationalism".[267] As with many developments in political and cultural

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[266] Mark Biondich, "Religion and Nation in Wartime Croatia: Reflections on the Ustaša Policy of Forced Religious Conversions, 1941-1942," *The Slavonic and East European Review* 83, no. 1 (2005): 110.

[267] Irina Ognyanova-Krivoshieva. "Ustaša Nationalism in Croatia During The Second World

movements, geographical factors were heavily influential. Croatia itself formed a military frontier and borderland, protecting their Habsburg masters from their eastern neighbors.[268] The close association of Croatian, and even Slovenian, identity with the Habsburg monarchy and the Catholic Church generated a tie to Western Europe that would give rise to a country that was culturally distinct from its non-Catholic South Slavic neighbors.

One of the main spokesmen for Croatian nationalism in the nineteenth century was Ante Starčević. He traced the Croatian claim to statehood back to the Croat people's migration to the Adriatic Basin.[269] Starčević argued that Croats, above Serbs, had a right to this area as a homeland. He considered them a "ruling family...the most ancient and most illustrious Croat family."[270] Further supporting the Croatian claim to the area was the 1526, Habsburg acknowledgement of Croatia as a political entity. Recognition came as the Croatian Diet, in December 1526, elected King Ferdinand as their monarch.[271] Starčević's concept of land-rights was also extended to neighboring Bosnia, based on the fact that Bosnia had been included in the Hungarian union with Croatia in 1102, predating the political union of 1526.[272] These events were regarded by Starčević, and many who followed his interpretation of Croatian nationalism, as qualifiers for a political and legal right not only to the land, but to nationhood.

Starčević's concept of national identity became the most influential doctrine for the Ustaša. He held that all Southern Slavs could become Croat, also that many Serbs, particularly Orthodox Serbs, were in fact merely misguided or misled Croats.[273] Contributing to this notion were the numbers of Orthodox believers who supported Starčević's Party of Rights.[274] Starčević also labeled opponents to his idea of nationhood part of the "Slavoserbian breed," taken from the Latin root *Slav*, meaning slave, again emphasizing the sense of Croat superiority over the region's other inhabitants.[275] This conception of national identity heavily contributed to how the Ustaša formulated its in-group as the historical Croat ethnic group, and the out-group as a loosely defined amalgamation of what nationalists considered racial or religious rejects, peripheries to the main group.

War (1941-1945)," *Sprawy Narodowosciowe* no. 28, (2006): 38.

[268] Michael Mennard, "The Case for The Serbs," *Foreign Service Journal* October (1991), ?.

[269] Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Ithaca: Cornell University Press, 1984), 85-86.

[270] Ante Starčević, quoted in Banac, 88.

[271] Paul Robert Magocsi, *Historical Atlas of Central Europe*, vol. 1 of *A History of East Central Europe* (Seattle: University of Washington Press, 1993), 46.

[272] Tomislav Dulić, *Utopias of Nation: Local Mass Killing in Bosnia and Herzegovina, 1941-42* (Uppsala Uppsala University, 2005), 57.

[273] Banac, 88.

[274] Ibid..

[275] Dulić, 57.

In the following decades of the nineteenth century, neither Starčević's nor any other major Croatian nationalists' ideas came to fruition. With the crumble of the Austro-Hungarian and Ottoman empires in the final scenes of WWI, the nationalist fervor that contributed to the start of the war began to see the light of opportunity. Fortunately, for some, the architects of victory and post-war Europe saw fit to create the Kingdom of Serbs, Croats and Slovenes. The proposed union, as formulated in the Corfu Declaration of 1917, worked well in negotiations and on paper, giving the Serb, Croat, and Slovene peoples their independence from the Austrians and Hungarians. However, it did not recognize the potential instability established by the nationalist ideas of Starčević and others.

Catalyzing Croatian nationalism were the growing tensions and opposition to the increasing Serb dominance over the Kingdom. The role of the Serbian Orthodox Church (SOC) in Serbia was very different from that of the Catholic Church in Croatia; the SOC had since its inception in 1219 been a national church.[276] Croatian historian Jozo Tomasević characterized the SOC of the inter-war period as religiously and culturally expansionistic and increasingly involving itself in state politics.[277] An example of this looming power set in opposition to non-Serb entities, such as Catholicism, was the estimated 200,000 Catholics who converted to the SOC during this period.[278] Many Catholics converted in an attempt to make their lives easier in an increasingly Serb dominated Yugoslavia. Mixed faith couples also converted from Catholicism to Orthodoxy to ensure their unions were recognized by the state, some Catholics even married into SOC families to avoid any difficulties with the state.[279] This dominance in Croatian public life alarmed and further alienated Catholic clergy and Croatian nationalists.[280] These inter-war conversions also fuelled Pavelić's re-working of Starčević's claim that Serbs in Croatia were actually misidentified Croats.

Previously un-associated elements of the Croatian right found themselves drawn together as result of King Alexandar's Serb-centered dictatorship.[281] Catholics yearned for freedom from the Serb dominated Yugoslavia, which give special place to the SOC, to the point that they turned to the extreme elements of Croatian nationalism. The Ustaša appealed to leading Catholics, like Archbishop Aloysius Stepinac, on account of their anti-Serb and anti-communist stands; a mutual purpose was found in common enemies, and

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[276] Jozo Tomasević, *War and Revolution in Yugoslavia, 1941-1945: Occupation and Collaboration* (Stanford: Stanford University Press, 2001), 528.
[277] Tomasević, 512.
[278] Ibid., 524.
[279] Ibid..
[280] Ibid..
[281] Biondich, "Religion and Nation in Wartime Croatia: Reflections on the Ustaša Policy of Forced Religious Conversions, 1941-1942," 81.

the shared desire for Croatian statehood.[282] However, as the Ustaša began its mission to violently purify Croatia, many Catholic leaders including Stepinac, found their new bedfellows less than appealing.

The Ustaša (*Hrvatski revolucionarni pokret*, or Croatian Revolutionary Organization) movement began in the late 1920s, as a minor terrorist operation, working mostly outside of Yugoslavia. The group represented the extreme end of the nationalist feeling that had been growing for centuries especially during the inter-war period. It adhered to the more separatist elements of the movement, openly opposing the rule of King Alexander in favor of the establishment of a Croatian state.[283] The label of terrorist movement applied by contemporaries and historians serves well in explaining how far the fanatical core of the Ustaša was willing to go obtain their separatist independence.[284] Perhaps due to the scale and marginalized nature of the movement in the 1930s the organization never formulated a thorough ideology beyond its passion for statehood or general anti-Serbianism.

The remarks of Milovan Žanić, chairman of the NDH legislative council exemplify this approach of prioritizing statehood. Speaking on May 2nd, 1941, he stated:

> This state, this homeland of ours, must be Croatian and no one else's. Therefore, those who have come here must also leave. Developments over the centuries and especially during the last twenty years have shown that no compromise is possible in this respect. This must be the land of the Croats and no one else's. There is no method that we, as Ustashas, will not use to make this land truly Croatian and to cleanse it of Serbs who have endangered us through the centuries and would endanger us again at the first opportunity.[285]

Žanić and other NDH officials' willingness to resort to violence was meant to secure a Croat nation, one not to be interfered with by Serbs, or any other group for that matter.

The Ustaša, however, were not just another fascist movement in rightward swing of the 1920s and 1930s, although it was vehemently anti-Communist, the movement centered on statehood and its overlapping with Catholic nationalism.[286] The other element of the movement was a flaring contempt

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[282] Biondich, 81.
[283] Irina Ognyanova-Krivoshieva, "Ustaša Nationalism in Croatia During The Second World War (1941-1945)." *Sprawy Narodowosciowe* no. 28, (2006): 34.
[284] Ognyanova-Krivoshieva, 36.
[285] Milovan Žanić, May 2, 1941, cited in Tomasević, 391.
[286] Biondich, "Controversies Surrounding the Catholic Church in Wartime Croatia, 1941-45,"

for Serbs, especially those within the Croatian area of Yugoslavia who had been party to the Serb dominance of the inter-war period. The marriage of Catholicism and Croatian nationalism occurred under the pressure of Serb dominance, giving birth to a religiously fuelled ethnic distinction between Catholic Croats and Orthodox Serbs. This brought the violent measures of the Ustaša to a very unique point in the inter-war rainbow of right-wing parties.

What proved difficult for Ustaša anti-Serbianism was the oscillation between assimilationist and exclusionist applications. Another Croatian historian, Mark Biondich equates this indecision to the fact that there was no overt or formulated ideology comparable to the Nazi vision that centered on how Jews were racially different, and non-Aryan, and therefore to be eliminated.[287] Serbs were viewed as foreign implants of Serb domination and as Orthodox, making them distinctly non-Catholic; some nationalists even considered them racially different, as descendants of the Vlach ethnic group.[288] Thus, as time came for the Ustaša to create their homogenous nation-state of 'Croats', and although violent methods were employed from the start in accomplishing this goal, any policy aimed at extermination was faulted because of the tussle between whether Serbs should be assimilated or simply exterminated. The uncontrolled manner with which violence and forced conversions were carried out by the minority of hardcore Ustaša militia and collaborators soon created more problems than the NDH was able to handle, forcing the government to eventually choose the path of assimilation over extermination.

Establishment of the NDH

The geographic composition of the NDH was as Croatian nationalists such as Starčević had demanded. The state was comprised of inter-war Croatia with the addition of Bosnia-Herzegovina. Gauging the composition of the NDH has been difficult due to the absence of accurate census information from the 1930s and 40s, leaving historians without details on

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Totalitarian Movements and Political Religions 7, no. 4 (2006): 436. Jonathon Steinberg, "Types of Genocide: Croatians, Serbs and Jews, 1941-5," in *The Final Solution: Origins and implementation,* ed. by David Cesarani (London: Routledge, 1994), 175-176. Steinberg states that the NDH differed from the other puppet and collaborationist governments on the basis that Croatia had its own concentration camp system, engaged in state-sponsored crimes, and passed its own anti-Semitic legislation.

[287] Biodich, "Religion and Nation in Wartime Croatia: Reflection on the Ustaša Policy of Forced Religious Conversions," 77-78. To this researchers knowledge the Ustaša government employed no pseudo-scientific methods in identifying Croatian Serbs as 'different,' the Ustaša approach focused mainly on the achievement and maintenance of independent statehood. Regligion also played a vital role which "combined Catholic piety, Croatian nationalism and extreme violence," Steinberg, 177.

[288] Biondich, 78.

the ethnic composition of the new Croatian state. Data recorded during the inter-war Yugoslav period counted Serbo-Croat, Bosnian-Muslims, Macedonian Slavs, and Montenegrins as "Yugoslavs," not by their individual ethnolinguistic groups.[289] Accurate data from 1910 does attribute Croatia and Bosnia-Herzegoniva with a total population of 5,357,000.[290] These two countries that became the NDH contained a varied mixture of ethnolinguistic groups, including- Croats, Serbs, Italians, Magyars, Germans, Slovenes, Czechs, Slovaks, Rusyns, Ukrainians, and Bosnian Muslims.[291] The Croat and Serb groups were the largest, Croats numbering 2,806,000 and Serbs at 1,389,000.[292] Current research by the United States Holocaust Memorial Museum (USHMM) places the 1940 population of the NDH at 6.3 million; consisting of 3.3 million Croats, 1.9 million Serbs.[293]

In early April 1941, the German war machine and its allies surrounded and bombed Yugoslavia into submission; Croats greeted the invaders with optimism and minimal resistance. Fervor soon swelled with the establishment of the NDH and the arrival of Pavelić and the Ustaša who were in hiding in various parts of fascist Europe. Vladko Maček, the Croatian Peasant Party leader observed the feeling of that spring, "a wave of enthusiasm pervaded Zagreb at this time, not unlike that which had swept through the town in 1918, when the ties with Hungary were severed. Many people thought it a great advantage to be freed from Serbian domination. The fact that the Germans had gift-wrapped their occupation under the euphemistic title of 'Independent State of Croatia' blinded and intoxicated many."[294] The strings attached to independence soon became apparent as the Axis powers placed their conditions on the new Croatian state.

Catholic reception of the new state was also jubilant. On April 29th, 1941, Archbishop Stepinac added his voice to joyful Croatian masses. In this circular to Catholic clergy he proclaimed, "Our Croatia will not only perform its duty in the promotion of supernatural destiny of the Croat people, but will erect a solid foundation of sound progress in the natural order... The Church has never wasted herself on empty slogans, and has never failed in the patient work on which are laid the foundations for the happy future of

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[289] Magocsi, 156.
[290] Ibid., 162-165.
[291] Ibid..
[292] Ibid..
[293] "Jasenovac: The Holocaust Era in Croatia, 1941-1945," *United States Holocaust Memorial Museum*. http://www.ushmm.org/museum/exhibit/online/jasenovac, [accessed March 5, 2007].
[294] Vladko Maček, In the Struggle of Freedom, trans. by Elizabeth and Stjepan Gazi (New York: Robert Speller & Sons, Publishers, Inc., 1957), 231. Maček, before the arrival of Pavelić and after several months of Ustaša rule, was offered the leadership of Croatia by the Germans. According to his memoir he refused on both occasions due to his pacifist beliefs and objections to the German occupation.

individuals, of nations, and of states. Prove yourselves, venerable brethren, now, and fulfill your duty toward the young Croat state."[295] He concluded by announcing that on May 4th, all local parishes in the state were to invite local government officials and hold a *Te Deum* further celebrating statehood and independence.[296] However, the Church soon became disenchanted with the practices of the state, but never enough for Stepinac or any others to stand up and publicly oppose the NDH.

The fervor subsided with the Axis clarification of NDH borders. Of particular disappointment to Croats was Italy's seizure of the coastal region of Dalmatia. Initially Pavelić refused to budge on the issue, but eventually conceded the whole coastal area with the agreement on May 18th, after the establishment of the NDH.[297] This treaty also included handing over the monarchy of Croatia to the Italian Duke of Spoleto, who was crowned King Tomislav II.[298] These moves by Pavelić to secure the limited autonomy of the NDH from the Axis powers were done so willingly, although the sacrifice cost the regime in terms of political support and population. Citizens of the NDH greeted the news of the loss of the Dalmatia area with great disappointment, many losing confidence in the power of the state realizing that they were indebted to the Axis powers for their long-awaited independence.[299] Dalmatia's Croat majority of ninety percent was severed from the NDH until the Italians capitulated in 1942.[300]

Once the dust from German invasion had settled in April 1941, Pavelić and his associates started the business of running the puppet state of the NDH. Within the month of April the Ustaša set up the legal exclusion of the state's out-group. He assumed the title of *Poglavnik*, or leader, and the office of president.[301] As a simple but dangerous message, Pavelić declared on April 29th, that "only Croats rule always and everywhere."[302] This serves well as a pre-text to the nature of the NDH. Borrowing from Starčević's nationalist ideals, Pavelić confirmed that he would portray NDH Serbs as merely mistaken Croats. In a conversation with Adolf Hitler, he confirmed

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[295] Archbishop Stepinac, "Circular Letter to the Venerable Clergy of Zagreb Archdiocese," April 29, 1941, ed. Richard Pattee, *The Case of Cardinal Aloysius Stepinac* (Milwakee: Bruce Publishing Company, 1953), 258-260.

[296] Stepinac, "Circular Letter to the Venerable Clergy of Zagreb Archdiocese," April 29, 1941.

[297] Galeazzo Ciano, *The Ciano Diaries, 1939-1943: The complete, unabridged diaries of Count Galezzo Ciano, Italian minister for foreign affairs, 1936-1943*, trans. by Hugh Gibson (New York: Doubleday $ Company, Inc., 1946), 354.

[298] Ciano, 354. The new monarch remained in Italy for the duration of the war, never visiting his kingdom.

[299] Ivo Goldstein, *Croatia: A History*, trans. by Nikolina Jovanović (London: C. Husrt & Co. Ltd., 1999), 134.

[300] Goldstein, 134.

[301] Dulić, 81, 83.

[302] Ante Pavelić April 29th, 1941, quoted in Tomasević, 383.

that the central issue to the Serb question in the new state was that many Serbs, especially the inter-war converts to the SOC, were actually Croats, "The Serbian problem had actually existed for only the past sixty years. The portions of the population which had gone over to the Serbian Orthodox Church at that time had as a result been erroneously designated as Serbs, whereas they were in reality Croats."[303]   Echoing Starcevic, Pavelić also said, "There were very few real Serbs in Croatia. They were mostly Croats of Orthodox confession."[304] Underscoring the policy of the NDH, this perspective on Orthodox Serbs, whether they were part of the group of inter-war converts or not, made them targets for deportation, conversion, or death. Pavelić here emphasizes the Croat struggle for nationhood, finding it roots back in the nineteenth century. He continually defined the Croatian nation by its fight against the influences of Serbian infiltration, thus characterizing the in-group and out-groups of the NDH.

A plethora of decrees in April established the aggressive format of the new nationalist state. The "Law Decree on the Defense of the People and State" of April 17th, clarified who belonged to and who was a target of the state: "(1) Whoever in whatever way acts or has acted against the honor and vital interests of the Croatian people or in any way endangers the existence of the (NDH) or state authority, even if the act is only attempted, commits an act of high treason. (2) The penalty for crimes mentioned in Article 1 is death."[305] Couched in the euphemistic terms of protecting the people and state, this decree legalized the identification of those opposed to the state, and also those who did not fit into the Ustaša conception of the Croat nation. Most terrifyingly, the decree clearly entailed that those who did not fit into the in-group, or who could be classed as the out-group, were punishable by death.

Another decree passed to solidify the state conception of the in-group was the "Second Law Decree on Citizenship," of April 30th, stating, "A citizen is a resident of the state of Aryan origin, who by his actions has shown that he has not worked against the liberating tendencies of the Croatian people and the (NDH)."[306] This honorary Aryan status, inherited from the western ties to the Habsburg Empire and derived from the shared politics with Nazi Germany, was primarily aimed at Croatia's Jews and Roma. However, it further adds to

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[303] "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941, *Documents on German Foreign Policy, 1918-1945, from the Archives of the German Foreign Ministry (DGFP)*, Series D, vol. 12, n. 603 (Washington D.C., 1960-1945), 978.

[304] Ante Pavelic, quoted in Fikreta Jelic-Butic, *Ustashe i Nezavisna Drzava Hrvalska 1941-1945* (Zagreb: 1976), 173.

[305] "The Law Decree on the Defense of the People and State," April 17, 1941, *Zbornik zakona i naredaba NDH, 1941*, 8, quoted in Tomasević, 383.

[306] "Second Law Decree on Citizenship," April 30, 1941, *Zbornik zakona i naredaba NDH, 1941*, 42-43, quoted in Tomasević, 384.

the creation of an in-group, from which Serbs would be further excluded.

Accompanying the legal exclusion of the out-group were economic measures to erase Serbs from state employment, thus striping many of their livelihoods. Included in these measures were imposed taxes, namely the Patriarchal Tithe of April 25th, Ustaša looting of Serb property, cancelling of old Yugoslav state employee pensions, and the systematic firing of Serbs from certain work places and professions. Many of the open positions were subsequently filled by faithful Ustaša.[307]

The Ustaša violence followed a pattern of three-part purification: deportation, conversion and death. Essential to conversion element of the process the state began to redefine religious conversion as a Ustaša-run, one that 're-secured' Serbs who had converted to the SOC during the inter-war period. However, this policy would be extended to all Serbs as the Ustaša were to lay hold of them on a local, district level basis. Pavelić's decree of April 29th, stated that the central authority of the state was delegated to the local district party officials, allowing them to act independently of central state authority.[308] This order from the Poglavnik himself had dire consequences for those out-group members who, in isolated communities became subject to Ustaša terror.

Integral to the Ustaša polices of excluding the out-group were the functions performed by the 'State Directorate for Renewal,' (Državno ravnateljstvo za ponova, or DRP). This ministry within the government oversaw the deportation of Serbs from Croatia in Serbia and neighboring countries, and the subsequent acquisition of Serb possessions, property, and jobs.[309] As commented on in Pavelić's meeting with Hitler June 9th, 1941, the DRP had its initial mandate in overseeing the incoming Slovenes into Croatia, and the deportation of Serbs into Serbia.[310] As part of what was described in the meeting by Hitler as a necessary "surgery" to the regional population, deportation was a strategy for securing the stability of the NDH that was highly recommended by the Führer, warning, "if the Croatia state was to be really stable a nationally intolerant policy had to be pursued for fifty years, because only damage resulted from too much tolerance in these matters."[311] Inasmuch as Hitler was a role model for totalitarian dictators, this statement, above all, sent the message to Pavelić that rule by violence was the way forward in securing the NDH.

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[307] Tomasević, 382.
[308] Ante Pavelić April 29th, 1941, quoted in Tomasević, 383.
[309] Biodich, "Religion and Nation in Wartime Croatia: Reflection on the Ustaša Policy of Forced Religious Conversions," 85.
[310] "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941, DGFP, vol. 12, 978.
[311] "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941, DGFP, vol. 12, 979.

A crucial division within the DRP was the 'Religious Section,' (*Vjerki odsjek*, or VO). The VO was established on September 15th, 1941, with power to exercise on a local basis the business of converting Serbs to the recognized state religion of Catholicism.[312] It was set up primarily to implement the state-run process of conversion, but also as a response to the rise of coerced baptisms of desperate Serbs seeking protection from marauding Ustaša militias.[313] However, without sufficient staff of its own the VO was completely subject to how the policy was carried out by local districts.[314] This resulted in a chaotic process, fraught by differences in policy interpretation. The records of the VO indicate the struggling policy of conversion soon collapsed by the beginning of 1942.[315] The faultiness of the department and the policy contributed heavily to this disaster.

The program of conversions was officially underway by September. A decree sent out on July 30th, detailed some of the practice of conversions, and set out several areas of action. Conversion from Orthodox to the Greek-Catholic Church was discouraged, except in areas where the latter was already practiced. Orthodox members needed recommendations for conversion stamped by the local NDH authorities; any other official would not count. Notably, it was easier for a peasant to get a recommendation for conversion than members of the Serbian intelligentsia or SOC clergy.[316] By excluding Serb cultural and religious leaders from conversion, communities of Serbs were severed from their leaders. Reverend Radoslav Glavaš, an official of the department of Justice and Religion on July 14th, stated that no teachers, priests, merchants, rich artisans and peasants or intelligentsia would be accepted, but those with Catholic spouses may constitute rare exceptions.[317] By running the process on a state level the policy of conversion and the VO contributed to the cultural destruction of the out-group and, because of the violent manner in which the policy was actually carried out, furthered the genocide of NDH Serbs.

Accompanying the regulation and control of the conversion process were the measures taken against the SOC. The Church was outlawed under its original title "Serbian Orthodox Church" and renamed the "Greek Eastern Church." Dismantling the SOC also resulted in the banning of the Cyrillic

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[312] Biondich, "Religion and Nation in Wartime Croatia: Reflection on the Ustaša Policy of Forced Religious Conversions," 86.

[313] Biondich, 84.

[314] Ibid., 86.

[315] Ibid., 110.

[316] Decree No. 48468/41, July 30 1941, quoted in Richard Pattee, *The Case of Archbishop Stepinac* (Milwaukee: Bruce Publishing Company, 1953) 386, also quoted in Edmond Paris, *Genocide in Satellite Croatia.*

[317] Alexander, *Church and State*, 27.

alphabet and the use of the Gregorian calendar.[318]   All SOC sponsored kindergartens, primary, and secondary schools were also outlawed.[319]

Implementation of these legal measures secured the foundation of discrimination against the SOC. Targeted almost immediately were SOC priests. By August 1941, 327 of the 577 SOC priests in the NDH were either deported or killed.[320] Only twelve managed to flee of their own accord, leaving the structure of the SOC severally weakened.[321] In the Orthodox bishopric of Plaški-Karlovac, encompassing the Western quarter of Croatia, the local Ustaša militia ransacked and destroyed eighty-eight Churches and severely damaged sixty-seven.[322] In other areas whole graves yards were torn up and also looted.[323] Destruction of Serbian institutions did not go without being recognized by those SOC leaders in other parts of the world. As the violence progressed the Serbian Orthodox Diocese of North America published many harrowing accounts and petitions sent to German and US military officials.[324] Despite these efforts cries for help were not acted upon and the Ustaša continued to romp through the countryside of the NDH squeezing the life out of Serb communities.

Ustaša extermination efforts culminated in the establishment of a series of concentration camps throughout the NDH. Although none were quite as 'sophisticated' as Auschwitz, or other German death camps, the purpose of Jasenovac was clear to those who ordered their implementation. In a April 1942, circular to the Ministry of the Interior, the army General Staff, Ustaša militia headquarters, and the chief command of the gendarmerie, General Ivan Prpić commented on the capacity of Jasenovac, "The command of the Surveillance Service—the chief adjutant,… has informed us that the assembly and labor camp in Jasenovac can accept an *unlimited number of inmates* (emphasis added). Therefore, please issue orders to all your subordinate command posts to send to Jasenovac all Communists who are caught during the clearing of areas in which military operations are conducted."[325] As indicated by the "Law Decree on the Defense of the People and State", the NDH was free to classify the out-group as it pleased, and though the camps were no doubt

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[318] Tomasević, 531.

[319] Alexander, *The Triple Myth*, 68.

[320] Tomasević, 529.

[321] Ibid..

[322] Ibid., 530.

[323] Ibid..

[324] Serbian Eastern Orthodox Diocese for the United States of America and Canada. *Martyrdom of the Serbs: persecutions of the Serbian Orthodox Church and massacre of the Serbian people: documents and reports of the trustworthy United nations and of witnesses.* Chicago: Serbian Eastern Orthodox Diocese for the United States of America and Canada, 1943.

[325] Kvaternik, April 27, 1942, quoted in Tomasević, 399.

partly intended for captured partisans, research has shown that Jasenovac was a Ustaša dumping ground for the state's out-groups and opposition.[326] Notorious in Axis occupied Europe were Jasenovac's brutal methods of killing prisoners with knives and hammers.[327] Although the brutality practiced at Jasenovac goes beyond the scope of this paper, there is a wide body of research already dedicated to the camp and its satellite buildings.

Historiography

Since the end of WWII Serbs and Croats have been trying to interpret the events and atrocities of the NDH. The development of this history has often been injected with political bias. Beginning with the trial of Archbishop Stepinac, in 1946, to the more recent propaganda used in the Bosnian war of the 1990s, it has been difficult for historians to compile an accurate, fair picture of how events transpired, and even explain the seemingly complex nature of tensions between the ethnic groups. This is largely due to the post-WWII Yugoslav state-sponsored historical narratives, which were consequently monopolized in their ownership and use. Only recently have more historical, evidence based researchers brought a balance to offset these post-WWII histories.

Among the casualties of state-sponsored history was Stepinac. He played a key, but often misunderstood, role in the NDH. Although he was not a willing accomplice to the Ustaša killings, he protested the atrocities believing that good could be found in the independence of Croatia.[328] As Ustaša leaders fled in 1944, Stepinac remained in Croatia rejecting offers to leave the country and point-blank refused to fall in line with Tito's communist government. Subsequently, he became a public target for communist aggression and was tried and found 'guilty' for war crimes and high treason against the Yugoslav people.[329] Much of the evidence brought forward during the trial was aimed at incriminating the Catholic Church for its involvement with the NDH's brutal methods of eliminating the Serb out-group. The evidence presented varied from correspondence between high ranking Church leaders and NDH officials, to documents that implicated local clergy as militia chaplains and as

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[326] "Jasenovac: The Holocaust Era in Croatia, 1941-1945," *United States Holocaust Memorial Museum*, http://www.ushmm.org/museum/exhibit/online/jasenovac, [accessed March 5, 2007].

[327] See Barry Lituchy, ed. *Jasenovac and the Holocaust in Yugoslavia: Analyses and Survivor Testimonies.* New York: Jasenovac Research Institute, 2006. Documented here are analyses and survivor testimony which attest to the crude and brutal methods used in the camp. Also of importance is the research already done by the USHMM on the camp and how fit into the wider scale of the Holocaust.

[328] Stella Alexander, *The Triple Myth: A Life of Archbishop Stepinac* (New York: Columbia University Press, 1987), 71.

[329] Mark Biondich, "Controversies Surrounding the Catholic Church in Wartime Croatia: 1941-45," 430.

participants in various massacres; including some that also accused clergy of illegally harboring Ustaša terrorists during the inter-war period.[330]

The documentation used as the substance of Stepinac's show-trial today provides fodder to the hasty conclusions that the Church and NDH worked together unanimously to create the Ustaša state. A report by Sava Kosanović, Ambassador of the Federal Peoples Republic of Yugoslavia to the United States, quoting evidence used against Stepinac, can be found on the Internet under the title, *How the Catholic Church united with local Nazis to run Croatia during World War II*.[331] The actual documents cited by this website are the contents of the Yugoslav Federal Peoples Republic report on Stepinac's trial, which was put together in response to the American Catholic protest to the archbishop's arrest and sentence.[332] Thus, the documentary evidence collected by Tito's communist regime, although it provides crucial testimony and actual NDH documents, has been used in an exaggerated and distorted recounting of Croatian history. Even though these documents appear under the auspices of a Serbian bias, they are very valuable for this study, because the *Katolički List* (Catholic News) articles and speeches by Ustaša leaders are English translations whereas they are typically only found in Serbo-Croatian.

Following the communist incarnation of Yugoslavia, state-sanctioned historians added their works to the story of genocide in the NDH. Foremost among these historians was Vladimir Dedijer. Dedijer had been a member of the communist party since the 1930s, reported on the Spanish Civil War, and served alongside Tito in the partisan army during WWII.[333] After the war, he served as a Yugoslavian delegate to the United Nations.[334] Exiled in 1953, for disagreements with the regime, he returned in the 1960s, and continued his career by documenting the genocide of Serbs in the NDH. Dedijer's main work that applies to this study is his Serb-sympathetic *The Yugoslav Auschwitz and the Vatican*. This work covers not only the Jasenovac concentration camp, and the horrors that occurred there, but the process of genocide undertaken by the Ustaša, also including witness testimony of Ustaša violence and forced conversions used at Stepinac's trial. Dedijer's access to primary sources at the time of writing has been its most redeeming quality.

Due to the pro-Serb memorialization of Jasenovac, the camp left an indelible impression upon the physical and historical landscape of Croatia. Erected as part of the memorial was a huge stone artwork depicting a blossomed

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[330] Pattee, x-xvi.

[331] Sava N. Kosanovic, "The Case of Archbishop Stepinac," Washington: Embassy of the Federal Peoples Republic of Yugoslavia, 1947. **http://emperors-clothes.com/croatia/stepinac1. htm#c [accessed February 9, 2007].**

[332] Kosanovic, "The Case of Archbishop Stepinac."

[333] Vladimir Dedijer, *War Diaries of Vladimir* Dedijer (Ann Arbor: University of Michigan Press, 1990), xxiii.

[334] Dedijer, *War Diaries*, xxiii.

flower. Built in the 1960s by sculptor Bogdan Bogdanović, the memorial was intended to represent the overcoming of suffering, and the construction of a museum came a few years later.[335] During the 1990s Bosnian conflict, the museum was plundered and abused by the Croatian army.[336] According to a 1991 documentary, *The Road to Nowhere- Yugoslavia*, contemporary to the ransacking of the memorial, 3,000 Croatian police and military occupied the site and used it as barracks.[337] The film shows the deserted, ruined library and archival collections. A local Serb EU translator who was interviewed recalled, "Croats have seemed to hate the monument; it seems to blame them for all the bloodshed of the Yugoslav past."[338] He continued with a biased but poignant observation, "every exhibit was destroyed, as if by turning against the past would purge (Croatian) memory....They want to destroy the evidence."[339] Lying not far from Zagreb itself, the memorial truly serves as a sore reminder of a past marked, even during the early 1990s, by fierce and often violent debate.

Commenting on the use of Croat and Serb WWII memory as propaganda during the early 1990s, historian V.P. Gagnon documents how this history continued to be revised and abused. In *The Myth of Ethnic War*, he evaluates the use of Serbian tragedies during WWII as a tactic of demobilizing groups opposing the growing ferocity of Serbian nationalism. He cites the use of official Serbian television spots, during the early 1990s, broadcasting memories of the NDH in an attempt to unite Serbs in the common threads of dangerous nationalism, "Belgrade newsreaders made it clear that Croats were trying to wipe out Serbs once again. The broadcasts were psychologically powerful. Anyone who watched these scenes, hearing a discourse of genocide...could easily be convinced that at a minimum the new nationalist government of Croatia was responsible for these horrible atrocities."[340] Gagnon argues that the memories of WWII Yugoslavia were used to demobilize integrated heterogeneous groups and communities, those inclined to political pluralism, by using memories of the Serb victimization to create a populist nationalist movement.[341] The creation of this nationalist discourse also saw the implication of the term

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[335] "What was Jasenovac?" *Jasenovac Research Institute*, http://www.jasenovac.org/ whatwasjasenovac.php [accessed April 11, 2008].

[336] Jasenovac: The Jasenovac Memorial, *Muzeiski doucmentacijski centar (Museum Documentation Center)*, The Republic of Croatia, http://www.mdc.hr/RatneStete/eng/rezultat1.asp?m=15 [accessed February 10, 2008].

[337] Films for the Humanities and Sciences, VHS, *Nationalism Blood and Belonging: The Road to Nowhere- Yugoslavia* (Princeton NJ: Films for the Humanities and Sciences).

[338] Films for the Humanities.

[339] Ibid..

[340] V. P. Gagnon Jr, *The Myth of Ethnic War: Serbia and Croatia in the 1990s* (Ithica: Cornell University Press), 2.

[341] Gagnon, 7.

"Ustaša" as a synonym for those disloyal to the Yugoslav state.[342]

This nationalist discourse, as viewed by Western observers, created a perception of violence that was imbedded in ethnicity and therefore incurable. Robert Kaplan, in his *Balkan Ghosts*, claims that Yugoslav ethnic conflict was merely a historical product of ongoing tribal and ethnic hatreds. This perception of Yugoslav history was one of irreconcilable differences between Serbian, Bosnian, and Croat belligerents; these peoples were bound to the torment of a troubled past.[343]

Since the emergence of an increased interest in Holocaust studies, and the opening of Croatian, Yugoslav, and other state archives, historians such as Jozo Tomasevich, Mark Biondich, and Tomislav Dulić, have written about the Ustaša organization, the role of the Catholic Church in NDH, and the functionality of forced conversions. Their studies have injected serious historical research, thus stepping away from more nationalist histories. This growing area of Holocaust studies is still limited by the lack of Western attention to non-Jewish victims of the Holocaust in the Balkans. Focused analysis of these atrocities is essential not only for Croatian historiography, but also an important part of the continuing national question within the former Yugoslavia, especially as former Yugoslavian states attempt to redefine themselves with increasingly democratic institutions and governments. It would also add further pieces of memory to the patchwork of Holocaust victims.

A Model of Genocide

Fundamental to the analysis of the Ustaša's attempt to cleanse the NDH Serb population is a discussion of what qualifies as genocide. Since Raphael Lemkin did not coin the term until 1944, at which point the Ustaša regime was weakened beyond repair, further consideration is needed to clarify the meaning of the word 'genocide'.[344] Prior to Lemkin's main work, *Axis Rule in Occupied Europe*, and the United Nation's Convention on Genocide, legal steps were made to recognize crimes against humanity.

An early development of the crimes against humanity was the Armenian genocide perpetrated by the Young Turks, under the guise of deportation and eliminating perceived internal threats.[345] The wholesale killing of Armenian men, women, and children was unanimously condemned by Russia, Great Britain, and France, on May 24th, 1915; using for the first time the language,

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[342] Ibid., 81.
[343] Robert D. Kaplan, *Balkan Ghosts: A Journey Through History* (New York: St. Martins Press, 1993), xxiii.
[344] William A. Schabas, *Genocide and International Law: The Crime of Crimes* (Cambridge: University of Cambridge Press, 2000), 25.
[345] Niall Ferguson, *The War of the World* (New York: The Penguin Press, 2006), 178-179.

"crimes…against humanity and civilization."[346] The Armenian case sprouted
an international consciousness for crimes against humanity by recognizing
the organized and systematic removal and slaughter of innocents. Though
limited, compared to the industrial genocide practiced by the Nazis, the
Armenian tragedy was a deliberate attempt at destroying a targeted group.

Lemkin's initial definition of what he termed 'genocide' was developed
from his observations of Turkish and Nazi brutality, especially when observing
the lack of international law to protect Jews from the legalities of the
Nuremburg Race Laws.[347] Fleeing Poland in 1940, Lemkin came to the US
and worked with the fledgling UN to produce the Genocide Convention.[348]
The convention was founded in Lemkin's definition:

> (A) coordinated plan of different actions aiming at the
> destruction of essential foundations of the life of national groups,
> with the aim of annihilating the groups themselves. The objective
> of such a plan would be disintegration of the political and social
> institutions of culture, language, national feelings, religion, and the
> economic existence of national groups and the destruction of the
> personal security, liberty, dignity and even the lives of the individuals
> belonging to such groups.[349]

Specifically this definition focuses on the treatment of the targeted
group and approaches that show intent to eliminate. This definition serves
well when considering the targeting of Serbs within the NDH, and to what
extent they were systematically erased from the state. Of particular focus
here is the Ustaša destruction of "political and social institutions of culture,
language, national feelings, religion, and…economic existence," especially
SOC members and institutions.[350] Not neglected of course, is the treatment
of individual, and non-SOC Serbs, who were also identified by the state as
part of the out-group.

Qualifications set for the in/out-groups created by the Ustaša, lacked a
uniform, or well-formed ideology, thus making it difficult to determine intent.
A child of Croatian nationalism and hard-line Catholic beliefs, the Ustaša
movement based its concept of the NDH out-group on the self-appointed
mission to solve the 'Serb Question'. Mark Biondich claims that from Croatia's

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[346] *History of the United Nations War Crimes Commission and the Development of the Laws of War*,
London: His Majesty's Stationary Office, 1948, 35, quoted in Schabas, 16.

[347] Schabas, 24.

[348] Ibid., 25.

[349] Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government,
Proposals of Redress* (Washington D.C: Carnegie Endowment for World Peace, 1944), 79.

[350] Lemkin, 79.

independence in the spring of 1941, sustaining the NDH meant addressing the Serbian population.[351] The out-group, as defined by the Ustaša, also included Roma, Jews, and others as determined by the state.[352] However, the focused out-group for the Ustaša was most certainly the Serbs, whom they saw as the oppressors of the inter-war period; now that independence had been wrestled from them, even though Hitler and Mussolini were the *de facto* authors of the NDH, the Ustaša were to ensure the future of the NDH through the oppression and elimination of their enemies.

The Ustaša approach to genocide has often been characterized by the apocryphal speech given by Minister of Education and Culture Mile Budak, in July 1941, at Gospić, "We will kill part of the Serbs, the other part we will resettle, and the remaining ones we will convert to the Catholic faith and thus make Croats of them."[353] Although the authenticity of this quote is questionable, it will be confirmed here that the Ustaša did aim at deporting, converting, or killing the majority of Serbs within their reach as part of a systematic attempt. Eventually the processes of deporting, converting, and killing took its toll on the stability of the NDH, but ultimately the violent, forced conversions would have the most significant impact on the NDH's purification strategy by giving the violence already occurring in the early summer of 1941, a nationalist-religious end, causing greater German and regional opposition.

In examining the intent of the architects of the NDH to remove Serbs a certain amount of congruity is found with what Lemkin describes above as 'genocide'. The UN *Convention on the Prevention and Punishment of the Crime of Genocide* also sheds light on how the intent of mass killings committed in the NDH should be analyzed. Pivotal to the *Convention* is the definition:

> any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: (a) Killing members of the group; (b) Causing serious bodily

[351] Biondich, "Religion and Nation in Wartime Croatia: Reflections on the Ustaša Policy of Forced Religious Conversions, 1941-1942," 80.

[352] "Jasenovac: The Holocaust Era in Croatia, 1941-1945," *United States Holocaust Memorial Museum*, http://www.ushmm.org/museum/exhibit/online/jasenovac, [accessed March 5, 2007].

[353] Mile Budak, June 6 1941, quoted in Vladimir Dedijer, *Yugoslavian Auschwitz*, 130. Included in Dedijer's research, this speech from Budak seems to have been somewhat hazy in its authenticity. Other historians have been less willing to quote Budak's statement on the policy towards Serbs. Jozo Tomasević mentions this 'thirds' approach of deporting, converting, or killing, but refrains from quoting Budak. Tomislav Dulić states that in his research he has not been able to find the original quote as cited by Dedijer. Stella Alexander in *The Triple Myth* cites Budak giving this speech at Gospić on June 22, 1941. However, Alexander adds that according to a conversation with a Catholic contemporary, "Budak said something similar on a number of occasions, sometimes privately."

or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.[354]

Indeed the intent of the Ustaša to destroy part of the group in order to purify the NDH fits the definition of the term genocide in the *Convention*. However, difficulty arises in looking at the variance of the assimilationist and exclusionist natures of Ustaša policies. As will be described with the implementation of forced conversions to Catholicism, the policy intended that the NDH's Serbs would become assimilated into the accepted in-group. In reality the policy was carried out in a fashion that was more typical of the other more violent methods of deportation and killing, even though it was clear to many of the leading Ustaša coercion was going to be necessary in 'converting' some Serbs. Thus we see the difficulty of assessing Ustaša intent solely on the basis of the wording of the *Convention*.

This three-part purification tactic fits into the specialized model used by Tomislav Dulić in his dissertation, *Utopias of Nation: Local Mass Killing in Bosnia and Herzegovina, 1941-1942*. The model follows the progression of intent, systematics and magnitude; these three dimensions correspond with three phases of conceptualization, implementation and realization.[355]

Dimension	Intent	Systematics	Magnitude
	↓	↓	↓
Phase	Conceptualization	Implementation	Realization

By specifying the categories of *dimension* and *phase* Dulić has made clear the requirements of "motives and mechanisms," for genocide to succeed. This plotting also is helpful in showing the progression of mass killing into genocide, consequently, enabling the researcher to differentiate between complete and abandoned genocides.[356]

Introductory to Dulić's study of mass killings in the Bosnia and Herzegovina area of the NDH, he makes a brief survey of the meaning behind the terms *genocide* and *ethnocide*. He draws particular attention to historians' debate surrounding the *Convention* phrase "whole or in part," and how historians weigh in on differentiating between total genocides and local

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[354] UN Office of the High Commissioner for Human Rights, *Convention on the Prevention and Punishment of the Crime of Genocide*, General Assembly resolution 260 A (II), entry into force, in accordance with article XIII, 1951.

[355] Dulić, 12.

[356] Ibid..

genocides. He defines *ethnocide* as having the aim of forcibly removing a certain group from an area in order to 'purify', or homogenize, an area.[357] Dulić does allow that killings can, and do, result from this strategy of forced relocation in so far as they can be instrumental in creating the desired national composition of an area.[358] Dulić's employment of the above diagram and definitions are used to argue that genocide, in its more complete scope, did not occur in the Bosnia-Herzegovina area of the NDH.[359] This argument is likewise used here in this study to show that the Ustaša treatment of Serbs did not constitute a complete genocide, but fell more in-between what has been cited as ethnocide with accompanying mass killings. The conversion policy as outlined above tells the story, in this writer's opinion, more acutely of how the NDH's unsure intent to commit genocide slowly transformed into assimilation and a failed genocide.

Failure of the Policy of Forced Conversions
A Dark Summer of Implementation

As a prelude to the expansion of the genocidal process into forced conversion, mass killings and deportations declared an open season on NDH Serbs during the summer of 1941. These atrocities were typical of the more chaotic and uncoordinated violence perpetrated by Ustaša militia. During these summer months the DRP was busy reshuffling the ethnic make-up of the NDH. With official consent from the German authorities Slovenes were moved in, while Serbs were dumped at the NDH-occupied Serbia border.[360] In some cases after Serbs were driven from their villages, the militia moved in ransacked and burnt the homes to the ground.[361] By the time the German authorities ended the deportation in the late fall it is estimated that 15,250 Serbs were pushed from their homes into Serbia.[362]

One of the more infamous cases of this early violence was comprised of the attacks in Glina. During the summer months this mixed community of Serbs and Croats received more than one visit from the local Ustaša. Maček recalled that, "several hundred Serbs, who had gathered within the sanctuary of a Church at Glina, were pitilessly murdered."[363] There are many arresting accounts of massacres and unofficial forced conversions occurring from May

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[357] Ibid., 16-20.

[358] Ibid., 15.

[359] Ibid., 365.

[360] "The Director of the Department for German Internal Affairs to the Plenipotentiary of the Foreign Ministry With the Military Commander in Serbia," August 30th, 1941, *DGFP*, vol. 12, 416.

[361] Edmund Glaise von Hortensnau to Arthur Haeffner, August 27, 1941, National Archives (NA) T-501, roll 265, frames 286-87.

[362] Alexander, *Church and State*, 23.

[363] Maček, 234.

to August. The attack on May 12th, was reported by Stepinac in a letter of complaint and caution to the Poglavnik. On this occasion 250 Serbs were taken into the Orthodox Church, the Ustaša then locked up the doors and burned the building to the ground, killing those trapped inside.[364] The Serbs were reportedly lured into the church building with a promise of protection if they converted.[365] From the beginnings of the NDH it was the Serb's fear of violence that drove them toward conversion, and although the VO was not established for another four months, conversion was a tool of coercion and murder.

The tragedy of May soon turned into refreshed violence in July. Reported on at the Nuremburg Trials, in July the Ustaša returned. This time 500 Serbian men, women, and children, were massacred.[366] From the surrounding villages Serbs fled into the woods, only to be lured out with further promises of protection. Some were offered amnesty; 250 more were butchered, only this time with knives and hammers.[367]

As the summer peaked in August, the Ustaša again returned to the town. Based on the account of the only survivor Ljuban Jednak, 1,030 Serb men were again rounded up on the auspices of conversion. Jednak describes the scene that followed, "When there is absolutely no escape, when your friends and relatives are being slaughtered right before your eyes, when you see a special squad who we called the 'skull crushers'—it is a nightmare! You hear your friends' voices, you relive the scene over and over again. The butchers are drenched in human blood. It's almost your turn. But I am alive. How did I manage to escape?"[368] Despite the harrowing nature of this testimony, evidence for this attack is somewhat sketchy. The supposed photographic evidence—it was common for Ustaša to photograph their victims prior to slaughter—suggests that the Serb men were gathered in a church, and other historians claim that this event occurred in June and 1,200 were killed, not 1,029.[369] The testimony also begs the question, how did Jednak escape? Unfortunately, I was unable to find any further, trustworthy witness testimony on his account.[370] There is however, contained in the Serbian Orthodox

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[364] Tomasević, 398.

[365] Alexander, 24.

[366] Glenny, 500.

[367] Ibid..

[368] "Bloody Baptism Bath in the Church of Glina August 21, 1941," *The Serbian Genocide 1941-1945* (Alhambra: Serbian Orthodox Diocese of Western America, 1992).

[369] "Serbian civilians who are being forced to convert to Catholicism by the Ustasa regime stand in front of a baptismal font in a church in Glina," June, 1941, Photograph 90163, *USHMM*, http://www.ushmm.org/uia-cgi/uia_doc/query/1?uf=uia_zuBVfq, [accessed April 10, 2008].

[370] Jednak apparently came forward in 1997 and was interviewed for the newspaper *Blic*, see Ljubomir Tesic "Ljuban Jednak: How I survived Ustasha hell," *Blic*, May 20, 1997, quote in "Key Witness to the Ustasha Hell," Serbian Network, http://srpska-mreza.com/library/facts/

Diocese of North America petition, a confession of a Ustaša militia member, Hilmija Berbović, who stationed in Glina, in June 1941, participated in a massacre of 1,000 Serbs who were locked in a Orthodox Church and killed. He states, "The commanding captain would order 15 men to execute the work of killing. Before they would leave for this job, they were given alcoholic drinks…when they became intoxicated, they were given knives and sent in side the Church."[371] Although this account offers valuable information about the incident, it does not clarify the date, or the number of victims. Also adding to the validity of Berbović's confession, was that it was given to Serbian police upon his capture in October 1942.[372]

Furthermore, a letter received in defense of Stepinac from a Catholic priest in Glina describes the arrest of the women widowed after the May attack. He recalled that on August 29th, "Second Lieutenant Rolf with about fifty young Ustashi (sic.) came to Glina. He immediately arrested all Serbians, for the most part widows of those who been massacred on May 12th, 1941."[373] This group had already converted during the summer, thus allowing the priest to enlist Stepinac's aid for their release.[374] Although the summer of 1941 in Glina was harrowing, it had proven to be one of the more extreme cases. However, this extremity demonstrates the ferocity and lies used on the part of the Ustaša throughout the early months of their rule.

Limited realization of the Genocide and the Conversion Approach
The manner in which the policy was carried out from the outline given during the spring months of 1941, contrasts starkly with what was supposed to occur. The legalities of the April decrees and the rules set by the VO were traded in for brutal and unorganized methods that were meant to purify the state and were carried out by zealous Ustaša and a few local clergy. The events that transpired from the summer of 1941, through 1942, demonstrate how the policy of forced conversions failed due to the violence and chaos with which it was carried out.

Although there were varying levels of collaboration by Church officials,

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Jednak.html, [accessed April 10, 2008]. This version states that the attack occurred between August 3rd or 4th, and that 1,500 Serbs were killed in a church.

[371] Serbian Eastern Orthodox Diocese for the United States of America and Canada. *Martyrdom of the Serbs: persecutions of the Serbian Orthodox Church and massacre of the Serbian people: documents and reports of the trustworthy United nations and of witnesses.* Chicago: Serbian Eastern Orthodox Diocese for the United States of America and Canada, 1943, 285.

[372] Serbian Eastern Orthodox Diocese for the United States of America and Canada, 284.

[373] "Testimony of Father Žužek of Glina regarding the Efforts of the Archbishop to Save Lives," ed. Richard Pattee, *The Case of Cardinal Aloysius Stepinac* (Milwakee: Bruce Publishing Company, 1953), 405.

[374] "Testimony of Father Žužek of Glina regarding the Efforts of the Archbishop to Save Lives" 406.

those most actively involved were the local level clergymen and those who accompanied Ustaša militia as military chaplains. Their participation varied: performing Catholic religious services for Ustaša troops, harboring them before the spring invasion of 1941, participating in killings as uniformed Ustaša, and performing conversion ordinances.[375] In a few cases extremist clergy collaborators facilitated a transition from mass conversions to extermination.

In the rural areas of the NDH, forced conversions turned into an orgy of religiously justified pogroms of Orthodox Serbs. From the eyewitness accounts of survivors, there emerges a clear pattern of the actual process. The following eyewitness accounts are drawn from testimonies given at Stepinac's trial in 1946. These accounts were taken from Dedijer's personal archives and in his book *The Yugoslavian Auschwitz and the Vatican*.[376]

Survivors and observers describe the process starting with armed Ustaše, accompanied by local Catholic priests, surrounding the villages to ensure no Orthodox Serbs escaped. In the village of Borovo on November 21st, 1941, two monks from a near-by village arrived with Ustaša officials; later threatening that Serbs must either convert or be murdered. Two weeks following the initial visit two priests were brought in from a neighboring area. Josip Ban, a Serb, recalled, "They held gatherings and admonished the Serbs also to be baptized. Then supposedly nothing more would happen to them."[377]

On a few occasions over-zealous priests participated in the forced conversion process. Mara Rupcic, a Croat observer from Udbina, remembered that, "When the first Serbs were being rebaptised, the priest Mate Mogus was there. He gathered the Ustaša around him and whatever he commanded them, they did it...On the orders of the priest the Ustaša slaughtered the (converts) and eliminated them."[378] The village of Udbina contained a mixed community where, as Rupcic claimed, they had "lived well" together.[379] However, when Mogus and the Ustaša arrived during 1942, the whole Serbian Orthodox population of some 12,000 people was under threat of annihilation.[380] Mogus announced to the Serbs of Udbina, and two of the neighboring villages, that even though they had followed orders and met at the appointed time for their forced conversion, no mercy was to be extended to them. "You Serbs have come to be rebaptised. No one will rebaptise you... For you there is no salvation, whether you are baptized or not...You Serbs, for you there is no hope, even if you go into the woods. I will find you

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[375] Kosanovic.

[376] Dedijer, "Eyewitness Testimonies about the Compulsory Conversions," *The Yugoslavian Auschwitz and the Vatican: The Croatian Massacre of the Serbs During World War II*, 371.

[377] Dedijer, "Eyewitness Testimonies about the Compulsory Conversions," 362.

[378] Ibid., 361.

[379] Ibid..

[380] Ibid..

there, too!"[381]   At Ubdina, Mogus proclaimed, "We Catholics until now have worked for Catholicism with the cross and the book of the mass. The day has come, however, to work with the revolver and the gun."[382]   It was clear that Mogus, as part of the minority of extremist clergy, felt religiously justified in using violent force to expand the dominion of the Church and consequently the NDH, securing the state against the outsider Orthodox Serbs.

Serbs confronted with this ultimatum to convert or die reacted in a variety of ways. Ilija Subaric, a farmer in Josevica, recalled, "Many reported voluntarily for rebaptism to save their lives. Some...even submitted requests themselves, which were then recognized."[383]   Another Serbian victim, Mico Ignjatovic in Brcko, from November to December 1941, noticed, "Certain people, retired people, state employees, and some others actually converted."[384] Those with careers or social status to lose were motivated to adhere to the new authority. This also included the aged, who were too old to resist.[385]

Serbs who volunteered for conversion were not spared from coercion, threats, and in many cases, violence. As shown from the summer months of pre-policy violence, some were lured into conversion with promises of protection, while others consciously sought 'safety' in Catholicism. Ignjatovic continues in his account to say that he and his family and neighbors resisted initially, and were consequently threatened and beaten.   "(We) held our ground and were locked up because of it...When the Ustaša patrols had gathered us up, they threw us into the high school like a cage. There they beat with anything that they had at hand, with rifle butts and whips." Ignjatovic and the others were then marched naked and barefoot for four kilometers.[386] He was rebaptised after this ordeal; however, the rebaptism offered him and his neighbors no security or reassurance of peace. Within weeks the town's Orthodox Churches and graveyards were looted and destroyed.[387]

In other accounts, after committing themselves to be rebaptized, Serbs went through a re-education program that usually lasted one to two weeks. With support and official sanction from Zagreb, priests carried out these lessons, without any solid guarantee for the converts' safety. Jozo Jelcic, a Croat tailor, remembers the re-education of Serbs in Pribirovci, "(The Priest Don Ilija Tomasic) taught the people what they had to know for the first days. He began with prayers and distributed a little book in the form of a brochure to every house."[388]   Another observer recalled, "Religion classes were held for

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[381] Ibid..
[382] Avro Manhattan, *The Vatican's Holocaust* (Springfield: Opzark Books, 1986), 67.
[383] Dedijer, "Eyewitness Testimonies about the Compulsory Conversions," 358.
[384] Ibid., 367.
[385] Ibid..
[386] Ibid..
[387] Ibid..
[388] Ibid., 356.

the Orthodox and (then) they were rebaptised when they had taken part in them two or three times."[389] Another Croat, Ilija Subaric, in the village of Josevica, recalled that in July 1941, a family friend experienced two weeks of re-education.[390]

Additional formalities accompanying re-education included name changes from traditional Orthodox to Croatian Catholic ones, and filling out and getting approved conversion recommendations; some even paid for their conversions. Dane Vrklijan knew a family from his village in 1941, who had to pay seventy Dinar to be rebaptised.[391] Another remembers his Orthodox neighbors as having to pay forty Kuna before swearing an oath of allegiance to the NDH, renouncing his Serbian ethnicity.[392]

Following these formalities, those who made it to the mass conversion were rebaptised in the Catholic Church, making them no longer Serb Orthodox, but Croatian Catholic.[393] Whole villages of Serbs were forced to convert, producing completely new parishes. In 1941, the *Katolicki Tjednik* proclaimed that one such new parish in the village of Budinci contained over 2,300 souls.[394] The desires of the Church leadership in Zagreb and many priests to grow the Church found fulfillment in the hands of the Ustaša. However this benefit came at the cost of violence inflicted on the new converts and other Serbs.

Ostoja Samardzija, a Serb lumber worker in Mlaka, recalled the mass conversion ceremony in March 1942. "We were called in to the big hall of the parsonage...In each corner of the hall stood an Ustaša with a machine gun pointed. In the middle, the priest had taken a seat and at a table next to him sat an Ustaša, the so-called confirmation godfather." In front of the priest each Orthodox Serb had to raise his three fingers and swear the oath, "I am no longer a Serb, not Orthodox, but a pure-blooded Croat."[395] Photos of mass conversions further depict the ceremony being performed outside of the church. The priest, raised up on a platform, sprinkles the gathered Serb crowd.[396] Unfortunately for those who subjected themselves, as well as those who were compelled to be converted, violence and murder continued.

The fate of the Serb converts, although varied, was sadly predictable. Ilija Subaric remembers in the late summer of 1941, after his return from service in the NDH army that many of his Serb neighbors had disappeared. "I came home to witness to the disappearance of individual Serbs who had

[389] Ibid., 355.
[390] Ibid., 358.
[391] Ibid., 355.
[392] Ibid., 364.
[393] Ognyanova-Krivoshieva, 41.
[394] Manhattan, 67.
[395] Dedijer, "Eyewitness Testimonies about the Compulsory Conversions," 364.
[396] Ibid., 372-374. Manhattan, 67-68.

been inducted into the Croatian army who came with the usual certificate of baptism…Then, I know of a family from Gornji Grabovac that had been rebaptized, later arrested, and they disappeared; no one knows where."[397] Ostoja Samardzija's witness of the mass conversion in Mlaka ends with the fate of those who had been rebaptized only a month before:

> At 6 o'clock in the morning came the infamous Ustaša Vailj Panic along with this confirmation godfather to arrest the whole town. All the residents were arrested, tortured, and sent to the camp. On the next day they butchered 26 men and transported the others to the camp at Jasenovac together with women and children. Of the 1,232 people that they had expelled from Mlaka, only 145 returned after the war.[398]

In Drakulic in February 1942, the Franciscan monk Miroslav Filipović arrived with several Ustaše. They proceeded to mercilessly kill 2,300 adults and 550 children.[399] However, this cleansing was not a simple bullet to the head. Victims' body parts were removed, the young girls were raped, and expectant mothers had their unborn children ripped from their wombs.[400] Filipović was well known for his brutality and loyalty to the NDH. Photographic evidence depicts him in his Ustaša uniform.[401] His crimes were 'punished' as he was removed from the Franciscan Order; however he was then appointed by the Ustaša to serve at Jasenovac as a camp commandant. In his final trial he admitted to overseeing the deaths of hundreds of prisoners.[402] Certainly, Filipović's case as a fanatical clergy man was one of very few; however, he certainly represented the more genocidal tendency within the pro-Ustaša Catholic elements of the NDH.

Croatian Catholic Response
Since before the establishment of the NDH Archbishop Stepinac had been an ardent supporter of Croatian independence. He was thoroughly anti-communist, but also very suspicious of German Nazism.[403] However, as mentioned earlier, his and the general Croatian Catholic Church's response to the declaration of the state was favorable and very enthusiastic, mainly

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[397] Dedijer, "Eyewitness Testimonies about the Compulsory Conversions," 358.
[398] Ibid., 364.
[399] Michael Lees, "Selo Drakulic, Feburary 7, 1942," *The Serbian Genocide 1941-1945* (Alhambra: Serbian Orthodox Diocese of Western America, 1992).
[400] "Selo Drakulic, February 7, 1942."
[401] "Portrait of Miroslav Filipovic-Majstorovic in Ustasa uniform," *USHMM*, http://www.ushmm.org/uia-cgi/uia_doc/query/28?uf=uia_qXkgLW [accessed on March 3, 2007].
[402] Kosanovic.
[403] Alexander, *The Triple Myth*, 60.

because the new state provided an opportunity to further Catholic interests. As the Ustaša rule of violence progressed it became clear to Stepinac and other Catholic observers of the forced conversions from 1941-42, that the government and the Church hierarchy were not seeing eye to eye on how the new state was to be conducted. The Bishop's Conference on Conversions in November 1941, documents this opposition. The meeting, and the accounts and petitions produced, give further harrowing detail to the violence of the conversion policy. More importantly, the conference demonstrates the objection of the Catholic leaders in Croatia to the state-centered nature of the conversion policy.

According to the remarks Pavelić exchanged with Hitler, there were unstable relations from the onset of the NDH between the state and the Church. During Pavelić's visit with Hitler in June of 1941, the Poglavnik referred to the troubled ties between the new state authority and the Catholic establishment. Pavelić reported to the Führer that, "A young priest who was in the entourage of the Bishop, and like many young clerics belonged to the Ustaša movement, had made a few remarks which evidently did not suit the high reverend gentleman (Stepinac), whereupon the latter pointed out to Pavelić that the young priest was 'not from his diocese,' but had come along in his company."[404] As a basis to the relationship between the Church and the state, it seems that Stepinac had a certain disdain for those "young priests" who readily mixed politics with their religious duties.

On a few occasions Stepinac made clear his thoughts on the relations between church and state. Pavelić also further noted Stepinac giving the advice, "that one could rule only if one were as forbearing as possible."[405] Stepinac himself also declared, unashamedly in a circular from April 29th, 1941, that the Church should be given full rights to carry out the work of conversion, "We believe and expect that the church in our resurrected Croatian State will be able in full freedom to proclaim the indisputable principles of eternal truth and justice…'The word of God is not bound'… And it will consider it its duty to be 'instant in season, out of season; reprove, rebuke, exhort with all long-suffering and doctrine and with full apostolic liberty.'"[406] These differences of opinion on the relationship between the Catholic Church and its role within the NDH set the stage to how the Catholic leaders would, ultimately, object to the practice of forced conversions.

The proceedings of the November Bishop's Conference on Conversions were sent by letter to the Poglavnik. This letter, though a step forward in

[404] "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941, *DGFP*, vol. 12, n. 603 (Washington D.C., 1960-1964), 981.
[405] "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941, *DGFP*, vol. 12, n. 603 (Washington D.C., 1960-1964), 981.
[406] Stepinac, *Katolicki List*, April 29, 1941, quoted in Alexander, *The Triple Myth*, 61-62.

opposition, carried a balancing of sentiments, by giving the benefit of the doubt to the Ustaša leadership themselves while still protesting what the Ustaša was doing to the Serb population. Stepinac concluded the letter with a tone of "sincere respect," and throughout he blames the violence of the previous months on supposed rogue individuals within the party, calling them, "irresponsible elements and inexperienced youths."[407] Stepinac refers to the actions of these rogue elements as disruptive to work of the Church, "We do not accuse the Government of the Independent State of Croatia of these mistakes. We do not intend to present these faults as if they were systematic, but rather as the acts of irresponsible officials who are not conscious of their great responsibilities and the consequences of their conduct."[408] Clearly, to Stepinac the great tragedy was in the approach which the state had been taking, resulting in the spoiling of willing converts. Citing the atrocities committed seemed to have an end in furthering the goals and dominion of the Church. Although Stepinac saw the methods of nationalizing the NDH very differently than the government, he nonetheless supported the direction he perceived they were taking and the creation of a homogeneous Croatian-Catholic state.

The bishops, whose correspondence with Stepinac is extensively quoted in the letter, were faced directly with the methods which Stepinac saw as regretful. Of particular note are the remarks of the Bishop of Mostar, Aloysius Mišić. His observations and denunciations of Ustaša violence were typical of the other bishop's opinions cited in the letter. However, he also expresses a measure of Stepinac's attitude which saw the loss in human dignity and life as having a detrimental effect on the greater work of the Catholic Church. Stepinac's report included two letters from Bishop Mišić. The first letter, dated August 15th, 1941, further laments the regretful nature of the atrocities, insisting on the innocence of the party leadership. He mentions specifically some of the obstacles placed in the way of the Church's work in his area:

> In many parishes of the Diocese of Mostar... a number of honest peasants announced their intention of being converted to Catholicism. They went to holy Mass, they learned the Catholic catechism, had their children baptized, but then *the intruders gave their order*. While the neo-converts were at Church attending holy Mass, they seized them, the young and the old, men and women, and drove them before them like cattle... and soon sent them to

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[407] Stepinac, "Letter to Pavelić Regarding the Decisions of the Bishop's Conference on Conversions," ed. Richard Pattee, *The Case of Cardinal Aloysius Stepinac* (Milwakee: Bruce Publishing Company, 1953), 395.

[408] Stepinac, "Letter to Pavelić Regarding the Decisions of the Bishop's Conference on Conversions," 387.

eternity, *en masse.* That can serve neither the holy Catholic cause nor the Croatian cause.[409]

It is important to note that although the clergy lamented the loss of potential converts, they did condemn these acts as barbaric and wrong. However, the short coming of Stepinac and his fellow leaders was that the magnitude of the crimes perpetuated by the Ustaša was not enough to turn them away from the appeal of Croatian Independence, nor the benefits that befell the Church in terms of growing numbers and influence.[410]

Bishop Mišić wrote again on November 17th, later that same year describing similar problems. This report describes the atrocities of Serb men and in some cases women and children, being gathered together and thrown off high cliff edges to their deaths. Also in a familiar vein he continued to combine petitioning the loss of human life and disappointment over losing potential converts:

> The Catholic Church does not countenance the commission of acts of violence. It condemns violence and it condemned it as well on these occasions... If the Lord had given to the authorities more understanding to handle the conversions to Catholicism with skill and intelligence with fewer clashes, and at a more appropriate time, the number of Catholics would have grown by6 at least 500,000 to 600,000.[411]

Of particular note in the November letter, Bishop Mišić also refers to the consequences of the violence toward potential and recent converts. Describing the region of Herzegovina under renewed Italian authority, he relates that Serbs turned to the Italians with open arms after having been subject to Ustaša violence, resulting in "schismatic (SOC) churches came to life all of sudden and the pastors of the Greek Churches, coming out of hiding, showed themselves freely because the Italians were amiable and favorable to the Serbs."[412] Losing Croatian land and potential converts was disastrous to the nationalists among the Catholic hierarchy.

Another factor contributing to the failure of conversions and the Church's opposition to the state-run process was the reaction of the Serbs themselves. The previously cited witness testimonies of Ostoja Samardzija and Ilija Subaric point to the fact that Ustaša violence continued after conversion and this disregard for supposedly recognized converts resulted in further detriment to

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[409] Bishop of Mostar to Stepinac, August 15, 1941, quoted in Stepinac, "Letter to Pavelić Regarding the Decisions of the Bishop's Conference on Conversions," 388.

[410] Ibid..

[411] Ibid., 390.

[412] Ibid..

the policy. Biondich in his analysis of the failure of the conversion policy cites from a VO report that a Ustaša prefect in Slavonia was openly rejected when approaching a local village's Serb population promising them, "all the rights of a citizen if the Independent State of Croatia, and that nothing would happen to these (Serb converts)."[413]   The Serbs in this community were unwilling to consider conversion as a method of protecting themselves against further violence. Biondich further cites another VO official who reported that in a similar meeting where Serbs were invited to convert, that some responded, "what is the point of conversion, because (Serbs) remain who they are."[414] The combination of increasing weakness of the NDH and the encroachment of Italian forces within the state's territory caused the policy to eventually crumble.[415]

The build-up of Catholic opposition to how the state was treating the process of conversion, and the converts themselves, continued as Stepinac's public sermons were marked with increasingly disapproving remarks towards the NDH.[416] Coinciding the conference in November and the murmuring of Catholic complaints was a deliberate public display on the part of Pavelić indicating a turn-around on the policy towards Serbs, contradicting the violence that continued into 1942.   On November 18th, Pavelić received a group of Serb converts to Catholicism.   The speech he gave referred to these converts as native Croatians, who had previously been subject to the politicized working of the SOC, which had been successful in tearing apart the Croatian people during the inter-war period.[417] Although this display of brotherhood conjured images of happy converts welcomed into the NDH, it grated against the fate of many converts who were butchered by the wild tendencies of localized Ustaša militias.[418]

The opposition and mood that the Bishop's conference portrayed was not the sole factor that led to the downfall of the conversion policy, nor was the decrease in the violent methods used by the Ustaša; however the actions of the Catholic hierarchy did lead to growing consciousness of the violence

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[413] Vjerski odsjek (Religious Section), quoted in Biondich, Mark Biondich, "Religion and Nation in Wartime Croatia: Reflections on the Ustaša Policy of Forced Religious Conversions, 1941-1942," 102.

[414] Ibid..

[415] Biondich, 97.

[416] An example of Stepinac's increasing opposition to the methods of the state was a letter to the Poglavnik in March 1943. The letter cites individual cases of deportations and further violence against converts; however, it is still veneered with respect for the NDH's leadership, making no direct reference to any personal responsibility on Pavelić's part.

[417] Ibid., 89.

[418] Also notable is the paradoxical nature of Ustaša ideology. Pavelić's remarks were partially congruent with the evidence cited above indicating the approach of nationalizing Serbs through conversion, and how many were simply Croats who had been misled by the SOC during the inter-war years. Also demonstrated by Pavelić's public display is the oscillation of the Ustaša from an exclusionist to an assimilationst policy.

perpetrated against Serbs, one which Pavelić and the NDH leaders could not
ignore. The leaders soon became aware that the policy itself was failing; Eugen
Kvaternik, the Ustaša chief of police, stated that the policy had brought them
to a "blind alley."[419]

German Military Disapproval

Although for different reasons, the *Wehrmacht* and German state officials
in the NDH shared Catholic criticisms of the violence that accompanied the
conversions of the 1941-42 period. The very perpetuation of violence in the
NDH was initially allowed and supported by the higher Nazi officials and
the High Command of the Wehrmacht (OKH).[420] However, as the violence,
committed on a localized basis by Ustaša militia and occasional fanaticized
priests began to contribute and effect the growing partisan movement, the
OKH started to complain and report Ustaša misdeeds as excesses of the most
brutal nature.

Research performed by Jonathon E. Gumz draws a stark contrast with
how Wehrmacht reporting juxtaposed its own efforts at controlling the
population in the region with that of the Ustaša. He argues that while violence
was perpetrated by both sides on their subject populations, the language and
conceptualization of this violence differed greatly. Citing the reports composed
by General Edmund Glaise von Horstenau, who oversaw the areas of Croatia
and occupied Serbia, and lower ranking officers reporting locally on Ustaša
violence Gumz observes most poignantly the use of language in describing
the acts of the NDH. There seems to be a characterization of Ustaša actions
as almost animal, many reports used phrases such as, "slaughter", "plunder"
and "terror".[421] He claims that when referencing German activities that were
conducted in the same manner, language such as "pacify" and "eliminate" were
used.[422] He further notes that as German violence toward the local populace
died down in 1942, increasing attention was drawn to the measures that the
Ustaša had been employing since the first few months the NDH.

Language used by the German military is telling of the fundamental
difference between how the Ustaša and Nazi approaches to genocide differed.
The Nazi's had managed to bureaucratize and institutionalize mass killing to
such a degree that it was no longer butchery but business. An example of
this is the Wannsee Conference of January 1942. This meeting epitomizes

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[419] Eugen Kvaternik, quoted in, Biondich, 107.
[420] See "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941,
DGFP.
[421] Jonathon E. Gumz, Wehrmacht Perceptions of Mass Violence in Croatia, 1941-1942," *The
History Journal* 44, no. 4 (2001): 1016.
[422] Gumz, 1029.

the cold nature of the German approach to killing on a large scale.[423] The Ustaša efforts differed from the Germans' in the violent manner in which homogenization was carried out, although they did on occasion frame their attempted genocide as solving the 'Serb question'; bureaucratization and institutionalization did not occur as it did with the Germans.

The *Wehrmacht* concerns in Croatia did not explode over night. Whilst Italy was still in play, German officials remained aloof in NDH politics and practice.[424] When Italy grew weaker in the face of defeat to the Allies in 1942, and the partisan activity increased throughout Serbia and the NDH, Germany started to become more interested in Croatia. The first complaints of Ustaša butchery came with the deportation of the summer period. Siegfried Kasche, the German ambassador to Croatia sent this telegram to Berlin on July 10th, 1941, "The Serbian question has become considerably more acute in the last few days. The ruthless carrying out of the resettlement with many unfortunate by-products, and numerous other acts of terror in the provinces in spite of the strict decree of June 27ᵗʰ, 1941, by the Poglavnik are giving even the sober-minded Croatian circles reason for serious concern."[425] Through the euphemisms of Nazi bureaucracy, Kasche was signaling to the German leadership some of the first warning signs of the NDH's instability. Of note is the "Extraordinary Decree and Order," of June 27ᵗʰ, that is referenced by Kasche. Under German pressure Pavelić issued the order that "arbitrary" excess against the NDH population were to be punishable by death.[426] This, however, was of little or no effect. In the early months of the NDH the Ustaša paid little attention to the long-term consequences of the excesses of that first summer. A German field report from June 3ʳᵈ, 1941, stated that a column of Serb deportees, while crossing the Drina River were fired upon, leaving their bodies to float down the river.[427] It was from accounts like this that the deportation of Serbs from the NDH into Serbia grew to a halt towards the end of the summer.[428]

However, the violence continued throughout as the conversion policy was put into play by the VO. German authorities grew anxious as this violence and partisan activity increased. Glaise had already determined by August of 1941, that the NDH was dysfunctional and was doing more to contribute to

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[423] "Wannsee Conference on the 'Final Solution'," Holocaust Encyclopedia, *USHMM,* http://www.ushmm.org/wlc/article.php?lang=en&ModuleId=10005477, [accessed April 11, 2008].

[424] "Memorandum by an Official of the Foreign Minister's Secretariat," June 9, 1941, *DGFP.*

[425] "The Chargé d'Affaires in Croatia to the Foreign Minsitry," July 10, 1941, *DGFP,* vol. 13, 113.

[426] Ibid..

[427] 714ᵗʰ Division, Intelligence Staff, NA, T-315, roll 2258, frame 658.

[428] "The Director of the Department for German Internal Affairs to the Plenipotentiary of the Foreign Ministry With the Military Commander in Serbia," August 30, 1941, *DGFP,* vol. 12, 416.

the partisan than to stop it, "The Ustaša regime fails not only politically but also economically bringing about chaos, which will soon accept catastrophic dimensions."[429]   He condemned the methods of 'slaughter, plunder and terror,' as being responsible for swelling the ranks of the partisans.[430]   As the violence progressively worsened from the summer through the beginning of 1942, German leaders, such as Glaise and Kasche, again demanded change from the NDH.

On April 3rd, 1942, after due pressure was applied by Glaise and Kasche the Ustaša capitulated on the conversion rampage.[431]   In one of the only two sessions of the Croatian parliament during the NDH Pavelić called for the establishment of the Croatian Orthodox Church (Hrvatska pravoslavna crkva, or HPC).   According to Tomasević, Glaise and Kasche started prodding the NDH in this direction since the late summer of 1941.[432]   However, as with Pavelić's public display in response to Catholic concerns the effort at creating cultural space for the Orthodox within Croatia was half-hearted.   The HPC was state-operated and lacked any institutional substance, only one bishop was appointed, and the patriarch, selected by Pavelić was a Russian emigrant.[433]   Contradictively, Pavelić announced the HPC with these words of warning, "Nobody is touching Orthodoxy, but in Croatia there cannot be a Serbian Orthodox Church.   I say once again: there cannot be a Serbian or a Greek Orthodox Church! Why?   Because all over the world the Orthodox Churches are national churches.   The Serbian Orthodox Church is an integral part of the Serbian state, Serbia."[434]

Attempted Genocide

Whilst the progress of WWII had moved on around Pavelić, he still clung to the madness of Ustaša doctrines.   The establishment of the HPC put the final nail in the coffin of the conversion policy.   It's demise began with the closing of the VO at the beginning of the year, and its fate hastened on by the continued violence, which drew both the attention and condemnation of Croatian Catholics and German militarists.   Although for their own reasons these two entities brought about the beginning of the end for genocide in wartime Croatia.

The three-part purification policy of deportation, conversion, or death, did not reach fruition in the attempted genocide of the NDH's Serb population.

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[429] Edmund Glaise von Hortensnau to Arthur Haeffner, NA, August 27 1941, T-501, roll 265, frames 286-87.
[430] Ibid..
[431] Tomasević, 544.
[432] Ibid..
[433] Ibid., 544-546.
[434] Ante Pavelić, April 3, 1942, quoted in Dulić, 285.

What actually occurred was the limited realization of Ustaša intent. This resulted in mass killings that can more clearly be defined as the ethnocide of the large Serb minority that progressed into uncontrolled, localized violence. The legalized methods of mass death established by decree in April 1941, and the organizations of the DOP and the VO did not accomplish the tasks set out before them. Pressure from within and without ended both the strategies of deportation and forced conversion. In particular, the practice of violent forced conversions, from its un-official practice in the summer of 1941 to its limited official phase through the end of that year, and the change of policy with the establishment of the HPC shows the turn around from attempted genocide toward assimilation. Inasmuch as an attempt at genocide had started, it ended soon after the failure of forced conversions, therefore never actually fulfilling the expanded parameters of the term 'genocide' as set forth by the model used in this study. From the spring of 1942 onwards, the NDH continued its downward spiral that began with the end of this policy. Thus we see that genocide, a virus of humanity, clearly has points of limitation that can be manipulated to prevent full infection as in the case of the NDH.

Biographical Notes

Currently a History major, Chris is also exploring a minor in Peace and Justice Studies. Originally, from West Sussex, England, he has been at UVSC for nearly four years, and has enjoyed every minute of it. He resides with his wife, Karin, in Taylorsville, Utah. Chris plans on attending graduate school in the coming year, and hopes to earn advanced degrees in History, with a focus in Holocaust and Genocide Studies. Chris has had the opportunity of performing research at the Holocaust Memorial Museum archives, in Washington D.C., and also at the National Archives, in Maryland. Chris has also recently presented his research at the National Conference for Undergraduate Research. His studies have led him so far through the conflicts in Yugoslavia, during World War II and the 1990s. His research will continue to address the issue of genocide, past and present, hoping to identify the causes and factors involved, knowing that this is still an atrocity that can, and should be prevented.

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TO SAVE THE CITY:
THE EARTHQUAKE—AND PEOPLE—
WHO BROUGHT SAN FRANCISCO TO ITS KNEES

MICHAEL FISHER

San Francisco stands proud, poised on one of the most expensive pieces of land in the United States. Amidst the rolling hills and impressive skyscrapers, one might well be convinced that this city is virtually clinging to the edge of the world. But it wasn't always this way. At the turn of the century, San Francisco was the largest city west of the Mississippi and a major financial hub of the United States. It was called, "The Paris of the West." Many people who had gotten rich from mining and the railroad had moved out west to the San Francisco peninsula. Mark Hopkins, Leland Stanford, Collis P. Huntington, and Charles Crocker, who were known as "The Big Four," were just some of the city's rich who had built their large mansions on the city's Russian and Nob Hills. Not but a few blocks away, many of the city's poor lived in less ostentatious homes. At least a third of the city's 460,000 residents were foreign-born and lived in squalid conditions in places like Chinatown. In 1906, San Francisco enjoyed quite a colorful reputation. The city had the highest murder rate per-capita than any other city in America and boasted a ten to one ratio of saloons to churches.

On the night of April 17, 1906, many of San Francisco's elite were preparing to visit the Grand Opera House on Mission Street for a performance of Bizet's "Carmen," by the touring Metropolitan Opera Company, staring famed Italian tenor, Enrique Caruso. Historian Philip L. Fradkin called it

"the greatest display of wealth in the city's history."[435] Little did anyone there that night know, but within three days' time, the city would be destroyed.

The morning of Wednesday, April 18 was unusually clear and pleasant. The regular damp fog that hung around the bay was not present. At 5:12 AM, the Pacific tectonic plate, on its slow journey north towards Alaska, quickly snapped past the North American plate and caused an earthquake. The quake was centered some nine miles south of Lake Merced in San Francisco County. An early morning bather near Ocean Beach quickly ran ashore as the ocean tossed around him. When he got to the beach, every step he attempted to take left him seeing eerie luminous streaks of light—a phenomenon that sometimes accompanies large earthquakes.[436] That man was likely one of the first to feel what nearly a million would seconds later. More than 460,000 residents of San Francisco woke to a world of chaos. A deep, rumbling noise preceded the shaking, which threw people out of their beds. Some would wake to their houses crashing in around them. All around the city, gas lines snapped, chimneys broke, and gas lanterns fell over causing more than 50 major fires within fifteen minutes. Over the next few days, fires would rage out of control before being extinguished. The disaster would leave between 3,000 and 5,000 people dead, 58,000 buildings burned to the ground, 200,000 residents homeless, and over 50 insurance companies bankrupted.[437] Over the years, the world would look back on those three days of carnage and would be quick to blame it on the earthquake—an unpredictable and inevitable risk in California. Much of the disaster, though, can be blamed on human mistakes. Poor preparation for such an event—as well as incompetent relief efforts during the catastrophe—would lead to one of the worst disasters in American history.[438]

San Francisco was no stranger to earthquakes. Historical evidences have alluded to incidences of earthquakes felt by humans for as long as the area has been populated. The northern California Yurok Indians personified earthquakes. According to Yurok legend, the personage "Yewol" (meaning earthquake) went throughout the earth, scaring people, disturbing trees, and tearing up the ground. Scientists say that a great earthquake is believed to have occurred in January 1700, just offshore from the Pacific Northwest. Presence

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[435] Philip L. Fradkin, *The Great Earthquake and Firestorms of 1906: How San Francisco Nearly Destroyed Itself* (Berkeley, Calif.: University of California Press, 2005), 45.

[436] Fradkin, 53.

[437] "The 1906 San Francisco Earthquake and Fire Online Exhibit." *The 1906 Earthquake and Fire Collection.* The University of California Bancroft Library. Joyce Mao, Dylan Esson, Philip Fradkin, and David de Lorenzo, curators. 18 July 2006. <http://bancroft.berkeley.edu/collections/earthquakeandfire/exhibit/index.html>

[438] Although it is difficult to measure how "bad" or "costly" a disaster can be—in terms of lives lost, property damaged, or socio-economic impact for years afterwards—most researchers agree that the Great San Francisco Earthquake of 1906 was second only to Hurricane Katrina (99 years later) as the "worst disaster in American history."

of sand layers covering dated Indian hearths from a tsunami have also been found. Local Indian traditions support this belief. Legends of the Tolowa tribe relate a story of a great earthquake in which everything that stood fell over, and a huge wave came and drowned everybody except a brother and sister who escaped to the mountains.[439]

The year of 1812 was referred to as "el año de los tremblores" (meaning "the year of the earthquakes" in Spanish). On December 8 of that year, a large earthquake occurred in southern California. At San Juan Capistrano, near Los Angles, forty people were killed in a chapel on the day of the Feast of the Immaculate Conception. There were reports of another earthquake (probable 7.1 magnitude) a few weeks later on December 21 in the same area. In 1836, an earthquake shook the California coastline; another one happened in 1838. The 1838 tremor is believed to have been on par with the magnitude of the quake in 1906; residents of Monterey were terrified by the occurrence. What is often pointed out as the largest earthquake in California history happened in 1857 near Fort Tejon, north of Los Angeles. Despite its magnitude, it caused little damage due to its being centered in an isolated area with low population density.[440]

It wasn't until 1865 that the city of San Francisco itself became intimately acquainted with the devastating power of earthquakes. Mark Twain, who was present in the city on that October day, referred to it as "one which was long called the 'great' earthquake, and is doubtless so distinguished till this day."[441] Unknown to Twain at the time was that another large and destructive earthquake loomed just around the corner. On October 21, 1868, San Franciscan Charles E. Miller described "one of the most terrifying calamities, that has ever visited the coast of California" in his diary. According to Miller, it was "the severest one that has ever occurred in the memory of the oldest inhabitant."[442] This "second great quake" was a true wake-up call to northern Californians, as it killed upwards of thirty people. Unlike the quake three years earlier, this one started numerous fires, which were disasters in their own right.

In the 1860s, San Francisco was beginning to emerge as a bustling metropolis; investors and the newspapers did not want the city to be feared because of the earthquake hazard. Earthquake historian Philip L. Fradkin comments that "humans, not the destructive power of earthquakes, were blamed, since to admit to the presence of uncontrollable seismic forces was

[439] A.L. Kroeber, *Yurok Myths*. Berkeley (Calif.: The University of California Press, 1976).
[440] Robert L. Kovach, *Early Earthquakes of the Americas* (Cambridge, U.K.: Cambridge University Press, 2004).
[441] Mark Twain, *Roughing It* (Hartford, Conn.: American Publishing Co., 1872), 428.
[442] Charles E. Miller, Diary, volume 1, entry for October 24, 1868. The 1906 Earthquake and Fire collection. The Society of California Pioneers, San Francisco, CA.

to discourage the investment of capital and continued migration to the city by the gorgeous bay."[443] Reports and telegrams sent to New York and London were watered down to give the impression that little damage occurred and that losses did not exceed $300,000. In reality, losses would amount to almost $1.5 million. A report prepared after the 1868 occurrence "was never published nor can any trace be found," states a later account by the state earthquake commission.[444] "It is stated that the report was supprest [sic] by the authorities, thru the fear that its publication would damage the reputation of the city."[445] Fradkin calls this covering-up a "policy of assumed indifference" which still exists to this day.[446]

The "indifference" to earthquakes, despite knowledge and personal experience of them, led to a slacking in building standards. This was one of the contributions to the great number of building collapses during the quake of April 1906. One terrible example of poor building was the Agnews State Hospital for the insane, near Stanford University. Fradkin alleges that "the design and construction of the structures [there] were a matter of criminal negligence."[447] The collapse of the main building and clock tower killed up to 119 people. Author and historian Simon Winchester cites this "tragedy" as "one of the greatest to befall a single building." [448]

At the turn of the century most new and innovative building techniques were prompted by fire threats—a kind of disaster nearly everyone in the country was familiar with. This led to the high amount of newer buildings constructed of brick and stone. These stronger buildings were better at protecting against fire but were not helpful against earthquakes. Conversely, a structure made of wood would be better against the dangers of falling and killing people in a quake, but would act as a tinder box in a fire. Grove Karl Gilbert, of the U.S. Geological survey, stated in the late 1800s that citizens were unlikely to give up brick buildings for wooden structures because fire would destroy more property than earthquakes.[449]

Another thing that made San Francisco such a dangerous place for an

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[443] Philip L. Fradkin, *Magnitude 8: Earthquakes and Life Along the San Andreas Fault* (New York: Henry Holt and Company, 1998), 77.

[444] William Curlett, et al. *Report [of] the Sub-Committee on Statistics to the Chairman and Committee on Reconstruction.* San Francisco: Committee of Forty on Reconstruction, 1907.

[445] Andrew C. Lawson, et al. *The California Earthquake of April 18, 1906: Report of the State Earthquake Commission,* Vol. I. Publication Number 87 (Washington, D.C.: Carnegie Institution of Washington, 1908), 434.

[446] Most of the destruction had been blamed solely on the fire after the earthquake—after all, the fact was that easterners were familiar with city fires and were prepared to face them as necessary risks; the great fires of Chicago in 1871 and Baltimore in 1904 attested to it.

[447] Fradkin, *The Great Earthquake,* 150.

[448] Simon Winchester, *A Crack in the Edge of the World: America and the Great California Earthquake of 1906* (New York: Harper Collins, 2005) 256.

[449] Fradkin, *The Great Earthquake,* 22.

earthquake was that much of the city was built on one of three different surfaces: rolling sand dunes, steep hillsides, and "made land" (land that was once marsh or water but filled with sand, trash, and other debris in attempts to take advantage of much needed real estate).[450] All three of these surfaces were poor and unstable places to build when the earth moved underneath it. Some of the most horrific damage seen after the earthquake was in the area south of Market Street. This area was once a boggy marsh. The need for such prime real-estate prompted the making of more land, however unstable. At the Valencia Street Hotel, more than 100 people would loose their lives when three of the building's stories sank into the ground in a process called "liquefaction." This process is one where water is driven up through sand during an earthquake, turning the ground into jelly and swallowing up all that is upon it.

Fire chief Dennis Sullivan, who was asleep in his bedroom at the firehouse of 410 Bush Street, bound to his feet at the first sound of the quake. He ran, calling after his wife Margret, who was asleep in an adjoining room. As he entered the room, a cupola from the neighboring California Hotel toppled down into the side of the firehouse. Captain Sullivan did not see the gaping hole in the floor because of the dust and fell nearly forty feet into the basement where he broke several bones. A pipe carrying hot steam from the water system broke and burned him badly. He was quickly carted off to the Southern Pacific Hospital, but he would later die of his injuries. It would be the greatest fire in American history, and he would not be a part of it. As firefighting historian Dennis Smith puts it: "In his absence, it would become the responsibility of less qualified men to try to fill the firefighting void, in the process making decisions that would come to destroy the city. . ."[451]

It had been Sullivan's priority for years to convince the city that their firefighting system was not adequate and needed funding to repair and maintain the city's water pipes and cisterns used to extinguish flames. The advanced alarm system the department had in place was broken and remained silent because of the earthquake, but from every point in the city, a major fire could be seen burning. Firefighters bounded into action after the shaking, freeing their horse teams and engine companies from wrecked stations to find the horror of Sullivan's worst fears. In some places, hydrant after hydrant was found empty. Many cisterns that had been in disrepair were filled in with sand. The shaking also caused water pipes feeding the city to break, washing away thousands of gallons of water. Although the city was surrounded by

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[450] It's not surprising that, in the Loma Prieta Earthquake of 1989, great devastation befell the Marina District which sat upon made land—but it is quite ironic that most of that made land was built upon trash heaped into the bay from the cleaning after the 1906 quake.

[451] Dennis Smith, *San Francisco is Burning: The Untold Story of the 1906 Earthquake and Fires.* (New York: Viking Penguin, 2005), 63.

water on three sides, there was little to none to be found. Desperate firefighters would, in some cases, use wine and raw sewage to fight the growing inferno. Navy ships were commandeered to pump salt water from the bay, but hoses and pumps did not reach very far inland.

The loss of Capitan Sullivan left the department decapitated; assistant chief John Dougherty was quickly called to action to guide the force. Dougherty realized as early as 6:30 AM that first morning that the firefight might require drastic means. He sent a dispatch to the nearby army base at the Presidio in an appeal for dynamite. It was his plan for firefighters to standby in anticipation to dynamite buildings so as to create fire breaks—as was successfully done during the great fire in Baltimore two years earlier. Sullivan had, for a long time, appealed to the mayor to attain funding for dynamite and the training of his men to use it—should the need arise. On that day, Dougherty was sent black gunpowder from the Presidio. As the day went on, fires combined, creating a terrible conflagration that would doom the city.

The gunpowder that Dougherty received proved to be highly flammable compared to more effective nitroglycerine or stick dynamite. The only man at hand who was experienced in dynamiting was reported to have been drunk on the first day of the fire. Truly, it became a recipe for disaster as highly flammable explosives were used by inexperienced hands. The volatile black powder would end up starting more fires than it would stop. A fire break was planned along the very long Van Ness Avenue on the west side of the city. Every building that was demolished by the powder sent shards of flaming debris onto other rooftops, igniting them as well. According to author James Dalessandro, "The assault on the east side of Van Ness Avenue was a thorough, unmitigated disaster that started fire after fire. [It] was the worst example of the use of dynamite."[452] The destruction of nearly one hundred blocks could be blamed on this irresponsible dynamiting. Citizens were terrified as they clamored west toward the Golden Gate Park and east toward the bay to escape in ferries to Oakland and Alameda, only to hear the booming explosions as buildings were demolished in reckless abandon and uncoordinated effort.

Mayor Eugene E. Schmitz woke up that morning to what seemed to be mild shaking as his house was built on a firm hill. He considered it another small tremor as had been felt many times before in his city. He went back to bed, only to be awoken later by aides frantically pounding at the door—they had come to summon him as they had not seen him at city hall—where they had expected him to be, poised for the guiding of his city in that time of trouble. They alerted the mayor that their city hall lay in ruins, and that his

[452] *San Francisco's Great Quake*. Dir. and Prod. Christopher Rowley. Narr. Tim Keele. National Geographic Television and Film, 2006. DVD. Warner Home Video, 2006.

help was immediately needed. Schmitz proceeded to city hall, and in seeing its condition, continued to the hall of justice to oversee the relief efforts.

At 1310 Washington Street, on the north side of Nob Hill, Brigadier General Fredrick Funston awoke that morning to moderate shaking. He immediately threw on civilian clothing and decided the city was in need of his guidance. Over the course of the disaster, Mayor Schmitz and General Funston would butt heads over control and leadership. "Had Dennis Sullivan survived the earthquake he would undoubtedly have declared himself the absolute manager of the catastrophe," historian Dennis Smith explains. "Instead or confident and certain leadership, the city was faced with two competing and reluctant chiefs. . . ."[453] On his way to the hall of justice, Mayor Schmitz confronted a troop of uniformed army soldiers marching toward city hall in search of him. He demanded to know who had given them permission to enter the city. General Funston had, without permission of Schmitz, ordered hundreds of military troops San Francisco.

After arriving at the hall of justice, Mayor Schmitz, with help of his advisors, authorized what has been called "perhaps the most controversial anti-crime measure in American history."[454] He drafted a proclamation to be printed and posted all over the city; he declared:

> "The Federal Troops, the members of the Regular Police Force and all Special Police Officers have been authorized by me to KILL any and all persons found engaged in Looting or in the Commission of Any Other Crime."[455]

Tim Keel would describe this order as one that would "release untold havoc."[456] The special case of martial law was a resort in which only the president of the United States, after consultation with the governor, could declare. But on this day, the residents of San Francisco had fully gotten the impression that martial law was at hand. Pretty soon, rumors would flood the streets that people were being shot right and left—having been suspected of committing crimes. Many people, including famous photographer Arnold Genthe, were not allowed back into their homes as they tried one last effort to save what they could before the fire would destroy all they owned. Thinking them to be looters, army troops and police officers warned such citizens that entering property would get them a bullet in the head. Smith explains: ". . . .stories of official murder and mayhem spread [through] the city, magnified

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[453] Smith, 87.
[454] *San Francisco's Great Quake.*
[455] Eugene E. Schmitz, Proclamation by the Mayor. 18 Apr 1906. The 1906 Earthquake and Fire collection. The University of California Bancroft Lib., Berkeley, Calif.
[456] San Francisco's Great Quake.

and adorned with each retelling."[457]

Many reports survive to this day, attesting to people being shot as they tried to go into their own homes. Little evidence survived of such killings besides accounts, given that all shot bodies would later be consumed by the fire. On April 20, a bank employee was shot as he endeavored to open a safe at the bank he worked at. Another man was killed when a Mr. Elmer Enewold caught him picking through the rubble of a ruined building. Enewold fired a warning shot to drive him away. A soldier heard the shot and turned to see a man running. The soldier hastily opened fire, killing the man. It was also believed that fourteen people were shot during an attempt to rob the U.S. mint.

Besides the fact that there was little left to burn, some rain and light winds on Saturday, April 21, helped to extinguish the flames. After three days of devastation, the city looked around to see itself all but entirely vanished. It was over, but the damage had been done. Dennis Sullivan passed away in a hospital bed nearly twenty-four hours after the fire burned out. The city he tried so hard to protect was no more. The last four days of his life were spent in agony as he and others was evacuated from hospital to hospital due to the encroaching flames.

During the following few years, San Francisco hastily rebuilt as if nothing could stop the desire of the city to stay alive. On October 17, 1989, at 5:04 PM, the city was jolted again. It was not long after the shaking started that San Franciscans knew that it was not an ordinary earthquake. This one was big. It was not as big as 1906, but it was the worst one anyone could remember. This time, only sixty-two people were killed, most of them when the bridges and overpasses they were driving on collapsed.[458] The fires that raged after this quake were different, though. They were doused quickly and competently. Much of what was learned from 1906 paid off.[459]

Today, the city has one of the most advanced fire departments in the country, thanks in large part to the legacy of Dennis Sullivan—the captain who fought so long to protect his city. But it was too late for the San Francisco of 1906. Despite the historical and ongoing risks of earthquakes, the city had doomed itself. It was long known that earthquakes—even powerful ones—troubled the area, but nothing was done. When the threat that was ignored for so long finally came, the city leaders were caught not knowing what to do. Incompetence reigned, bad choices abounded, and—as author James

[457] Smith, 162.
[458] U. S. Geological Survey. *The Loma Prieta Earthquake of October 17, 1989.* Washington: GPO, 1989. See Also Joel Achenbach,zz "The Next Big One." *National Geographic* April 2006: 120-147.
[459] Nash, J. Madeleine. "April 18, 1906: Lessons from the Earthquake that Shook the World." *Time* 10 Apr. 2006: 56-63.

Dalessandro notes—perhaps the one man who could have been there to save the city—Dennis Sullivan—was unable to do anything about it.[460]

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[460] *San Francisco's Great Quake.*

BIOGRAPHICAL NOTES

A native of Albuquerque, New Mexico, Michael is currently a senior at UVU perusing a bachelor's degree in philosophy with minors in religious studies and history. He has attended Central New Mexico Community College and Utah Valley University, and has received [at the time of possible publication] an associate degree in hospitality management; he is considering future graduate studies in the realms of philosophy, theology, or religious studies. This paper was submitted for a final project in an Intermediate Writing course in the summer of 2006. Special thanks to Professor Ronda Walker for her tutoring in argumentation, research, and style in the preparation of this work.

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Violence and Bloodshed: How Mob Violence and Private Armies Led to the Demise of the Roman Republic

Michael W. Goe

According to the Greek historian Polybius (ca.200-118 B.C.E.), the Roman Republic was invulnerable to collapse and able to endure because of its unique constitution. Unlike other contemporary systems of government in the Mediterranean region, the Romans did not vest total power in an individual entity such as a monarchy, aristocracy or democracy. Instead they incorporated all three systems into their constitution, each keeping the other in check.[461] The Roman check and balance system proved to be sound for nearly four hundred years. From its foundation in 509 B.C.E. until the late second century B.C.E., the Roman Republic rarely experienced civil war, anarchy or mob violence.[462] During what modern historians call the Conflict of the Orders (ca.494-287 B.C.E.), the plebeians, who were the common people, rose up against the patricians, whose ranks consisted of the political elite, in a bloodless revolution and acquired through a series of strikes the rights to hold public office, propose legislation and nullify prospective laws.[463] Because of

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[461] Polybius, *The Rise of the Roman Empire*, trans. Ian Scott-Kilvert (London: Penguin Books, 1979), 312-318.

[462] Appian, *The Civil Wars*, trans. John Carter (London: Penguin Books, 1996), 1; Plutarch, *Makers of Rome*, trans. Ian Scott-Kilvert (London: Penguin Books, 1965), 172.

[463] M. Cary and H.H. Scullard, *A History of Rome* (Houndmills: Palgrave, 1975), 60-83.
With the conclusion of the Conflict of the Orders, the distinction between patricians and

this non-violent revolution, there was little need to turn to physical aggression, as disputes were almost always settled through cooperation and mutual consent.[464] Not even the rural peasantry rose up in arms against the state. By having representatives known as tribunes being able to veto any potential bills, the plebeians were able to keep the consuls and senate in check.[465] But despite its success in being able to endure for so long and Polybius's belief that its constitution was the most advanced in the Mediterranean, the Roman Republic, similar to other political entities of its time, fell victim to the vices of civil war and mob rule. During the final hundred years of the Republic, violence became the only effective means through which change could occur. With the tribunes unwilling to cooperate and work with the senate and the senate unwilling to recognize the sacrosanct status of the tribunes, mutual consent was no longer possible.[466] The second century C.E. historian Appian perhaps gave the most vivid and accurate representation of the Republic during its final decades when he wrote in book I of *The Civil Wars* "...the Romans openly took sides against each other, and often carried daggers; from time to time some magistrate would be murdered in a temple, or in the assembly, or in the forum...Undisciplined arrogance soon became the rule, along with a shameful contempt for law and justice."[467]

As devastating as mob violence was, it was not the sole reason why the Roman Republic collapsed, for it was possible that the tribunes and the senate could have settled their differences through constitutional channels. The creation of a professional army in the late second century B.C.E. was the primary reason that representative democracy came to an end in the Roman world. By beginning a trend of recruiting volunteers from among the urban proletariat, the Republic had effectively transferred the loyalty of the soldiers from the state to their commanding officers. Consequently, ambitious men, whose interests went beyond fighting for the wellbeing of the Republic, used the loyalty of their troops to propel themselves to power, bypassing the Roman electoral system.

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plebeians became increasingly blurred. As a result, a new set of social classes emerged which consisted of nobles, equestrians and plebeians. The nobles made up the highest social class and were typically men who owned large tracts of land and had either served as consuls themselves or had recent relatives who served in such a position. The equestrians made up the second highest social class and consisted of men who became wealthy through business activities. Also known as knights, the equestrians often served in the military as members of the cavalry. The plebeians, who made up the lowest social class of the Republic, made up the bulk of the Roman population and often lived as rural farmers or manual laborers.

[464] Plutarch, *Makers of Rome*, 172.
[465] Polybius, 316. The office of tribune came about as a result of the Conflict of the Orders. See Appendix A for the duties of tribunes and other magistrates.
[466] The word sacrosanct means holy or sacred. Tribunes, consuls, senators, and religious temples were considered sacrosanct. It would be considered sacrilege if a tribune was murdered or a religious temple was desecrated.
[467] Appian, 1-2.

The goal of this paper is to demonstrate that the levying of private armies and mob rule were the most crucial factors in the collapse of the Roman Republic. Furthermore, by examining major acts of violence and changes in military policy that took place during the late Republic, it will also be shown that mob violence came as a result of the senate and the tribunes failing to cooperate and work with each other.

There have been many theories presented by both contemporary and modern historians as to why the Roman Republic declined and ultimately collapsed. According to Sallust, a Roman historian of the first century B.C.E, the Roman Republic decayed because of declining morals and values. It was his opinion that the politicians of the late Republic sought to rival their ancestors in wealth and extravagance only and had no interest in trying to model themselves after their forbearers in uprightness or industry. Unlike the virtuous men of the early Republic who relied upon merit to attain the offices of executive power, the politicians of the late Republic indulged themselves in the underhanded techniques of intrigue and violence to achieve their goals.[468] Sallust proposed that the prosperity that followed the Roman destruction of Carthage in 146 B.C.E. led to rampant moral decadence. No longer having to fight for the defense of the Republic, the nobles turned to selfish ambitions and began exploiting the poor.[469]

Though it is true that personal ambition, greed and the lust for power contributed to the Republic's downfall, it is too simplistic to attribute the collapse of the Roman constitution entirely to moral decadence and weakness of character. Providing a more comprehensive theory as to why representative democracy failed in the Roman state, many modern historians have attributed the turbulence of the late Republic to constitutional deficiencies and changes in military recruiting.

To make such a judgment regarding the late Republic, modern scholars have had to conduct a careful examination of the primary sources. Unfortunately, only a fraction of these are extant. The earliest historian to compose a history of the Roman Republic was Polybius (ca.200-118 B.C.E.). Born in Greece, Polybius came to Rome after he was taken prisoner in the Third Macedonian War (171-168 B.C.E.).[470] Though there is no evidence

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[468] Sallust, *The Jugurthine War/The Conspiracy of Cataline*, trans. S.A. Handford (London: Penguin Books, 1979), 37.

[469] Ibid, 77-78.

[470] John Boardman, Jasper Griffin, and Oswyn Murray, eds, *The Oxford History of the Roman World* (Oxford: Oxford University Press, 2001), 274. The Third Macedonian War was the last of three wars that Rome fought with the Kingdom of Macedon. Involved at the request of Pergamum, a Greek ally of the Republic, Rome sought to destroy Macedon because of her mistrust of Perseus, the Macedonian king. After thoroughly being defeated at Pydna in 168 B.C.E., Macedon was divided into four separate states, each subordinate to the Republic. For his triumph, the consul Lucius Aemilius Paullus had Perseus taken in chains to Rome where he was paraded in front of the populace. See Mary T. Boatwright, Daniel J. Gargola,

of Polybius ever serving as a Roman magistrate, he did obtain freedom and citizenship. Furthermore, he acquired the respect and trust of the nobility by serving as an important military advisor. Polybius is best known for his history of the Roman Republic, *The Rise of the Roman Empire*. As an expert in military affairs, this Greek historian sought to make his history of the Roman Empire practical in nature.[471] Beginning with First Punic War in 241 B.C.E. and ending with the destruction of Carthage in 146 B.C.E., Polybius' history focuses mainly on the successes of the Roman army. [472] Despite this narrow focus, Polybius' history is still relevant to the events which took place during the late Republic because a sizable portion of his work is devoted to the examination of the Roman constitution. By describing its check and balance system and comparing it to other political entities of the Greek world, Polybius' writing provides modern scholars with a contemporary evaluation of the Roman constitution which is both detailed and comprehensive.

From the first century B.C.E., the works of only a few Latin authors provide any extensive examination of the Roman Republic during its most turbulent years. Cicero (ca.106-43 B.C.E.), who experienced the formation of the first triumvirate and Caesar's rise to power first hand, expressed his feelings and insights about the late Republic in his letters to Atticus, his close confidant.[473] Cicero, a *novus homo* of an equestrian family who rose to prominence and attained the consulship of 63 B.C.E. because of his oratory skill, was an enemy of Caesar and a strong defender of the senate.[474] His writings clearly express this bias. Because Cicero's letters were private and not intended to be published, they provide valuable yet limited insight to a prominent member of the pro-senatorial faction during these crises years (68-44 B.C.E.). While the intimate thoughts of Cicero shed some important light on what the conditions of the late Republic were like, it is important to note that these letters lack crucial information regarding military engagements and legislative decisions which are recorded in later writings.

Sallust (ca.86-35 B.C.E.), like Cicero, experienced many of the events

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and Richard J.A. Talbert, *The Romans from Village to Empire: A History of Ancient Rome from Earliest Times to Constantine* (New York: Oxford University Press, 2004), 131-132.

[471] Boardman,et al., 274.

[472] The First Punic War was the first of three wars Rome had with Carthage. Lasting from 264-241 B.C.E., this war was waged as the result of a conflict over Sicily and the city of Messana. After twenty-three years of hard fighting, the Republic expelled Carthage from Sicily. Not stopping here, however, the Romans during the next decade also expelled Carthage from the islands of Sardinia and Corsica. Rome began stationing garrisons and troops on these islands in 227 B.C.E., making them the first provinces of the Roman Empire. See Boatwright, et al., 105-110.

[473] Atticus (born ca.110 B.C.E.) was a successful businessman from the equestrian class. He was also a skilled orator and writer and served as a literary advisor to Cicero.

[474] *Novus homo* (new man) is a Latin term which refers to someone who is a newcomer to politics and has never had a relative or family member serve as a magistrate.

that took place during the late Republic first hand. Other than him serving as a tribune and being expelled from the senate for being a partisan of Julius Caesar, historians know very little about Sallust's life. Unfortunately, most of Sallust's writings have been lost. The only histories of his which survive intact are his accounts of the War with Jugurtha in Africa and the Cataline Conspiracy. Sallust's *The Jugurthine War/The Conspiracy of Cataline* is indispensable for understanding the fall of the Roman Republic, for it describes how and why Marius began to recruit volunteers from among the proletariat. As opposed to Cicero, Sallust clearly supported Julius Caesar and the *populares* against the senate in his writings.[475]

Livy (ca.59 B.C.E.-ca.17 C.E.), like Cicero, favored the senate. Except for the fact that he was on good terms with the emperor Augustus, scholars know almost nothing about Livy's political and private life. Acting as a conservative spokesman for the senate, Livy often distorted the events described in his historical narratives for political purposes.[476] That said, of all the Latin historians, Livy wrote the most extensive history of the Roman Republic. Tracing from the founding of Rome in ca.753 B.C.E. through 9 B.C.E., Livy's history of the Roman state was an immense work which was never duplicated.[477] Unfortunately, most of it is lost.[478] With regards to the late Republic, only fragments and summaries of his books survive. Nonetheless, Livy's history is still a valuable source to consult when investigating the late Republic, for the summaries of his books provide information on most of the major events, wars and acts of civil strife that occurred between Tiberius Gracchus' tenure as tribune in 133 B.C.E. and the formation of the first triumvirate in 59 B.C.E.

With the exception of Livy, Cicero and Sallust, almost the entire bulk of information which is available on the late Republic comes from the works of historians and biographers from the second and third centuries C.E. Among these, Appian (ca.100-160 C.E.), a scholar born in Alexandria who later became a Roman citizen and procurator under the emperor Antoninus Pius, provides one of the most balanced histories of the Roman Republic. [479] Basing his scholarship on the works of earlier Greek and Latin writers, Appian provided an account of the late Republic that is both descriptive and

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[475] *Populares* is a Latin term that refers to those statesmen of the late Republic (133-31 B.C.E.) who appealed to the needs and desires of the common people. Some of the most notable *populares* were Tiberius Gracchus, Gaius Gracchus, Gaius Marius, Saturninus, and Julius Caesar.

[476] Boardman, et al., 54.

[477] Ibid, 279.

[478] Of the 142 books which Livy originally wrote, only thirty-five have survived to this day. See Michael Grant, *History of Rome* (New York: Charles Sribner's Sons, 1978), 508.

[479] A procurator was an agent assigned by the emperor to manage his affairs or represent him in court. See Boatwright, et al., 488.

comprehensive. Not limiting himself to the analysis of military engagements or the biographies of important political figures, Appian examined many of the economic and social conditions that existed during the final hundred years of the Republic.

Though Appian can be praised for his comprehensive and non-politicized approach to writing history, his works provide only a limited amount of information on what transpired during the late Republic. While not being as objective in his approach to scholarship as Appian, Plutarch (ca.50-120 C.E.), a Greek scholar and Roman citizen who served as a procurator in Achea and as a priest at Delphi, provides modern historians with a much more abundant amount of information. His biographies of the Gracchi, Marius, Sulla, Cato, Cicero, Pompey, Crassus and Caesar provide a continuous narrative of events taking place during the final hundred years of the Republic. Being mostly concerned with idealizing the character of great men, Plutarch often portrayed the men of his biographies in an excessively flattering way by toning down certain faults.[480] Despite this agenda, Plutarch's biographies are reliable and useful regarding their descriptions of military engagements, policy changes and acts of civil strife, much of which can be verified in earlier primary sources.

Similar to Plutarch, in that he was mainly interested in analyzing the character of great men, Suetonius (born ca.69 C.E.) also provides in his biographies, contained in *The Twelve Caesars*, a narrative account of the final decades of the Republic. [481] Suetonius, a citizen of the equestrian class who served as the director of imperial libraries, became the best known Latin biographer of the Roman Empire. Despite the eloquence and descriptiveness of his prose, Suetonius' writings come up short in providing a comprehensive and objective account of the Roman state. While he devoted a section of each biography in *The Twelve Caesars* to administrative achievements and failures, Suetonius, believing that a man's character was most effectively judged when his personal behavior was analyzed, focused most of his efforts on describing the private lives of his subjects.[482] Consequently, he failed to provide any significant analysis or commentary on the administrative actions taken by the men whose biographies are contained in *The Twelve Caesars*.[483] For the most part, he simply states what they did while they were in power.

Shifting the emphasis away from biographies and back to history during the third century C.E., Cassius Dio (ca.164-229 C.E.), a Roman senator

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[480] Boardman, et al., 285

[481] Written in the early second century C.E., *The Twelve Caesars* is a compilation of biographies encompassing the lives of Caesar and the first eleven emperors following after him. The biography of Julius Caesar is the most informative of Suetonius' writings in regards to what was happening during the late Republic.

[482] Boardman, et al., 284.

[483] Ibid.

from Bithynia, sought to emulate the Greek historian Thucydides in style by providing explanations and political generalizations.[484] Writing the most comprehensive history of the Roman Empire since Livy, Cassius Dio compiled an account of the Roman people, consisting of eighty books and covering the history of Rome from its municipal origins to 229 C.E. Regrettably, most of Dio's history of the early and middle Republic exists only in fragments. However, most of his work after 70 C.E., including the formation of the first triumvirate and Caesar's rise to power, remains intact. Dio made it clear in his history that he favored and supported the Empire's monarchial system of government over that of representative democracy. Despite this prejudice, Dio's history is an important source to consult, for it covers most of the major military and political events that occurred during the late Republic.

By piecing together the evidence which is available in the primary sources, modern scholars have been able to construct a continuous narrative of the Roman world. Regarding the late Republic, A.N. Sherwin-White, A.H. McDonald, P.A. Brunt, and R.E. Smith provide scholars and lay readers alike with some of the most extensive and insightful commentary on the final years of the Republic. Though these scholars take a more comprehensive and objective approach to history than the contemporary writers of the classical world, these modern historians are not uniform in their analysis of the late Republic. Similar to the ancient Greek and Latin writers, these scholars have personal biases and differ on which sources they most heavily utilize. Consequently, each of these historians comes to a different conclusion regarding what factors were most crucial in instigating the collapse of the Roman Republic.

A.N. Sherwin-White, a historian, who between 1938 and 1986 wrote seventy six articles and reviews for *The Classical Quarterly*, *Greece and Rome*, *Past and Present*, *The Journal of Roman Studies*, *The Journal of Hellenic Studies*, and *The Classical Review*, mainly focuses on the role of the military during the late Republic in his article "Violence in Roman Politics." Sherwin-White relies on a wide assortment of primary sources which include Sallust, Plutarch, Appian, Livy, Cassius Dio, and Cicero. Though he shows no favoritism towards any particular primary source, Sherwin-White does demonstrate in his writing that he has a bias against the senate and the nobility. In his article, he goes to great lengths to defend the personal actions of Marius and Pompey, despite his recognition that the levying of private armies was a decisive factor in bringing forth civil strife.

A.H. McDonald, a classicist, who over the span of forty years (1935-1975) wrote several articles for the *Cambridge Historical Journal*, *The Journal of Roman Studies*, *The Classical Review*, and *The Journal of Hellenic Studies*, focuses on the harsh conditions that were imposed on small farmers during the Republic's

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[484] Ibid, 285.

military campaigns overseas in his article "The History of Rome and Italy in the Second Century B.C." While citing Cicero, Appian, Plutarch, Polybius and Suetonius in his article, McDonald relies upon Livy for the majority of his information. Surprisingly, McDonald, unlike Livy, does not exhibit a pro-senatorial bias, for in his article, he blames the senate for most of the problems that transpired during the late Republic.

Taking a much different approach to assessing the late Republic than McDonald, R.E. Smith, a historian, who from 1936 to 1964 wrote extensively for the *Classical Quarterly*, *Greece and Rome*, *Phoenix*, *Classical Philogy*, and *The Journal of Roman Studies*, single mindedly concentrates on the role that ambitious men played in the destruction of the Republic in his article, "The Significance of Caesar's Consulship in 59 B.C." Like MCDonald, Smith relies heavily on just a few sources. While he cites the works of Suetonius, Cassius Dio, and Appian in his article, Smith relies on the works of Plutarch and Cicero for most of his information. The fact that Cicero was an enemy of Caesar and that Plutarch portrayed the men of his biographies in a way that he wanted his readers to perceive them may explain Smith's display of favoritism towards the senate.

Similar to McDonald, the classicist P.A. Brunt, a respected Oxford scholar, who from 1949 to 1990 wrote ninety eight articles and reviews for *The Journal of Roman Studies*, *The Journal of Hellenic Studies*, *The Classical Quarterly*, *Greece and Rome*, *Past and Present*, *The Classical Review*, *The English Historical Review* and *The Journal of Economic History*, primarily concentrates on the shortcomings of the senate in his article, "The Roman Mob." Utilizing the works of many contemporary authors, which include Appian, Cassius Dio, Julius Caesar, Suetonius, Plutarch, Livy, Polybius and Cicero, Brunt takes a more balanced approach in his research than either Smith or McDonald. Not relying almost exclusively on Plutarch and Cicero like Smith or on Livy like McDonald, Brunt cites the primary sources fairly equally in his article. Nonetheless, Brunt is not without bias, for he heavily favors the common people over the senate in his writing and primarily blames the nobility for the destruction of the Republic.

Despite the various biases which are inherent among modern scholars and the discrepancies which exist among the primary sources, it is clear the Roman Republic was undergoing a radical transformation during the second

century B.C.E. Tiberius Gracchus' tenure as tribune in 133 B.C.E. would mark the beginning of the Republic's decline and collapse. The Roman state would experience during this year civil strife and internal bloodshed for the first time in nearly four hundred years.[485]

The Roman constitution prior to 133 B.C.E. proved to be effective in maintaining order, as it provided a system of checks and balances that kept each segment of power in line. By containing the elements of a monarchy, aristocracy and democracy, the Roman Republic was, as according to Polybius, less likely to succumb to anarchy and revolution.[486] The consuls, who oversaw the running of the state, reigned supreme in war, presented legislation before the popular assemblies and represented the monarchial branch of government, were kept in check by the people who granted them authority by voting for them and their proposals in the popular assemblies.[487] Without the consent of the Roman citizenry, the consuls were powerless. The senate, which represented the aristocracy of the Republic, also acted as a check on the consuls, for they had the authority to approve and disapprove of financial funding.[488] Without financial resources, the consuls could not transform their bills into laws, even if they had the overwhelming support of the people. However, the most effective check on the Roman government came from the plebeian assembly. Through this assembly, the plebeians could nullify any piece of legislation that was being discussed by the consuls or the senate by having an elected official, known as a tribune, veto any prospective bills.[489] Meanwhile, the Roman citizenry, which consisted of all males who were eligible for military service and represented the democratic branch of the Republic, was kept from rising up in mob rule because the popular assemblies were called into session only at the consuls' discretion, making it difficult for the common masses to make demands of their government.[490]

Because of the Roman constitution's check and balance system, mob violence was never utilized before 133 B.C.E. to achieve political objectives. Disputes prior to this year were almost always resolved by some form of compromise. With the senate making concessions out of fear of the people and the people willing to settle for middle ground solutions out of respect for the senate, conflicts did not end in bloodshed.[491] But despite its unique system of checks and balances and its success in being able to endure for so long, the Roman constitution eventually proved to be inadequate for

485 Appian, 1-2; Plutarch, *Makers of Rome*, 172.
486 Polybius, 317-318.
487 Ibid, 312-313, 314-315.
488 Ibid, 313-317.
489 Ibid, 316.
490 Polybius, 312; P.A. Brunt, "The Roman Mob," *Past and Present* 35 (1966): 7.
491 Plutarch, *Makers of Rome*, 172.

preventing civil strife. As P.A Brunt most accurately points out, the Roman constitution contained too many checks and balances which protected the interests of the elite. Therefore, the common people had no choice but to turn to mob violence. [492]   According to Brunt, the Roman peasantry and urban proletariat were completely powerless when it came to fighting the aristocracy. Though Roman citizens could vote on proposals in the assemblies, they had no right to debate the issues or bring attention to their concerns. They were only allowed to vote on measures that the consuls proposed and assembled only at a magistrate's bidding.[493] Furthermore, since citizens had to travel to Rome in order to vote, many of the rural poor did not even bother to attend the voting assemblies, allowing the wealthy citizens, who had an abundance of leisure time, to dominate the approval of legislation.[494]

Even if the plebeian class, which consisted of rural peasants and poor urban dwellers, managed to show up in Rome in mass numbers to vote, it was unlikely their voices would be heard because the *comitia centuriata*, the assembly which voted for consuls and praetors and decided issues of war and peace, was weighted in favor of the elite. Of the 193 centuries (voting blocks) which participated in the *comitia centuriata*, the nobles and equestrians controlled ninety-eight of them. And since it was customary for legislation to become law when a majority had been reached, the rural peasantry and urban proletariat rarely got a chance to vote, for the centuries which were controlled by the nobles and equestrians always voted first.[495]

The biggest hindrance, however, that prevented the plebeians from bringing forth change on their behalf was the nobility's ability to stop legislation from going forward in the plebeian assembly. By only having to convince one of the ten tribunes to veto legislation that was not in their self-interest, the nobles were assured that their selfish ambitions were safeguarded [496] In consequence, the plebeian assembly, which was thought of as the most effective means of keeping the senate and consuls in check, was unable to effectively stop the exploitation of the Roman under-classes.

The inability of the plebeians to fight the interests of the nobility forced Tiberius Gracchus to go straight to the people for the approval of his legislation, bypassing in the process the tradition of acquiring the consent and approval of the senate. Consequently, the senate would employ violence to stop this controversial tribune from moving forward his legislation. This unprecedented act of physical aggression had a disastrous effect on the Republic, for after

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[492] Brunt, 8.
[493] Ibid, 7.
[494] Ibid, 6.
[495] Cary and Scullard, 80. For more information regarding the voting assemblies and the duties of consuls and praetors, see Appendices A and B.
[496] Brunt, 7.

Tiberius Gracchus's tenure as tribune violence became the most effective and commonly used method of change.

No one can be certain why Tiberius Gracchus chose to serve as a tribune or why he decided to struggle on behalf of the common man. As the son of Tiberius Sempronius Gracchus, a man who distinguished himself in battle by pacifying the Celtiberians in Spain, and the grandson of Scipio Africanus, Tiberius Gracchus was assured of a seat among the aristocratic elite. [497]   Therefore, it is difficult to contemplate why this man with such bright prospects chose to alienate himself from the nobility and the senate. According to Cassius Dio, Tiberius Gracchus was seeking to push through his controversial legislation as tribune because of self ambition, believing that he could gain favor among the masses by giving them free land.[498] Giving a more generous assessment, Plutarch asserts that a combination of both ambition and a genuine desire to help the poor motivated this influential tribune to move forward his controversial laws.[499]   But regardless of his motivations, the primary sources make it very clear that Tiberius Gracchus' legislation as tribune planted the seeds of civil strife.

From a modern point of view, Tiberius Gracchus' legislation seems quite moderate. Seeking only to correct an injustice, Tiberius Gracchus proposed a land reform bill that sought to enforce the maximum amount of public land a single family could own. It was his plan to confiscate any land that a single owner possessed which was over the legal limit of 500 *iugera* (300 acres) and distribute it to the landless poor.[500] According to Tiberius Gracchus, the rich landowning class, by illegally acquiring public land which was in excess of 500 *iugera*, was exploiting the rural peasantry and needlessly causing severe hardships for the common people. Making his opinions known in a public speech, Tiberius Gracchus stated:

> ...the men who fight and die for our country enjoy the common air and light and nothing else. It is their lot to wander with their

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[497] Cary and Scullard,143; Plutarch, *Makers of Rome*, 153. The Roman populace considered Scipio Africanus to be the savior of the Republic because he defeated Hannibal at the battle of Zama in North Africa and brought the Second Punic War to an end. The fact that Tiberius Gracchus' mother was the daughter of such a man brought much prestige to his family name. It must be noted that during the Republic, a man's chances of being elected to a magistrate position (consul, praetor, quaestor and aedile) were based more on his heritage and family background than on his political stances.

[498] Cassius Dio, *Roman History II*, trans. Earnest Cay, Loeb Classical Library (Cambridge, MA: Harvard University Press, 2001), 423-425.

[499] Plutarch, *Makers of Rome*, 160-161.

[500] Appian, 6; Livy, *Summaries, Fragments, and Obsequens*, trans. Alfred C. Schlesinger, Loeb Classical Library (Cambridge, MA: Harvard University Press, 1987), 61-63; Plutarch, *Makers of Rome*, 160-161. The *Lex Licinia*, the law which forbade any family or individual from holding more than 500 *iugera* (300 acres) of public land for personal use, was first passed in 367 B.C.E. by the plebeian assembly. See Cary and Scullard, 76.

> wives and children, houseless and homeless, over the face of the earth. And when our generals appeal to their soldiers before a battle to defend their ancestors' tombs and their temples against the enemy, their words are a lie and mockery...The truth is that they fight and die to protect the wealth and luxury of others.[501]

Tiberius Gracchus was absolutely correct. As McDonald points out, the wars in Greece and Asia Minor beginning in the early second century B.C.E. had a devastating effect on Roman farmers who owned small plots of land. According to McDonald, these foreign wars were the primary instigators for the destruction of the Republic because they put such a great strain on rural farmers.[502] In addition to having their crops ruined because they could not return to Italy each year for the harvest, many farmers found their farms taken over by wealthy landowners who owned property adjacent to their own.[503] Seizing the peasants' lands by often illegal means, these wealthy landowners replaced small single farms with large ranches (*latifundia*) and used slave labor to work the land.[504] Consequently, the rural peasantry, who spent several years at a time fighting military campaigns overseas, had no farm and no way of making a living when they returned to Italy. Not knowing what to do, most of these landless war veterans migrated to the city of Rome where they tried to subsist on low paying manual labor jobs.[505] As can be expected, the Roman state underwent significant change when these war veterans migrated en masse to the capital city. In addition to experiencing a shortage of food in Rome, the government found it difficult to levy enough soldiers for military service. With many of the war veterans, along with their children, no longer eligible for military service because they could not meet the property requirements, the government was unable to conscript large enough armies to effectively satisfy its needs.[506] Through his land distribution law, Tiberius Gracchus was not only correcting the injustice done to the rural peasantry but was also addressing the army conscription issue.

Regardless of the benefits that the state would have received as a result of Tiberius Gracchus' land law, many of those belonging to the nobility and the senate resisted the tribune's legislation with the utmost rigor. Many

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[501] Plutarch, *Makers of Rome*, 162.
[502] McDonald, "The History of Rome and Italy in the Second Century B.C.," *Cambridge Historical Journal* 6, no.2 (1939): 124.
[503] Appian, 5; Plutarch, *Makers of Rome*, 160; McDonald, 124.
[504] Appian, 5; Plutarch, *Makers of Rome*, 160. According to Appian, the *latifundia* owners illegally seized the lands of the rural peasantry by persuasion and force. Plutarch contends that the rich, using the names of fictitious tenants, had many of the farms transferred to them.
[505] Brunt, 16, 17; McDonald, 139.
[506] Plutarch, *Makers of Rome*, 160; Brunt, 17.

wealthy land owners argued that in addition to erecting various structures on the land and using it for security on loans, several generations of their ancestors were buried on the property which they attained illegally.[507] To stop Gracchus' land distribution law from becoming a reality, the *latifundia* owners recruited the tribune Marcus Octavius and convinced him to veto Tiberius Gracchus' legislation when the popular assembly was in session.[508] Tiberius Gracchus counteracted this move by making the bold and unpopular decision to have the *comitia curiata* vote to impeach Octavius for failing to represent the interests of the people as tribune of the plebs.[509] With Marcus Octavius removed from office by the will of the popular assembly, Tiberius Gracchus was able to gain victory over the supporters of the *latifundia* and proceeded with ease in getting his agrarian reform bill passed.

Tiberius Gracchus' enemies, however, did not give up. Angered by their failure and by the fact that this tribune secured the funds of the deceased King Attalus of Pergamum for redistribution without their permission, the nobility and their allies in the senate decided to take an unprecedented step.[510] Not relying on the conventional methods of non-violent resistance, members of the senate who supported the *latifundia* decided to use physical force against Tiberius Gracchus and his supporters.[511] Led by Scipio Cornelius Nasica, a leading senator and *latifundia* owner, a group of senators made their way towards the Capitol where Tiberius Gracchus was running for tribune for a second time in two years.[512] Armed with clubs and fragments of benches, the senators clubbed the influential tribune and his supporters to death.[513]

The assassination of Tiberius Gracchus must have shocked the Roman populace. Not only was it the first time that violence had been used to halt

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[507] Appian, 6.

[508] Appian, 8; Plutarch, *Makers of Rome*, 162. Cassius Dio differs from Appian and Plutarch; he claims that Marcus Octavius freely chose to oppose Tiberius Gracchus because of a family feud and not because he was pressured by the nobility. See Cassius Dio, *Roman History II*, 425. It must be remembered that it only took one veto from among the several tribunes present at the popular assembly to stop a proposed piece of legislation from becoming law.

[509] Appian, 8; Plutarch, *Makers of Rome*, 164-165. The *comitia curiata*, also known as the tribal assembly, consisted of thirty-five tribes and originally voted on legislation proposed by a consul or praetor. Each tribe presented one vote. If a proposal received more than seventeen votes it became legally binding. See Appendix B for further information on the voting assemblies.

[510] Livy, 63; Plutarch, *Makers of Rome*, 166.

[511] Plutarch, *Makers of Rome*, 171.

[512] The *Lex Villia*, passed in 180 B.C.E., made it illegal for a magistrate to run for the same office two years in a row. See Cary and Scullard, 205. Therefore, many of Tiberius Gracchus' enemies accused him of treachery by seeking to purposefully break the law. See Appian, 9. However, Tiberius Gracchus was most likely not trying to secure more power for himself by seeking reelection as tribune, for Appian, Plutarch and Cassius Dio all concur that Tiberius Gracchus ran for reelection because he was fearful for his life and wanted to retain his sacrosanct status. See Cassius Dio, *Roman History II*, 427; Appian, 9; Plutarch, *Makers of Rome*, 169.

[513] Appian, 9-10; Livy, 63; Plutarch, *Makers of Rome*, 172.

political action, but by murdering this controversial tribune, the senate had committed an act of sacrilege, for tribunes were considered sacrosanct. In spite of the resulting horror, this murder did little to advance the interests of the *latifundia* owners. Continuing to seek agrarian reforms, Gaius Gracchus, the younger brother of Tiberius Gracchus, not only kept the public land redistribution commission in place, but he also introduced measures which were much more progressive and radical in scope.[514] During his two terms as tribune (123 and 122 B.C.E.), Gaius Gracchus presented bills before the popular assembly which created a tense atmosphere. In addition to distributing grain to the populace of Rome at a low fixed rate, this energetic tribune wanted to establish a colony on the site of Carthage which was destroyed during the Third Punic War and desired to grant citizenship to all Italians.[515] These proposals, particularly the idea of granting citizenship to all Italians, made the younger Gracchus very unpopular among the senate and the nobility, which resulted in him losing reelection to the office of tribune for a third consecutive year.[516]

With the loss of his sacrosanct status, Gaius Gracchus became open to violent retribution from the senate. The enemies of the younger Gracchus found the perfect opportunity to dispose of him when his supporters staged a protest in response to a bill that sought to annul his law to establish a colony at Carthage. Acting immediately in response to a scuffle that resulted in the death of the consul Opimius' servant, the senate legally sanctioned the use of physical violence against Gaius Gracchus and his supporters, arguing that they were preserving the security of the state by making such an authorization.[517] With the backing of the senate, Opimius led a contingent of armed men to confront the former tribune and his supporters on the Aventine Hill.[518] Three thousand of Gaius Gracchus' supporters were killed.[519] Perhaps feeling despair and hopelessness at what the situation entailed, Gracchus committed suicide.[520]

Like the assassination of Tiberius Gracchus, the death of Gaius Gracchus represented a major turning point in the history of the Republic. While the murder of Tiberius Graccus was the first instance in which physical force

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[514] Livy, 71; Appian, 13; Plutarch, *Makers of Rome*, 180.

[515] Appian, 14-15; Livy, 71; Plutarch, *Makers of Rome*, 180.

[516] Cary and Scullard, 209.

[517] Livy, 73; Appian, 15; Plutarch, *Makers of Rome*, 188-189. This legal authorization of violence is referred to in Latin as the *senatus consultum ultimum*. Opimius was serving as consul when the supporters of Gaius Gracchus staged a protest in response to the bill that sought to annul the former tribune's law sanctioning the establishment of a colony at Carthage. He was very influential in the senate and was one of the leading statesmen who opposed the reforms of Gaius Gracchus.

[518] Appian, 16; Livy, 73; Plutarch, *Makers of Rome*, 189-191.

[519] Plutarch, *Makers of Rome*, 192.

[520] Appian, 16.

was used to stop legislation, the death of Gaius Gracchus and his supporters initiated an era in which violence was legally sanctioned. By passing the *senatus consultum ultimum* in 122 B.C.E., the senate set a precedent in which violence would be officially approved of by the state in order to achieve certain objectives. While this piece of legislation was meant to preserve the security of the state and protect the interests of the nobility, it proved to be disastrous. By legally authorizing the assassination of Gaius Gracchus, the senate affirmed that it no longer respected the sacrosanct status of the tribunes. Consequently, Roman politicians were divided into two camps from this point forward. The tribunes and other politicians who relied on and appealed to the plebeians were referred to as *populares*, while the statesmen who remained loyal to the senate became known as *optimates*.[521] With the Roman politicians divided into two parties, the Republic was set to implode.

By sanctioning the *senatus consultum ultimum*, the senate also annulled its own sacrosanct status. With the senate making it clear that it was willing and able to use violence against the tribunes, the *populares* realized that they must utilize the same tactics of physical intimidation against the *optimates* if they were to survive. Of the *populares* that opposed the *optimates*, Saturninus was the most aggressive. After being elected tribune in 103 B.C.E., Saturninus, hoping to gain support for his agrarian reforms, used his influence to propose a land distribution bill to satisfy the needs of the consul Gaius Marius who desired land allotments for the soldiers who volunteered to fight for him in North Africa.[522] While these proposals were not in anyway controversial, the methods that Saturninus employed to get them legitimized were. Taking violence and physical force to a new level, Saturninus ensured that these new colonies were approved of in the voting assembly by using physical force to bully any voters who were hostile to his legislation.[523] Saturninus would experience violent retribution at the hands of the Senate when he arranged in 99 B.C.E. to have the ex-tribune Memmius killed as he ran against Glaucia for consul.[524] Acting in accordance with the wishes of the senate, who had

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[521] Cary and Scullard, 210.

[522] Cary and Scullard, 220; Plutarch, *Fall of the Roman Republic*, trans. Rex Warner (London: Penguin Books, 2005), 11; Sallust, 122. Gaius Marius was a *novus homo* and had no living relative that had served as a magistrate. He propelled himself to the consulship in 108 B.C.E by proving himself to be a capable military officer in the war against Jugurtha in North Africa. After bringing the Jugurthine War to a conclusion in 105 B.C.E., Marius was held in high esteem by the Roman citizenry and was subsequently given a command in Gaul against the Tuetone and Cimbri tribes who were encroaching on Roman territory. To deal with this threat, Marius was made consul again in 105 B.C.E. and was reelected to the same position of executive authority for the next four years, an occurrence which was unprecedented in the history of the Republic. See Plutarch, *Fall of the Roman Republic*, 5-34; Sallust, 63-113.

[523] Appian, 18.

[524] Livy, 85; Appian, 19.

just initiated the *senatus consultum ultimum*, Gaius Marius turned on his former ally and used his troops to detain Saturninus and his supporters on the Capitoline Hill.[525] Before the senate could decide the fate of the tribune, an angry mob scrambled atop the senate house where Saturninus took refuge and killed him and all of his supporters by pelting them with roof tiles.[526]

The violence employed by Saturninus to achieve his objectives and the counterforce which the senate brought to bear in return represents the true state of affairs in Rome during the late second and early first centuries B.C.E. The political system which had worked so well for nearly four hundred years was now broken. The Republic was clearly in crises and mob violence was the only viable political tool. However, mob violence alone cannot be credited for destroying representative democracy in the Roman world, for it is possible that the senate and the tribunes could have eventually rectified their differences through constitutional amendments. It was only through the creation of a standing army that mob violence was able to be so effective in devastating the Republic's constitution. According to Sherwin-White, the levying of soldiers from the landless proletariat directly allowed zealous generals to acquire the reigns of executive authority without abiding by the rules of the constitution.[527] By recruiting their own troops from among the landless proletariat, ambitious men were able to capitalize on an atmosphere of mob rule and use their private armies to propel themselves to power.

The shifting of soldiers' loyalty from the state to their commanding officers was the most significant reason why the levying of private armies was effective in destroying the Roman Republic. During the final hundred years of the Republic, it did not matter whether an ambitious general sought to wage civil war on the Roman state or not. If he was charismatic enough and could prove to be effective in battle, he could count on his troops to be unwavering in their personal devotion. With many military recruits relying on their generals for their financial well being, it was only natural that they give their full support to their commander in the field, no matter what his objectives may have been. Sallust made note of this personal loyalty which was based on the prospect of material wealth in his account of the Jugurthine War. According to Sallust, Roman soldiers showed Marius devotion and

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[525] Appian, 19; Plutarch, *Fall of the Roman Republic*, 36.

[526] Appian, 18.

[527] A.N. Sherwin-White, "Violence in Roman Politics," *The Journal of Roman Studies* 46, parts 1 and 2 (1956): 5. While A.N. Sherwin-White attributed Marius's policy of recruiting soldiers from among the urban proletariat as being the most crucial factor for bringing forth civil strife and mob rule in the Republic, it is important to note that Mr. Sherwin-White did not think of Marius as a military despot who sought to disregard the constitution. He thought of him instead as an ambitious man who wanted to attain the highest ranks of power while working within the limitations of Roman law and custom. It would not be until Sulla that a general would directly use legions to acquire power and influence.

praised him to the sky because he as a commander was able to enrich them with large amounts of plunder.[528]

Monetary compensation certainly influenced soldiers to devote themselves to the generals that recruited them. However, the loyalty that the soldiers displayed towards their commanders went far beyond the financial rewards they hoped to receive. Though many soldiers enlisted under certain generals for the prospect of financial gain, most military recruits developed a sense of personal bonding with their commander, granted that he was a competent and brave leader. Julius Caesar's men, for instance, showed such devotion that they were willing to sacrifice their riches and their very lives for him. In addition to serving without pay during the Roman Civil War, many Roman soldiers were willing to die on the battlefield for Caesar and even preferred to commit suicide over being taken prisoner.[529] Plutarch, in his biography of Caesar, wrote of a an experience during the Roman Civil War in which a quaestor by the name of Granius, who before committing suicide after his naval ship was captured, stated that Caesar's men give but do not receive mercy.[530] Meanwhile, Appian, in his account of the late Republic, wrote of a centurion named Crassinius who stated to Caesar before battle "We shall win, Caesar, and whether I live or die I shall earn your approval today."[531] Proving his words were not hollow, Crassinius then died in battle while fighting most bravely. Caesar was so impressed with Crassinius' courage and devotion that he adorned the deceased man's body with decorations of valor and buried him in a special tomb.[532] Displays of loyalty that were exhibited by men such as Crassinius and Granius testify that the Roman army had changed dramatically during the late Republic, for the soldiers were now fighting for individual men and not the Roman state.

The Roman army for most of the Republic's history consisted of men conscripted from the countryside who owned property. Each man of property was obliged to fight for the defense of the Roman state when needed.[533] This system proved to be adequate during the fifth, fourth and third centuries B.C.E. Fighting only in Italy during these centuries, Roman men could return each year to their farms for the harvest. But as explained earlier, when the Republic began to engage in conflicts in Greece and Asia Minor during the early second century B.C.E., many men, after serving years at a time overseas, came home to find their farms in either complete ruin or taken over

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[528] Sallust, 127.
[529] Suetonius, 32.
[530] Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, trans. Bernadotte Perrin, Loeb Classical Library (Cambrdige, MA; Harvard University Press, 1999), 481.
[531] Appian, 113.
[532] Ibid.
[533] Sallust, 122.

by *latifundia* owners.

With these men no longer able to meet the property requirements for military service, the Republic found itself without enough troops to fight its wars, making it necessary to begin recruiting soldiers from among the urban proletariat. The consul Gaius Marius was the first to do this in 108 B.C.E. when he took command of the war against Jugurtha in North Africa.[534] Promising these men booty and land, Marius was able to recruit enough soldiers to effectively contain and defeat Jugurtha.[535] While this method of levying was effective in accomplishing Marius' military objectives, it proved to be a political nightmare for the Republic. Though Marius himself did not seek to use his legions to make himself a dictator after he defeated Jugurtha in Africa, many ambitious men who followed after him did. ,

The first man to use the army for attaining political power was Cornelius Sulla in 88 B.C.E. Having a grievance, Sulla marched his legions on Rome to acquire a command against Mithridates of Pontus, a command which was given to him by the senate when he was elected consul that year but was taken away when the tribune Sulpicius Rufus passed legislation that transferred the command to Marius.[536] Sulla's march on Rome was a success in that it allowed him to regain his command in the East but was a disaster in that it set a dangerous precedent in which the military would be used as a means to acquire political power. Almost immediately after Sulla left Italy for the

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[534] Sallust, 122; Plutarch, *Fall of the Roman Republic*, 11. Rome waged war on Jugurtha in North Africa because one of the sons of Micipsa, the deceased king of Masinissa, complained to Rome that Jugurtha was defying his father Micipsa's wishes by trying to annex the entire kingdom of Masinissa for himself when it was intended that Jugurtha and two of his brothers rule jointly over their father's domain. When Jugurtha had both of his brothers killed, Rome intervened and decisively defeated Jugurtha's forces at Numantia in 105 B.C.E. This victory over Jugurtha won Gaius Marius great fame. However, it was his quaestor Cornelius Sulla who was largely responsible for bringing the war to an end, for it was he who convinced King Bocchus, a close ally of Masinissa, to betray Jugurtha and turn against him. After the war, Masinissa was divided up between King Bocchus and a surviving brother of Jugurtha. Jugurtha was taken back to Rome as a prisoner and was paraded in chains through the city as part of Marius' triumph. See Boatwright, et al., 166-167.

[535] Cary and Scullard, 216-217.

[536] Appian, 30-31; Livy, 97; Plutarch, *Fall of the Roman Republic*, 67. Mithridates' kingdom of Pontus was located in the East in Asia Minor. Capitalizing on the Social War (91-89 B.C.E), Mithridates began to aggressively annex territory in Asia Minor which belonged to Rome's allies. Sulla, elected consul in 89 B.C.E., was assigned with the proconsular duty of subduing Mithridates for the following year. However, the tribune Sulpicius Rufus agreed to pass legislation in the popular assembly that transferred the command to Marius in exchange for Marius' support of his legislation that sought to distribute the newly acquired citizens from the Social War among the existing thirty-five tribes. The Social War was a war in which Rome's Italian allies rebelled against the Republic beginning in 91 B.C.E. when they were denied citizenship which was promised to them in a bill that was presented by the tribune Livius Drusus. Not having the resources to continue fighting the Italian rebels, the Republic gave into their demands and granted them citizenship in 89 B.C.E. Sulla won much praise and prestige for the bravery and tactical skill that he exhibited during this war and would as a result win the consulship for 89 B.C.E. See Cary and Scullard, 222-227.

East, Cinna, one of the consuls serving in Rome during 88 B.C.E., had his colleague Octavius killed and summoned Marius back to Rome to serve as co-consul.[537]   Through the use of physical violence by their private armies, Marius and Cinna were able to annul most of Sulla's legislation and deter anyone from resisting their desires.[538]   The despotic behavior exhibited by Marius and Cinna demonstrated that the tactics of physical intimidation used in combination with the levying of private armies was a more effective method of change than tediously working through the constitutional process. These consuls were not elected by the people. They did not worry about appeasing the populace or acquiring the consent of the voting assemblies. Through the utilization of private armies, they became authoritarian dictators indeed.

Threatened by the fact that Cinna and Marius declared him an enemy of the state, Sulla returned to Italy to seize power after making a truce with Mithridates.[539] Sulla, with the help of Pompey and Crassus, had no trouble retaking Rome with the legions that were personally loyal to him because Marius died shortly after taking the office of consul and Cinna was killed by his troops in a mutiny.[540] Proving to be no better than Cinna or Marius, Sulla acted quite ruthlessly during his seizure of the city. He initiated a reign of terror in Rome which was the most violent in the history of the Republic. Upon having himself declared dictator of the Republic indefinitely, Sulla had the names of men who were possibly disloyal to him put on a proscription list with bounties offered to anyone who brought these men to justice.[541] This was a very tense time for the Republic, for no one outside of Sulla's inner circle was safe.[542] In addition to the men whose names were included on the proscription list, anyone who was accused of aiding, sheltering or concealing the whereabouts of the proscribed was assured of execution.[543] Even those who had no connection with the proscribed were killed as a result of mistaken

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[537] Appian, 37-41; Livy, 99-101; Plutarch, *Fall of the Roman Republic*, 48-50.

[538] Cassius Dio, *Roman History II*, 475; Appian, 40; Livy, 101; Plutarch, *Fall of the Roman Republic*, 51-52.

[539] Appian, 41; Livy, 105; Plutarch, *Fall of the Roman Republic*, 86-87.

[540] Appian, 41, 43, 49; Livy, 103, 105; Plutarch, *Fall of the Roman Republic*, 54, 93. Sulla's second march on Rome in 82 B.C.E. gave Pompey and Crassus their first opportunity to make themselves known. The military skill that both men exhibited during this turbulent year allowed them to further their careers. Pompey won further prestige by subduing the renegade Quintus Sertorius in Spain in 73 B.C.E., pushing Mithridates out of Asia Minor, annexing Judea, and ridding the Mediterranean of pirates. Crassus became one of the richest men in the Roman world and demonstrated that he was a competent military commander by bringing Spartacus' revolt to an end in 71 B.C.E. See Boatwright, et al., 207, 211-215, 218-219. Because of their accomplishments and prestige, Julius Caesar found it most advantageous to make an alliance with these two men in 59 B.C.E.

[541] Cassius Dio, *Roman History II*, 493; Appian, 52, 55; Livy, 111, 113; Plutarch, *Fall of the Roman Republic*, 97, 99. These bounties were not limited to the soldiers who served under Sulla. They were instead offered to any man who could bring the proscribed to justice.

[542] Cassius Dio, *Roman History II*, 494.

[543] Appian, 52; Plutarch, *Fall of the Roman Republic*, 97.

identity or because their names were added illegally to the proscription list by someone who wanted to seek revenge upon them.[544]

Sulla's seizure of Rome in 82 B.C.E. was absolutely devastating. The city was clearly in chaos. Law and order were superceded by anarchy and mob rule. The Roman constitution fell into complete disuse as violence became the only means through which people could attain their objectives or defend themselves from acts of injustice. It seemed as though the Republic was on the verge of complete collapse and that Sulla would make himself dictator for life.

Surprisingly, Sulla did not do so.[545] After carrying out the duties of dictator for three years, Sulla resigned from government service and quietly retired to the countryside where he died one year later.[546] In Sulla's absence, the Republic returned to a semblance of what it once was. After Sulla's retirement from public office, the election of magistrates returned to the voting assemblies and the tribunes were restored to their former status.[547] The Republic indeed appeared as though it was making a recovery and at least had a chance of enduring.

Nevertheless, Sulla's seizure of power through the use of his legions was not forgotten. Perhaps learning from Sulla's success of attaining authority through brute force, Julius Caesar, an ambitious politician who went into severe debt and spent huge sums of money to secure his popularity among the masses, employed the tactics of intimidation and physical force to achieve his political objectives.[548] Caesar was upset and insulted that he was assigned to oversee forests and public works as a province.[549] He, therefore, formed a powerful alliance, now known as the first triumvirate, with Pompey and Crassus, both of whom were accomplished generals, and obtained what he

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[544] Cassius Dio, *Roman History II*, 493.

[545] As dictator, Sulla consolidated his power by having legislation passed that made him immune from past acts of wrongdoing, curbing the power of the tribunes by disallowing them to seek higher office and confiscating Italian property at will for the purpose of establishing veteran colonies. See Appian, 100; Livy, 113; Plutarch, *Fall of the Roman Republic*, 99.

[546] Appian, 57-58; Plutarch, *Fall of the Roman Republic*, 100-103. Dictators were granted full executive powers by the senate during a crisis and did not have to abide by the checks and balances of the Roman constitution. They were expected to relinquish their powers after six months. Therefore, Sulla was in violation of the constitution because he served as dictator for three years consecutively. See Appendix A for a description of dictator.

[547] Boatwright, et al., 208. In 70 B.C.E. the tribunes were allowed to seek further office. This was important because it motivated ambitious and talented men to run for the office of tribune before seeking the consulship.

[548] Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, trans. Bernadotte Perrin, Loeb Classical Library (Cambridge, MA; Harvard University Press, 1999), 453; Suetonius, *The Twelve Caesars*, trans. Robert Graves (London: Penguin Books, 1979), 5.

[549] Suetonius, 8-9. A province was an area where a proconsul could exercise authority (*imperium*). Not limited to just geographical locations, a province could also be an area of competence.

thought should have been rightfully his, the proconsular duty of commanding legions in Gaul.[550] Through the combined forces of their troops which were loyal to them, all three men secured what they wanted without having to cooperate with the senate, the tribunes or the consuls. Going straight to the voting assemblies without even consulting the senate or the magistrates, Caesar, with the help of Pompey and his partisans, was able to physically intimidate the voting assembly into approving legislation that satisfied both he and his colleagues. As a result, Caesar was able to pass a bill that redistributed land to the poor and secured a five year provincial command in Gaul, while Pompey, in addition to attaining land for his veterans, was able to have his settlements in the East ratified.[551] Crassus, also benefiting from this alliance, had his desires met when Caesar arranged for the *publicani* to have one-third of their bid to collect taxes in Asia refunded back to them.[552]

Despite his overwhelmingly negative view of Julius Caesar and the first triumvirate, R.E. Smith was quite right when he argued that representative democracy had come to an effective end with the formation of this powerful alliance.[553] The Roman constitution of checks and balances which had worked for centuries became completely ineffective at this point and would never again regain any legitimacy, despite the fact that the Republic would continue on in appearance. Caesar by making an alliance with Pompey and Crassus, each of whom had legions personally loyal to them, was able to bypass the laws of the Republic, ignore the limits placed upon him by the constitution and get what he and his colleagues wanted through physical force and intimidation.[554] Not stopping at what they attained in 59 B.C.E., Caesar and his colleagues continued to dominate the Roman political scene for most of the next decade. With the renewal of their alliance at the Council of Luca in 56 B.C.E. in Cisalpine Gaul, Caesar, Pompey and Crassus continued, with the assistance of their legions, to make decisions regarding the election of consuls and the assigning of provincial commands.[555]

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[550] Appian, 73-74, 76; Livy, 127-129; Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, 471-475; Suetonius, 9-10; Cassius Dio, *Roman History III*, trans. Earnest Cay, Loeb Classical Library (Cambridge, MA: Harvard University Press, 1984), 187-189.

[551] Appian, 74-76; Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, 473-475; Suetonius, 9-10. Pompey's settlements in the East included making Judea and parts of Asia Minor provinces. Pompey subjugated these areas when he led legions in the East against King Mithridates of Pontus.

[552] Appian, 75; Boatwright, et al., 235. The *publicani* were private contractors who collected taxes in the provinces for the Roman government. They typically obtained a contract through a process of biding.

[553] R.E. Smith, "The Significance of Caesar's Consulship in 59 B.C.," *Phoenix* 18, no. 4 (1964): 303.

[554] Ibid, 303-313.

[555] Appian, 77-78; Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, 495; Suetonius, 11. In addition to granting Caesar a five year extension of his command in Gaul, it was decided at the Council of Luca that Pompey would govern Spain while Crassus was

There was perhaps some hope with the dissolution of the triumvirate in 53 B.C.E., due to Crassus' death, that the Republic would be able to reassert the principles and procedures of its constitution.[556] But such a hope proved to be only a fantasy. Unlike when Sulla resigned his dictatorship, the Roman state did not return to free elections and constitutional law upon the breakup of Caesar's, Pompey's, and Crassus' alliance. The Republic instead divided itself into two camps as Caesar and Pompey waged civil war against each other beginning in 49 B.C.E.[557] Not wishing to relinquish his grip on power or return the Republic to its former state of affairs after decisively defeating Pompey in Pharsalus, Greece in 48 B.C.E., Caesar accepted the title of dictator for life from the senate and the people, only to be assassinated in 44 B.C.E. by the senate in the theatre of Pompey.[558]

Polybius was perhaps a bit too optimistic when he assessed the Roman Republic as being invulnerable to collapse. As the events of the late second and early first centuries B.C.E. demonstrate, the Roman constitution ultimately did not provide an adequate enough system of checks and balances to prevent mob violence and the rise of ambitious men to power. The Roman constitution worked well during the early centuries of the Republic only because the rural farmers fought close to home and could maintain their harvests.

Fighting overseas in Greece and Asia Minor during the second century B.C.E became a major problem for the Roman army. It is at this point that the Roman constitution began to show its inadequacies. Having too many safeguards which favored the wealthy elite, the Roman constitution was unable to stop the rural peasantry from being exploited by the *latifundia* owners and the senators who supported them. In response, Tiberius Gracchus violated the traditional custom of acquiring consent and support from the senate and went directly to the people to have his land redistribution bill passed. This act of defiance incited the senate to retaliate with violence for the first time in its history to defend its illicit turf. Unfortunately for the Roman people, this act of physical violence would set a dangerous precedent, for in the decades to follow, tribunes, consuls, and senators would increasingly use physical force and mob violence to achieve their political objectives.

There is no doubt that the rise of mob violence had a devastating effect

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granted proconsular powers in Syria. See Livy, 129-131.
[556] Crassus was killed at the battle of Carhae during a failed invasion of Parthia in 53 B.C.E. which he instigated while serving as the provincial governor of Syria.
[557] Appian, 86-88; Livy, 135-137; Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, 521-523; Suetonius, 16-17; Cassius Dio, *Roman History IV*, trans. Earnest Cay, Loeb Classical Library (Cambridge, MA: Harvard University Press, 2001), 7.
[558] Appian, 125, 128; Livy, 145-147; Plutarch, *Lives VII Demosthenes and Cicero Alexander and Caesar*, 575, 599; Suetonius, 36, 41; Cassius Dio, *Roman History IV*, 291, 317. It must be noted that Caesar was granted the title of dictator two separate times for one year intervals before being bestowed with dictatorial powers for life in late 45 or early 44 B.C.E.

on the fabric of the Roman state. In addition to weakening the sacrosanct status of both the tribunes and the senate, it diminished the effectiveness of the Republic's constitution of checks and balances. However, mob violence was not itself responsible for the collapse of the Roman Republic. It was mainly because of the creation of a standing army in the late second century B.C.E. that representative democracy came to an end in the Roman world. By levying troops from among the urban proletariat for his campaign against Jugurtha in North Africa, Gaius Marius began a trend in recruiting that effectively transferred the loyalty of the soldiers from the state to their commanding officers. Consequently, ambitious men were able to capitalize on an atmosphere of mob rule which became all too common during the late second and early first centuries B.C.E. and utilize the loyalty of their troops to acquire power. Representative democracy, as a result, came to a final close when Julius Caesar and the first triumvirate obtained the reigns of executive power, for Caesar and his colleagues set a precedent in which future leaders could not maintain authority without the backing of legions. Physical force and intimidation became from this point forward the only effective means through which authority could be effectively exercised, demonstrating that the Republic was indeed truly dead.

It can be concluded from a careful examination of the primary sources that Sherwin-White, Brunt, McDonald, and Smith were all partially correct in their assessments of the late Republic. The Republic's demise can not be attributed to a single cause or event. It instead must be attributed to a combination of various causes, all of which are addressed by Sherwin-White, Brunt, McDonald, and Smith. In order to truly understand why representative democracy ultimately failed in the Roman world, one must examine all of the arguments presented by these scholars, for not one of them alone sufficiently explains why such a calamity occurred. Smith, for instance, was absolutely correct when he argued that Caesar and the first triumvirate brought the Republic to a final close, for the primary sources clearly show that the Roman state never returned to its former practice of representative democracy after the triumvirate dissolved. Nonetheless, it is important to note that ambitious men such as Caesar would have never acquired power if it wasn't for Gaius Marius' army reforms which allowed for the levying of private legions, an argument made by Sherwin-White. Meanwhile, it must also be remembered that the senate played a vital role in the Republic's destruction as well, for it is largely they who created an atmosphere in which mob rule could flourish. McDonald was quite right when he argued that the senate's wars in Greece and Asia Minor during the second century B.C.E. set the stage for civil strife. After all, these wars not only caused discontent by ruining the livelihoods of rural farmers, but they also diminished the number of men eligible for

military service, making it necessary for commanders to begin levying private armies. But of all the late Republican scholars, Brunt perhaps gave the most significant reason for the Republic's downfall when he argued that the Roman constitution was weighted too much in favor of the elite. According to Brunt, the common people had no way of addressing their grievances because the nobles and the equestrians dominated the voting assemblies. Consequently, the plebeians had no choice but to resort to mob violence.

The arguments made by Smith, Sherwin-White, McDonald and Brunt clarify why the Roman Republic imploded. While Polybius may have been correct in his assessment that the Roman constitution was the most advanced in the Mediterranean, he was certainly incorrect in his judgment that the Republic was invulnerable to collapse. Though the Roman constitution contained a unique system of checks and balances, it was ineffective in preventing revolution because it did not allow the plebeians to address their concerns in the popular assemblies. In addition, the Republic could not control ambitious men who levied private legions that were personally loyal to them. These private soldiers, who were recruited from among the urban proletariat, had everything to gain by giving their loyalty to their commanders in the field, for their financial well being was based on their general's military skill and generosity. Consequently, Roman soldiers began to fight for individual men and not the Republic. In an environment where ambitious men vied for power by conscripting private armies which consisted of men that felt exploited and left out of the political process, it was inevitable that the Roman Republic would transform into a monarchial state where an emperor's authority rested with the legions that he controlled.

BIOGRAPHICAL NOTES

I am currently a history major at UVSC and will graduate with a Bachelor of Arts degree on April 25, 2008. I have a wide range of personal interests which include hiking, camping, photography and reading. I have a particular interest in ancient history and chose to write my senior thesis, the paper which I am submitting for publication, on how private armies and mob violence contributed to the destruction of the Roman Republic. I hope to further my education by attending graduate school after acquiring experience teaching English as a second language overseas.

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Appendix A

The Roman Magistrates

Consuls – two officials, elected annually by the *comitia centuriata*. They acted as executive officers who reigned supreme in war, oversaw the running of the state, presided over the senate and presented legislation to the popular assemblies.

Praetors – eight officials elected annually by the *comitia centuriata*. Subordinate to the consuls, the praetors presided over the *comitia centuriata* and the senate when the consuls were absent. It was their duty to see to judicial functions and preside over the *comitia curiata*. They could also command armies when necessary.

Quaestors – twenty officials that were divided between urban and consular quaestors. Urban quaestors served as civil judges and treasury officials. Consular quaestors served as supply officers in the army. Elected by the *comitia curiata* annually, quaestors could preside over the *comitia curiata*.

Aediles – four officials (two patrician, two plebeian) elected annually by the *comitia curiata*. As city commissioners, the aediles oversaw the maintenance of streets and public places in Rome and managed public entertainment spectacles. Plebeian aediles were elected annually by the plebeian assembly.

Tribunes of the Plebs – ten officials elected annually by the plebeian assembly. Tribunes had no official position in the state except as spokesman for the plebeian population. They had the right to veto any legislation being discussed in the senate or in any of the popular assemblies. They were considered sacrosanct and presided over the plebeian assembly.

Censors – Two officials elected every five years for an eighteen month term by the *comitia centuriata*. Censors were chosen from among senators who were ex-consuls. They conducted censuses to decide each citizen's place in the army and rank in the *comitia centuriata*, a determination which was decided by the amount of property and wealth the particular citizen possessed. Censors also had the right to expel men from the senate for moral reasons.

Dictator – one ex-consul chosen during a time of crisis by the consuls and the senate to serve as an executive head of state who did not have to abide by the checks and balances of the Roman constitution. Dictators were supposed to give up their powers after no longer than six months.

Magister Equitum (Master of the Horse) – one man who was second in command to a dictator during a time of crisis. A magister equitum was appointed by a dictator and approved of by the senate.

Voting Assemblies		
	Centuriate Assembly (Comitia Centuriata)	**Tribal Assemby (Comitia Curiata)**	**Plebeian Assembly**
Composition	All citizens	All citizens	Only Plebeians
Voting Units	193 centuries	35 tribes after 241 B.C. (31 rural and 4 urban)	35 tribes
Presiding Officials	Consul or Praetor	Consul or Praetor	Tribune of the Plebs
Elections	Consuls, Praetors and Censors	Aediles and Quaestors	Tribunes and Plebian Aediles
Legislative Powers	Issues of peace and war	Proposals made by Consul or Praetor	Proposals made by the Tribunes
Judicial Powers	Hears citizens' appeals on capital charges	Issues verdicts in trials	Issues verdicts in trials

Source: Mary T. Boatwright, Daniel J. Gargola, and Richard J.A. Talbert, *The Romans from Village to Empire: A History of Rome from Earliest Times to Constantine* (New York: Oxford University Press, 2004), 71.

King Philip IV of
France Versus the Knights Templar

Brian Jordan

There were many knightly Orders in the medieval period of history. The most powerful and famous of these Orders was the Knights of the Temple, also known as the Knights Templar. The Knights Templar, after lasting for nearly 200 years (1119-1312), was disbanded by Pope Clement V on March 22, 1312 after several lengthy proceedings.[559] Though Clement V may have been the man who issued the *bull* "Vox in excelso", which permanently disbanded the Templars, the real man behind the order was King Philip IV of France. While arrests of the Templars were eventually made all around Europe, events were set into motion, and the methods of extracting confessions were the fiercest in France. The unfair trial in France, and subsequent annihilation, of the Order of the Knights Templar was due to the vengeful and greedy nature of the French king, Philip IV.

While greed and vengeance were the main aspects driving King Philip's actions, there were other factors as well. Sanello, author of the book *The Knights Templars; God's Warriors, the Devil's Bankers*, echoes this thought when he states, "Philip IV was a complex character whom it would be unfair to dismiss as motivated by greed or revenge alone, although both of these emotions did indeed drive him".[560] One reason for Philip's quest to rid the world of the

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[559] Sean Martin. *The Knights Templar* (New York: Thunder's Mouth Press, 2004), 154.
[560] Frank Sanello. *The Knights Templars; God's Warriors, the Devil's Bankers* (New York: Taylor Trade Publishing, 2003), 116.

Templars was of a religious nature. Philip IV was an extremely religious king and he was determined to stamp out all whom were not Christians. As well as foreigners and Jews, Philip IV had a particular hatred for heretics. If everyone who Philip accused of being a heretic had actually been guilty of that crime, more than half of Philip's enemies would have been heretics, including at least two popes. He was, however, devoted to expanding Christianity and purifying the faith. He was a truly pious king and he did have dreams of establishing God's kingdom on earth.[561] Philip certainly knew that the wealth of the Templars was great and that if he brought them down he would stand to gain a great amount of money, but it has been argued that this was a side note, not a main focus. Sanello writes, "Although it led to a gold mine, his [Philip's] persecution of the Templars also reflected genuine concerns about the corruption and sacrilege he believed were being committed at the highest level of monastic society".[562] Another potential reason that Philip IV had for attacking the Templars was to make his son king of Jerusalem. Walsingham states, "Philippe's design in assailing the Templars was to procure for one of his younger sons the title of King of Jerusalem, with the Templar possessions as an appanage".[563] While this was a real possibility and one that was within the scope of the king's realistic goals, there was another possibility that is related to the Templars' fortune.[564] It has been argued that it was perhaps megalomania, not greed, that fueled the king's desire to eliminate the knightly Order.[565] Megalomania is different from greed in that the former is a psychological state whereas greed is simply a characteristic that can be controlled. While it has been contested that greed and revenge were the only reason for Philip's "crusade" against the Templars, this clearly is untrue.

So with evidence of the king's piety and his desire for his son to be king of Jerusalem, why is it that many argue it was the king's greed that was the main contributing force behind his decision? Philip IV was in dire financial straights. Wars that Philip IV was fighting were draining the coffers, so much so that Philip had to borrow money from the Templars that he would not be able to repay. Sanello states, "The bankrupt, unpopular King had borrowed vast sums of money from "god's bankers" with no hope of repaying them".[566] The wealth of the Templars was vast and widely known, and the king wanted it.

Philip IV had a history of taking wealth and either expelling or killing the previous owners. In July 1306 all of the Jews in France were arrested in one

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[561] Stephen Howarth. The Knights Templar (New York: Dorset Press, 1991), 116.

[562] Sanello, 117.

[563] Charles Lea. The Guilt of the Templars (New York: Basic Books Publishers, 1966), 153.

[564] Ibid.

[565] Sanello, 119.

[566] Sanello, 115.

night, much like the Templars were.[567] Some argue that the rounding up and expulsion of Jews was due to King Philip's religious views and not his greed, but the Jews were not merely expelled from France, they had all of their wealth taken from them before they were forced to leave the country. If Philip had exiled the Jews without taking their money then one might be able to argue that his reasons were purely religious. In 1311 King Philip did the same thing to the Italian bankers, the Lombards.[568]

The point can be made that, since Philip IV did not attack other Orders of Knights (like the Hospitallers for example) then clearly his fault was not greed but misplaced religious fervor. Lea, a noted historian, states, "…he [Philip IV] expected to benefit in the same way from the confiscation of the Templar possessions, while, as we shall see, he overlooked the fact that these, as ecclesiastical property, were subject to the imprescriptible rights of the Church".[569] Philip IV thought that taking the possessions of the Templars would be as easy as taking the wealth of the Jews. And if he would have secured vast amounts of wealth from disposing of the Templars, there is no doubt that he would have gone after other wealthy knightly Orders. The goods of the Knights Templar belonged to the Church, however, and therefore could not be claimed by the king. While he did make use of the Templars possessions for as long as he could, some items and land he held onto for years, most of the Templar property would eventually be given to the Hospitallers.

The Jewish and Lombard expulsions were fairly easy to explain to his subjects why they must be pushed out of France. The Jews were not Catholic and therefore there was a religious reason that he used in order to explain to his people of the importance of expelling them. The Lombards were foreigners and, according to Philip IV, did not belong in France, therefore he had sufficient reason for exiling the Italians as well. The Templars were a great deal more complex as they were warriors of the faith and they belonged in France. In order to achieve his goals Philip turned to a vice that he had used in the past and was a real fear in many minds of people of the day, heresy.

Before Clement V became pope, Boniface VIII was at the head of the church. Philip did not like Boniface, even though the two seemed to have similar ideas. Both men believed that the church and state should rule under one man, the problem was that both men believed that man to be themselves.[570] The relationship between Philip and Boniface became so strained that in 1303 Philip attempted to kidnap the pope and charge him with the same charges that he would use against the Templars just four years later, mainly heresy and sodomy. The attempted kidnapping did fail but the elderly Boniface died

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[567] Martin, 116.
[568] Ibid.
[569] Lea, 154.
[570] Howarth, 249.

from the shock of the ordeal and Philip was able to get a pope into power that he thought was going to be more sympathetic to his cause, Clement V.

Greed and money were only one motive for the King's anger and coming retribution. Revenge can be a powerful motivator at times. There are at least two reasons why King Philip IV may have wanted vengeance against the Templars. The king was constantly in financial trouble and in order to alleviate this pressure he debased the coinage. This made the people of France so upset that a mob came after the king in 1306 with the intent on taking his life.[571] In order to escape the mob, the king took refuge in the Templar fortress in Paris. This was an embarrassment that the king would not be able to suffer. He had already owed the Order over 100,000 *francs* and now he owed them his life.[572] Another reason for the king's distaste of the Knights Templar is because they had rejected his admittance into their Order. Howarth recounts, "…he applied for membership of the brethren of the Temple. Not only that, but he proposed to abdicate in favour of his son. It would have seemed natural for the Templars to have welcomed such a powerful man into their rank; but they refused him".[573] Reasons abound as to why the Templars denied Philip's membership into the Order, but the important fact is that he wanted to join and the Templars were unwilling to let him.

If the motives of Philip IV bringing the Templars to trial were dubious, at best, the actual trial itself was a complete farce. Once Philip had made his decision to take their wealth and disband the order, he moved quickly. On September 14, orders were sent out to arrest the Templars.[574] In these orders Philip was careful to note that the arrests would be carried out on a specific day. Although communication and coordination in 1307 was not nearly what it is today, this move by Philip was not unprecedented. It was not something that other monarchs were able to accomplish but Philip had successfully arrested all of the Jews in one night years earlier. So on Friday 13, October 1307 all Templars in France were arrested on Philip's usual charges of heresy, sodomy, blasphemy and denying Christ.[575] During this time there is an overwhelming amount of support for the Templars. The public was outraged and in complete disbelief that their Knights of the Temple were guilty of these charges.[576] James II of Aragon thought that the charges against the Templars were trumped up in order to get their money.[577] Many claimed that the king's action was because of cupidity instead of piety.[578] Even Pope Clement, who

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[571] Martin, 117.
[572] Sanello, 119.
[573] Howarth, 258.
[574] Martin, 117.
[575] Martin, 116.
[576] Martin, 118.
[577] Martin, 116.
[578] Sanello, 128.

would later disband the Order, did not believe that they could be guilty of these charges. Clement went a step further, however, and called the king's actions illegal and charged him with attacking the Church in a letter to Philip which states, "[Philip] violated every rule by arresting the Templars, which was a blatant act of contempt towards ourselves and the Roman Church".[579] Although Clement thought that Philip was acting unjustly, the king was able to wear down the pope, mainly by keeping the pope under house arrest, and Clement reluctantly issued *Pastoralis praeeminentiae*, this called for the Templars' arrest worldwide.[580] The leaders of other nations where the Templars were stationed, because they believed this to be an order from Philip and not Clement, did not respond in accordance to the bull. James II of Aragon was incredulous, Edward II of England did as little as possible for as long as possible, in Germany there was widespread disbelief and in Cyrus the charges were not believed at all.[581] Regardless of what other nations were doing, Philip IV was going to follow his crusade until the end.

The reason that Philip was able to claim a victory in the end was because many Templars "confessed" to the charges leveled against them under intense torture. When giving their final confessions before a counsel or the pope, they were forced to state that they had not been tortured but they actually had been horribly and relentlessly tortured. While Templar arrests were eventually made in many countries, the confessions that were received depended largely on whether or not the country used torture in order to get those confessions. In Britain, where torture was not used, there were very few confessions.[582] In the Papal States, where torture was used, they were able to obtain more confessions.[583] In France, where torture was relentlessly used, nearly all confessed at one point.[584] The Dominicans were particularly ruthless in the torture methods that they employed and within a few weeks thirty-six knights had died from torture.[585] After the trial really got started, the Templars were recanting their confessions and saying that that had been tortured into confessing. In a legal document written in defense of the order, it asks for the inquisitors to cease using torture in order to extract confessions and the only reason that they have the confessions in the first place is because they used torture; "...they [the knights Templar] declare that the brothers of the same Order who made those statements or confessions, made them under torture or fear of torture...".[586] When the Grand Master of the Order, Jacques de

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[579] Piers Paul Read. *The Templars* (New York: St. Martin's Press, 2000), 165.
[580] Martin, 118.
[581] Ibid.
[582] Martin, 118.
[583] Ibid.
[584] Ibid.
[585] Sanello, 134.
[586] Malcolm Barber and Keith Bate. *The Templars* (New York: Manchester University Press,

Molay, appeared before a counsel sent by the pope to hear his case, de Molay tore open his shirt and showed three cardinals where he had been physically tortured. The cardinals were so moved that they wept.[587] The cardinals had good reason to weep, the methods of torture that were used were inhumanely cruel. It should be stated here that some of the inquisitors actually thought that they were helping the knights by offering them a chance to repent and come back to the Church, others were simply cruel. Whatever their reasons the Templars suffered horrifically. The inquisitors used every form of torture that they could think of. They used psychological torture by showing Templars forged documents that indicated that their leader de Molay had confessed.[588] When psychological torture was not working the inquisitors would turn to physical torture. One method that seemed to be used particularly often was the subject's legs were locked into place so they could not move. Then the prisoner's feet were covered in either animal fat or butter. After that, the subject's feet would be held over a fire, which would cause the subject's feet to literally cook while he was alive.[589] Apparently the torturers also resorted to pulling out teeth as one knight explained that he confessed to save his remaining teeth as he had lost four already.[590] Through these awful forms of torture, Philip IV was able to obtain the confessions that he needed.

    Though Philip was able to acquire confessions through the means of torture, the confessions that he was able to attain would be highly suspicious, The first important confession (and the one the Philip was most interested in) came from de Molay on October 25, 1307. At the University of Paris de Molay confessed to denying Christ and spitting on the Cross.[591]   After this confession was given many other confessions were attained, though the amount of information given usually ranged from how much torture was given. Some acts that the Templars confessed to were spitting trampling and/ or urinating on the Cross, denying Christ, having sex with demonic women, inappropriate kissing during the initiation, and killing newborn children.[592] Even just glancing at this list it should be apparent that the Templars were not telling the truth in these confessions. Another popular confession was that the Templars worshiped an idol called Baphomet. The problem with these "confessions" is that most Templars confessions differed as to what the idol actually looked like. The idol images ranged from a severed head, to a head with three faces, a woman, a face of a bearded man or even a cat.[593]   Given

    2002), 301.
[587] Read, 268.
[588] Sanello, 136.
[589] Sanello, 134.
[590] Sanello, 136.
[591] Martin, 118.
[592] Martin, 119.
[593] Ibid.

that the confession differed wildly from other confessions gained one would think that the confessions would not be of any use to prosecute the Templars, but Philip had obtained all of the ammunition that he would need in order to destroy the Knights Templar.

The "trial" of the Templars was less of a court proceeding to ascertain guilt and more of a string of contradictions. The first thing that Philip did that should be seen as a contradiction to his "religious crusade" is the fact the he appoints William de Nogaret, an excommunicate, to be chief prosecutor against the Templars.[594] If Philip's intentions were truly for religious purity then he would not have appointed an excommunicate to such a high position. He then went to the University of Paris and asked the theologians there if he had a case against the Knights of the Temple. On March 25, 1308 the university replied that the king had no case.[595] Not only did the king not have a case, he was in violation of canonical law.[596] While this did not stop Philip IV, he knew that he must collect witnesses to stand against the Templars, but there were not many to be found. Unable to find any reliable critics, Philip found two less than reputable witnesses: Squin de Florian, who had previously been imprisoned by Philip and Nosso de Florentin, whom the Templars had dismissed from their Order.[597] After these two stepped forward many expelled members were eager to testify against the Templars.[598] For all of the "witnesses" that the king was able to collect he was never able to get better than second or third hand information. No actual external evidence was ever presented to prove the Templars guilt. The fact that the only confessions that were obtained, were done so under torture also makes the confessions null and void.[599] By 1309 things were going very poorly for the knights and the witness testimony along with the confessions that the inquisitors obtained through torture looked as though it would be enough to eliminate the Order. On November 26, 1309 Jacques de Molay asked that someone be found to defend the Order, but as he was not a man of learning he requested that someone else be chosen.[600] His request was finally granted in February 1310, when Peter Bologna and Reginald de Provins (both members of the Order) were set up to defend their fellow knights.[601] When Bologna and de Provins were allowed to make their case for the Templars, they did remarkably well. They showed how torture was used to obtain confessions, and since then the knights had recanted their confessions. They were also able to discredit the prosecution's

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[594] Howarth, 274.
[595] Martin, 120.
[596] Sanello, 129.
[597] Sanello, 126.
[598] Lea, 156.
[599] Lea, 165.
[600] Martin, 121.
[601] Ibid.

witnesses and it seems as though they may have been able to win their case and secure the Templars release. Philip IV, however, made a bold and cruel move. He ordered the pope to decree that those who had recanted their confessions to be pronounced as relapsed heretics and therefore should be burned at the stake. Bologna pleaded that this was not just and this would severely hinder the defense of the Templars but since the order came from the pope there was nothing that could be done. On May 12, 1310 fifty-four Templars were cruelly burned at the stakes for being relapsed heretics.[602] The king went further, however, and even had dead Templar bodied exhumed and burned the corpses.[603] Shortly after this event, Bologna went missing and was suspected of being murdered by Philip's henchmen.[604] Without proper representation, the case for the Knights Templar fell apart and many knights retracted their retractions. With no one left to defend the Templars the prosecution had an easy time "proving" their case and on March 22, 1312 Clement V issued the *bull* "Vox in excelso", permanently disbanding the Knights of the Temple. On March 18, 1314, nearly two years after the Order had been disbanded, de Molay was burned at the stake and the wood was placed close to the stake to ensure a more painful death. Instead of the possibility that he could die from smoke inhalation, the people who had him executed wanted to make sure that he was burned alive.

It is a shame that a group such as the Knights of the Temple had such a tragic end. As knights they probably would have preferred to die on the field of battle or to retire to a life of leisure. Their downfall, however, was not brought about by the sword, but by treachery and greed. Philip IV proved through his history of seizures of the wealth of others that his purpose in getting rid of the Templars was not a religious cause. He had been slighted by not being allowed to join the Order and wanted their money. After deciding to take their wealth, Philip created a case against the Templars that never really existed. The trial that he put together, and his unyielding grip on the papacy, allowed him to destroy the Templars without any evidence at all.

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[602] Sanello, 160.
[603] Sanello, 161.
[604] Martin, 130.

BIOGRAPHICAL NOTES

Brian Jordan is currently a senior at Utah Valley State College. He is working towards getting his bachelors degree in history. Brian is currently scheduled to graduate in April 2008. He is a member of the Golden Keys Honor Society as well as Phi Alpha Theta. After graduating Brian hopes to continue his education at graduate school and eventually teach military history at a university.

If you enjoyed this article then seek out:

"Humanism: Friend or Foe of the Reformation?" by Cindy Brightenburg, *Crescat Scientia* v. 4 (2006), pgs. 61-83.

"The Teutonic Knights," by Angela Mickiewicz, *Crescat Scientia* v. 1 (2003), pgs. 55-63.

"DESDE LOS ESTADOS UNIDOS DE MÉXICO"[605]
(FROM THE UNITED STATES OF MEXICO)

BARRY P. MAXFIELD

The Mexican border has always conjured images of a wild frontier, Pancho Villa style *bandidos* with rifle in hand, and ammo *bandoliers* draped across their chests. Mexican border AM radio between the 1930s and the early 1980s wasn't that different; it too was a wild frontier. These stations, known as Border Blasters, had excessive power outputs known as wattage. Transmitters reaching high as 1,000,000 watts of radio frequency power fought for airwave dominance against American and Canadian Broadcasters (who were allowed a maximum of 50,000 watts). The Mexican radio always won by sheer radiated power. These transmitters were so powerful that birds in flight would literally be zapped out of the air as they flew near the antennas, and the stations could be heard on ships in the South Pacific.[606]

These stations had a colorful history of notorious characters, legal intrigue, strange sales pitches and shoot-out's with .45 pistols and machine guns.[607] The personalities were wild and dynamic, Dr. John R. Brinkley (allegedly implanting goat glands in humans to overcome sexual issues), Governor W. Lee "Pappy" O'Daniel (satirized in the 2000 Touchstone Pictures movie "*O' Brother Where Art Thou*"), and Wolfman Jack who was celebrated in George Lucas' 1973 movie "*American Graffitti*." These personalities had an element

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[605] Keith Morgan, XeROK 80 Composite, The Live Years (1977-1980), www.reelradio.com, 14 January 2008.
[606] Gene Fowler and Crawford Bill, Border Radio (Austin; University of Texas Press, 2002).
[607] Ibid.

of piracy about them. They gave the border blasters a reputation that carried on until its demise.

It seems the evolution of some human endeavors go towards refinement. Examples of this can be seen in music. Jaunty Baroque music eventually evolved to very smooth classical musical by the late 19th century, and unpredictable ethnic Harlem Jazz became smooth and predictable new age music of today. So goes it with radio. The Mexican Border Blasters experienced this evolution. They started out as Pancho Villas of the airwaves, a collaboration of Mexican Government, wanting to stick it to their Canadian and American neighbors and mercenary souls who lost their legal right to broadcast inside the United States. They evolved to the next step where these outlaws went to simply being irreverent and "in your face". Finally they were forced out; their lawless image had become archaic and no longer fit the ideal or the market place. They had real personality; they had vigor, which has been lost in today's world of electronic haze, meaningless political banter and a predictable Clear Channel Corporation play-list. As a teen in the early 70s, the author caught the end of this evolution- the bowing out of the outlaw image, the civilizing and demise of the fantastic broadcast phenomenon.

In the 1970s it was the powerful XEROK (located at 800 on the AM dial) that was the focus of my attention. This station was the last border blaster. It was the last to carry any semblance of outlawness. Of course it was still pretty tame compared to the Border Blasters of the '30s or the '50s. But it was important to a generation of American Youth.

XEROK was the highest rated radio station in the United States in 1975. There are those of a sociological bent who would argue that this is because it covered most of the nation, but the argument disappears when it is considered that this only happened at night. That is to say, the powerful skywave skipped all over the geography. What is skywave anyway? That is the phenomenon where a radio wave below a certain frequency (about thirty megahertz or 30,000,000 cycles) will leave the broadcast antenna and hit the ionosphere, reflecting the radio wave back to the earth.
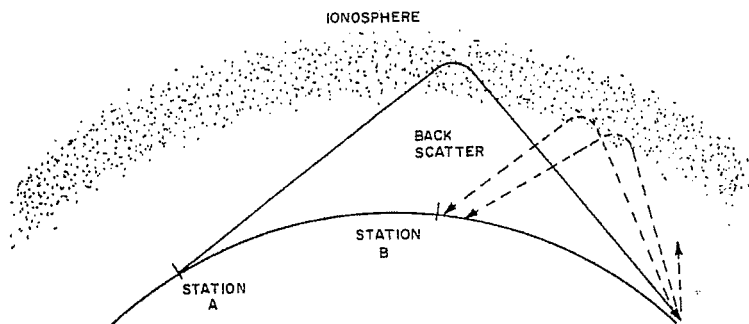
The magic of the AM skywave skip. This is how nighttime X-rok skipped to 22 million listeners worldwide.
1990 ARRL Handbook For The Radio Amateur

At sundown X-rok would boom in on the radio at the author's location in Colorado. As loud and clear as it came in, it might as well have been the station down the street. There were only rare occasions when there was a hint of nighttime warble due to atmospheric instability. But Colorado was not the only state where the station came booming in to over 22 million Americans in North America. Not to mention that its radiation pattern included Central and South America. During the nighttime hours, the X-rok disc jockeys would receive music requests from Lincoln Nebraska, Des Moines Iowa, San Diego California and Miami Florida.[608] Claude Hall, a media personality being interviewed on X-rok, reported that he heard from a listener in Turkey. It was a nationwide phenomenon, possibly worldwide.[609]

There was nothing unusual about X-roks programming. It was not controversial like the Wolfman Jack Border Blasting of the 1950s where he played ethnic music and rock.[610] (By the author's recollection this was not accepted in the day, as radio in the U.S. played mostly adult contemporary music.) X-rok's programming was Top 40 music. The station was programmed as any other station of the day, using the record sales charts, "gold books" and rotational grids. The disc jockeys were responsible for pulling the records for the daily rotation. It was operated 24 hours a day on a tape delay. This was a licensing requirement imposed by the Mexican Government, who by this time would not allow any station to broadcast live in English. At least 50 percent of their air content had to be broadcast off tape. Somehow the English speaking program directors managed to deliver the tapes from El Paso Texas, where they

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[608] Keith Morgan, The Keith Morgan Collection www.reelradio.com, 17 January 2008.
[609] Bruce Miller Earle, unpublished email, 1 April 2008.
[610] Jamie York, The X-Factor aired November 16, 2007, New York City, WNYC Radio
    Transcript available http://www.onthemedia.org/transcripts/2007/11/16/06, 12 February
    2008.

were produced, to the station's Spanish speaking engineering staff in Juarez Mexico and keep things straight.

In the station's early days, the show tapes were produced in El Paso. The engineering studios and transmitter were located near Juarez Mexico. A courier crossed the border several times a day, bribing Mexican customs officials to get the tapes to the engineers, who were responsible for playing them in the right sequence for show continuity.[611] Taped show production may not have been too difficult as there were no weather reports, no news and no time given in the early days of X-rok. Maybe this is one of the reasons for the station's popularity. It had a carefree feel about it. The station had no political aspiration. It didn't care about the weather outside, it didn't care what the traffic was, and it only cared about the time to the point of hourly station identification.

At one point in time, X-rok was one of the world's most powerful radio stations. This was emphasized on air by a sultry female latin voice in Spanish proclaiming, "La estación más potente del mundo" (the world's most powerful station).[612] It was a 150,000 watt monster, with three times the wattage legally allowed by the United States Government. That of course was nothing compared to the mighty million watt XERF of twenty years earlier.

These are just technical aspects of the operation. These are not the reasons for the station's popularity. That is a different issue. Why was it wildly popular amongst teens in America during the '70s? It was the sound of the station. What teens received at their radios is what made it special. A sound from the Mexican Desert that was fresh. X-rok conveyed to the listener the same feeling they would get if they where standing in an amusement park in mid summer at noon- so much going on that it assaults the senses so densely that it takes days to scrape away the feeling. X-rok had a sound made by special people, all talented and highly rated in the radio markets where they came from before gathering at the border. They were the bad boys of a highly regulated mass media where certain words couldn't be said, and violations brought high penalties.
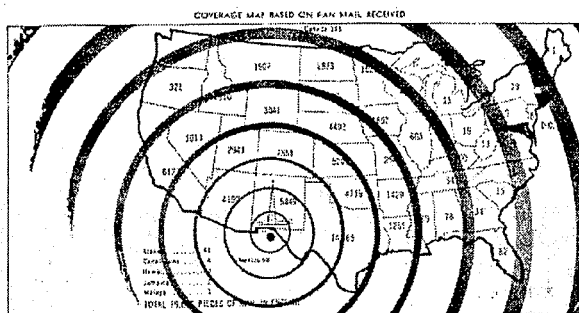
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[611] John Long, Puttin' On The Hits, http://www.oidar.com/CHAPTER7.htm, 3 February 2008.

[612] Morgan, XeROK 80 Composite, The Live Years (1977-1980), www.reelradio.com, 14 January 2008.

Advertising for XELO from the 1960's, collection of author

The station, originally called XELO, changed to XEROK and went on the air as an English speaking station sometime in 1972.[613] A group of investors, under the name World Broadcasting Company (WBC) of El Paso Texas, were responsible for these changes. Their vision was to dominate the radio market in El Paso and earn a return on investment. WBC leased the station from the Mexican Owners, provided programming, sold advertising and paid a royalty to the Mexicans.[614] On startup, XEROK operated the original Will Branch (a pioneer in super power transmitters and notorious border blaster engineer) constructed transmitter, which dated to the 1930s.[615](11) It was archaic, dangerous and difficult to operate. The station was on a tape delay

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[613] Mitchell Dave, Rudy Rocha, XEROK, El Paso December 1972, www.Reelradio.com, 12 January 2008.
[614] Long, Puttin' On The Hits, http://www.oidar.com/CHAPTER7.htm, 3 February 2008.
[615] Fowler, 131.

with audio sets alternating between Spanish and English. The format was Top 40, with some album cuts intermingled. With a couple of exceptions, the disc jockeys were not well known. Information on the Xerok startup is muddled and requires deeper study. But the legendary Steve Crosno was one on air personality. Others were Ted Jackson, Rudolpho "Rudy" Rocha, Jr. and Charlie Van.[616] The station did not meet the investors' goals. Management knew they'd have to gather the best talent money could buy and a search for new personalities was made.[617]

In the fall of 1973, General Manager Ray Gardella and Radio Consultant Kent Burkhart were able to tap KISN in Portland Oregon for Bill Stevens, a highly rated DJ of the pacific northwest, as well as KNUS of Dallas, where literally half the station's DJ's were hired away to XEROK. The KNUS group included Eric Chase, Randy Hames, and Christopher Haze. Steve Sever was a DJ kept over from the start-up. Jim White was the new Program Director.

This group launched X-ROK 80 (a contraction of the XEROK call sign. This wasn't the stations formal identification, but merely marketing). These DJ's arrived in the fall of '73, but the stations formal start-up was not slated until December. During this interim period, the staff worked out of an old car dealership in El Paso where they set up a production studio in a vault, and in the words of former DJ Randy Brown (Chris Haze) "you could get locked in and there was no ventilation".[618]

Before the December format flip the new jocks would take turns recording one hour shows where they would play any music they liked and they would not identify themselves. *"X-rok-80 it is 7 am and this is...woops I can't tell you who I am, but stay with me anyway..."*[619] These shows were played randomly to throw competitors off as to what they were up to. This went on until the station's formal start-up date of December 27, 1973, when the new programming format was unveiled to the world. X-rok 80 was used on air, but XEROK Juarez Mexico (in Spanish) was the formal hourly station identification to keep the station from running afoul of the S.C.T. (Secretaria de Comunicaciones y Transporte, the Mexican equivalent to the U.S. Federal Communications Commission).[620]

Shortly after X-rok 80 came on air, a dispute arose between the General Manager and Program Director Jim White over the details of format. A search was made for a new program director. Burkhardt recruited a young program director named John Long out of WROR-FM Boston. Jim White was then fired.
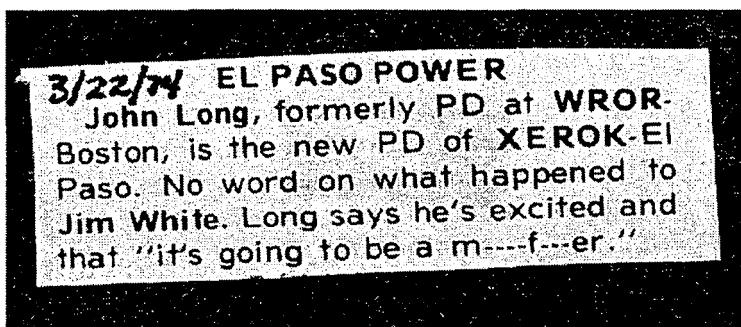
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[616] Aircheck listing, http://WWW.Yesterdial.net/, 12 January 2008.
[617] Long, Puttin' On The Hits, http://www.oidar.com/CHAPTER8.htm, 11 February 2008.
[618] Randy Brown, personal interview, 20 February 2008.
[619] Randy Brown, The Randy Brown Collection, www.reelradio.com, 16 February 2008.
[620] Ibid.

3/22/74 EL PASO POWER
John Long, formerly PD at WROR-Boston, is the new PD of XEROK-El Paso. No word on what happened to Jim White. Long says he's excited and that "it's going to be a m---f--er."

New Program directors feelings. Courtesy John Long from Radio and Records and Magazine

This Nexus of X-rok 80 and John Long would become legend in radio circles and in the arbitron ratings.[621]

Not only did Long have a feel for programming, he could organize operations. Upon arriving in El Paso and listening to the station for the first time, Long thought it sounded automated. There was no time given or news. Burkhardt had not indicated to him that the station content was taped. He was surprised, when he toured the facilities, that there were no disc jockeys on site. The on air talent would come to the studios, record several hours of show, then go home and not return until it was time to record again.

Long realized there was a continuity problem that made the station sound automated, yet the programs had to be taped per the requirements of Mexican Law. Changes had to be made without ruffling the feathers of the DJ's and the unionized Mexican engineering staff. Long knew he had the best on air talent available and his changes were elegant, yet simple. He had the disc jockeys come in to record their shows during the times the shows would air, except that the taping would be twenty four hours ahead of air time. This created disc jockey overlap at shift change giving the DJs a chance banter with each other. Long continued with the no news, no time policy.

Long's next dilemma was how to get the tapes played at the right time and in the right order. He arranged this by offering the engineers gifts if the station reached number one. It was simple and it worked; the tapes were played at the right times. Long showed his on air prowess as he also had a show time slot. This allowed him to give an example of how the disc jockeys should program their airtime.

X-rok 80 played the Top 40 format like many other stations according to the wishes of the management, but Long and crew had a style that was upbeat, irreverent, without political agenda or inclination. The author, who

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[621] Bruce M. Earle, comments made to Claude Hall, http://www.firststrategy.com/claudehall. htm, 10 January 2008.

was a teen listener during this period of the stations operation, always felt that it was like a never-ending carnival ride. There was always crazy chatter mixed in with the music, about the west pole (the DJ's term for El Paso) or antics surrounding the Sun City Streaker (El Paso is nicknamed Sun City, thus the Sun City Streaker was X-rok 80). With encouragement from DJ Eric Chase, students of the University of New Mexico at Las Cruces were to hold a mass streaking, which happened. The Las Cruces press reported that there were no arrests made, and that it was encouraged by an El Paso Radio Station.[622]

X-rok held nationwide promotions; an example is a high school spirit contest, where the station offered to sponsor a free concert to the high school that sent in the most signatures. Although after thirty plus years, the recollection is lost as to which high school won and who the band was that put on the concert, Radio and Records however reported the station received a total of a million signatures.[623]

The station was estimated to have broadcast to 22 million worldwide skywave listeners each night.[624] Were the Russians also listening? It is speculation, but not out of the realm of possibility. Xerok had arbitron ratings of 21.4% total market share and 48.9% in teens. This made X-rok 80 the highest rated station in the United States.[625]

When vibrant individuals are brought together, clashes will develop. Unfortunately this happened with station management, who believed that Long and crew received too much credit for the high ratings. Most of the reasons remain unknown, but Long and Burkhardt were fired as reported in the Dec. 13, 1974 Radio and Records. Several of the staffers walked at the same time. Long and his talented crew accomplished a difficult feat, raising a radio station to number one in a year from very poor ratings. This is still discussed in radio broadcasting circles. On an anecdotal level, the station influenced a generation of teens who were fortunate to hear the last stand of the great border blasters, the last flamethrower. X-rok 80 continued for a few more years with admirable ratings, but a new menace to the border blaster loomed on the horizon. FM radio was finally making inroads into the life of the average consumer. Steely Dan in their song "FM" put it best when they said "*There's no static at all...no static at all*" This would eventually empty out X-rok's rating profile and force it into broadcast history by sometime in 1982.
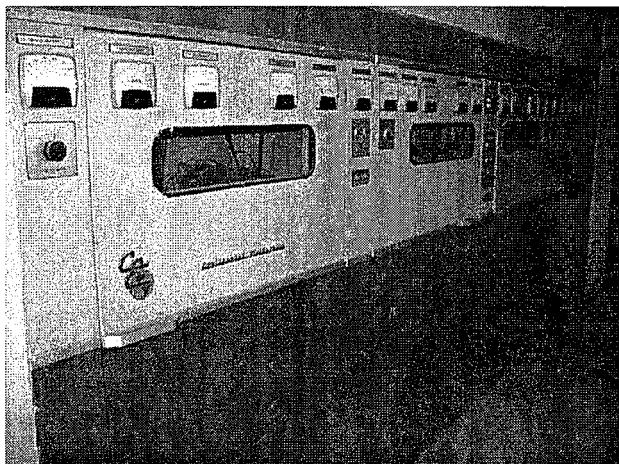
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[622] Long, Ch.8.
[623] Long, Puttin' On The Hits. http://www.oidar.com/CHAPTER9.htm, 15 February 2008.
[624] Morgan.
[625] Long, Ch. 8.

X-rok 80's flamethrower, Continental Electronics CE318.5 transmitter, serial number 2.
Courtesy Barry Mishkind.

Flamethrowing, high wattage border radio ended with an agreement to partition the North American airwaves when the U.S., Canada and Mexico signed the 1986 "North American Regional Broadcasting Agreement". The last border blaster fell, to succumb to low power operation under the name XEROK Radio Cañon (Radio Cannon). Although silent for many years, the last border blaster AM supertransmitter was reportedly broken up and scrapped in the fall of 2007.[626] New technologies in the form of FM radio, satellite linking and internet simply made the operation of these juice happy transmitters too expensive to compete for the fleeting advertising dollar.

Rumors of the 250,000 watt XERF coming back on the air continue to surface from time to time. It's doubtful this will ever happen or that it will have the magic that X-rok 80 had. It probably wouldn't entice a new generation too addicted to video and online media to give a listen to those crazy skipping skywaves. Never again will we hear the on air pronouncement emanating from the southern Desert "*Desde los Estados Unidos De México*".

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626 Barry Mishkind, unpublished email, 16 February 2008.

BIOGRAPHICAL NOTES

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If you enjoyed this article then seek out:

"The Hispanic Heritage of Southern Utah: From Eighteenth Century Expansion to Twentieth Century Livestock," by Emily R. Wade, *Crescat Scientia* v. 3 (2005), pgs. 115-129.

"Property Rights, Constitutions, and Corporate Law in Economic Development," by Dr. Kathren Brown, *Crescat Scientia* v. 1 (2003), pgs. 3-23.

THE ROAD TO REVOLUTION

BRENDA PETERSON

The founding of this great nation did not occur overnight. It happened over many years and began in the hearts of the people long before the first shot at Lexington or the signing of the Declaration of Independence. The Revolution was not a single act but a compilation of many factors and events which, in time, defined a people. Though the desire for independence and liberty were strong in some, it was not a unanimous theme for all. There were many who rejected such a supposedly treasonous act against their "Mother Country". The issues of the times set neighbor against neighbor, husband against wife, child against parent and friend against friend. It was a time of division and struggle. Public opinions varied greatly but over time and in response to the actions of England, the Colonies began to unite, ultimately succeeding in breaking free from the greatest world power at the time.

John Adams wrote on February 13, 1818:

"The Revolution was effected before the War commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations... This radical change in the principals, opinions, sentiments, and affections

of the people was the real American Revolution." [627]

John Adams stated to Thomas Jefferson in 1815:

> "What do we mean by the Revolution? The war? That was not
> part of the Revolution; it was only an effect and consequence of it.
> The Revolution was in the minds of the people, and this was effected
> from 1760 to 1775, in the course of 15 years before a drop of blood
> was shed at Lexington." [628]

Mr. Adams' statements shed light on a new view of the American
Revolution. The Revolution was not the war itself; it was an idea and a course.
Settlement of the colonies was based in the desires for people to be free from
persecution, to be free to make profits and own land, to worship how they
desired and to progress in their lives.

The colonist's intent was not to start a war, they only wanted change.
They were forced to choose between loyalty to the King and loyalty to their
own beliefs. The events that occurred prior to 1776 set in motion a battle that
altered the world, not just the North American continent. The era of 1770 to
1775 was as significant as the war itself. It was part of the foundation for the
events that followed and was pivotal to the future of this great nation. It was
a time of tyranny, and bravery, of unjust acts and rebellion. Those who stood
for their beliefs and went "against the grain" have forever been immortalized.
The events of the day are recorded as history. The years 1770-1775 held
within them specific acts and people of importance, all of which formed what
America is today.

There are many factors that contributed to unrest and contention between
England and the Colonies just as there are many people who were part of the
times. King George III has been named as a significant force behind the
problems of the day. Though it is not commonly noted, King George III was
respected by his subjects at one time. He succeeded his grandfather, King
George II, to the throne when he was 22. At that young age he was immature
and ill prepared for the destiny that awaited him. When he became King
of England, George III inherited what he believed to be a Country that had
nearly been led to ruin by his grandfather's advisors. Although he was initially
unsure of himself he also held a strong determination to succeed. His view on
dealing with the American colonies was one of little leniency. This approach
was not due to malice or high handedness, it stemmed from devotion to what

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[627] http://quotes.liberty-tree.ca/quote/john_adams_quote_dc64, *John Adams Quotes*, accessed
February 15, 2008.
[628] Bernard Bailyn, The Ideological Origins of The American Revolution (Cambridge Mass.:
Belknap Press 1992), I.

he believed to be his duty.[629]

King George III made frequent changes in his ministries from 1763-1770. By 1770 his ministries' actions and tactics for dealing with the American problem had alienated the colonists and resulted in a quickly growing unity among them. King George III, however, at times was just a face which colonists placed the blame; although, often it was the Prime Minister who was the driving force behind the injustices to the colonies. Prime Minister George Grenville was the source of the infamous Stamp Act of 1765 which was a turning point for the colonies on their road to revolution. Grenville's follies were followed by Charles Townsend's Acts in 1767 which led to more resistance and uproar. By 1770 Lord Frederick North was Prime Minister and his chief concern was the discontent in the Colonies. Eventually he commissioned the passing of the Intolerable Acts.

With taxation at a high point and opposition growing in 1770, American leaders such as Benjamin Franklin, Patrick Henry, Samuel Adams and John Adams, began calling for drastic change and protest. The Sons of Liberty, an underground organization of American Patriots, formed in Boston and began to spur the citizens into action. Tensions were high and unrest was a common theme. On March 2, 1770 three British soldiers stationed in Boston went to a local "rope walk" in search of work. They were harassed by a free black journeyman and a fight broke out. The soldiers lost and retreated to their barracks for reinforcements. When they returned, about two dozen workers from the area beat them again. The soldiers fled but not without claiming that they would be back. Three days later, on March 5, a group of British soldiers accosted several citizens and were chased off. Later in the evening, citizens began harassing a separate group of soldiers stationed outside of the Customs House. They were warned numerous times by Captain Preston of the 29th Regiment to disband and go home but the taunting continued. Preston is reported to have been very deliberate in his pleas with his men to not fire. Some accounts foretell that the citizens were armed with clubs and snowballs while other accounts portray the citizens as being unarmed and harmless. After numerous attempts to disband the crowd peacefully the British soldiers were anxious. At some point a shot was fired and complete chaos broke out. In all 5 citizens were killed, the first being the now infamous Chrispus Attucks. By the next morning Captain Preston and eight of his men were either arrested or surrendered and were to be tried for murder. Ironically, it was John Adams and Josiah Quincy Jr. who defended the troops at trial. Six of the men were acquitted and two were punished by having their thumbs branded and being

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[629] Richard Ketchum (Ed), *The American Heritage History of The American Revolution* (New York: American Heritage 1971), 42.

sent home. [630]

The Boston Massacre, as it came to be called, was not the only act of violence initiated by the colonists. On June 9, 1772 the British ship *Gaspee* was pursuing smugglers and ran aground during the night in the waters of Narragansett Bay. The ship was boarded by Providence residents and burned as retaliation for the British crackdown on trade. An investigation by a Commission of Inquiry followed but soon came to an end as no suspects could be found, (even after offering a reward). Apparently no one in Rhode Island knew anything about the incident or was willing to share what they did know.

In 1773, in an attempt to rescue the British East India Company from certain bankruptcy, Parliament passed the Tea Act. This act allowed the company to sell tea directly to America without the British middleman and allowed for its price to be cut drastically below that of local smuggled tea. The Americans were upset at Great Britain's attempt at a monopoly and of the effects that this act had on local economies. On December 16, 1773 a group of badly disguised colonist pretending to be Indians boarded ships belonging to the East India Company and dumped 342 chests of tea into the harbor.[631] This event became known as The Boston Tea Party. "In colony after colony, variations of this tea party were repeated until, under patriotic pressure the obnoxious Drug virtually disappeared."[632] The results of these actions were irreversible and included the passing of the Coercive Acts in 1774. The Coercive Acts were labeled The Intolerable Acts by the colonists and prompted Thomas Jefferson to write his *Summary View of Rights of America*, a widely read attack on the Crown. Although it did not carry his name as author it soon became known that he was behind it. Thoughts he used in his twenty three page summary later became part of the Declaration of Independence. In the fall of 1774, delegates from the thirteen colonies convened in Philadelphia "to concert a general and uniform plan for the defense and preservation of our common rights" [633] This would come to be known as the first meeting of the First Continental Congress.

The year of 1775 was a beginning and an end. It was the end of an era of protest and words and began an era of bloodshed. On the first day of February, a "providential congress is held during which John Hancock and Joseph Warren begin defensive preparations for a state of war." Eight days later parliament declares Massachusetts to be in a state of rebellion[634]

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[630] Mike Wright, *What they Didn't Teach You About the American Revolution* (California: Presidio Press, 1999), 49-60

[631] Ketchum, 94

[632] Ibid, 94

[633] Ketchum, 94

[634] www.historyplace.com/unitedstates/revolution , *Prelude to Revolution 1763-1775*, 1998.

On March 23, 1775 Patrick Henry delivered a speech in which he cried "Give me liberty or give me death!" This enthusiastic outcry is credited for having swung the balance in the Virginia House of Burgesses in passing a resolution to send troops to aid in the Revolution. On April 18 of the same year Paul Revere, William Dawes and Joseph Warren all rode from Boston to Concord to warn Samuel Adams and John Hancock that the British were coming for them. The next day the first shot of the Revolutionary War was fired on the green at Lexington.

In conclusion, the United States of America was founded on an idea held by everyday average people. Some of those everyday people became prominent historical figures but in the end they were just people, fighting for something they believed in. Americans must never forget that the Revolution wasn't just a war, and it wasn't fought only by John Adams, John Hancock, George Washington and the like. It was fought by the farmers, the fishermen, the merchants, who were the people. They are the ones who wore the shoes and walked the miles of the Road to Revolution.

BIOGRAPHICAL NOTES

Brenda Peterson

I am a 34 year old wife and mother of 4 who just started my "College Experience" in the fall of 2007. I attend school full time. In addition to my full time job as a parent, I also substitute teach at my kids' Elementary School part time. I am currently working on my General Education requirements and will apply to the Secondary Education Program after I am finished. I have always been fascinated by historical facts and can't wait to finish my degree and get into a Junior High History classroom to share what I have learned! I have always felt that there is so much to learn from the past! I was deeply impacted by my Junior High and High School History teachers and I hope to be able to pay the favor forward and make a difference in the life of teens. This has been the hardest and most rewarding thing I've ever done for myself and I am deeply grateful to my husband Toby for pushing me into going to school and supporting me as I strive to overachieve.

If you enjoyed this article then seek out:

"The Bill of Rights: A Popular Victory for Liberalism in the American Founding," by Ryan Vogel, *Crescat Scientia* v. 2 (2004), pgs. 55-67.

"Bundling: Colonial Courtship's Path of Lease Resistance," by Georgia Buchert, *Crescat Scientia* v. 1 (2003), pgs. 25-29.