Historical Discourses

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Katie McKinnon is a graduating History student who owns too many film cameras and has been shooting since 2009. She likes experimenting with what film can do, playing with its colours and taking pictures of her partner. Her photographs have been published in McGill's The Veg and F-Word magazine. You can find more of her work at katherinemckinnon.tumblr.com.

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Contents

Foreword: "A Tale of Two *Maries*"

Catherine Desbarats

Who were these two women? They elude us for the most part, one far more than the other. About one Marie, we know very little. So far, three, maybe four eighteenth-century documents are known to bear traces of her presence. Each trace is crucial, however, a game-changer for the historian. Each trace, when first encountered, delivers a kind of jolt.

About the second Marie, we know a fair bit more. There are at least five times as many surviving records. In each case, it is clear that the archived inscription concerns *her*, and not someone else. Her signature, when it appears, bears witness to her action, no less than to her literacy. On occasion, we find her signing business matters on behalf of her husband. As widow, she went on to sign several sale contracts. Surveyors measured her urban properties. From her sick bed, she summoned a notary to draft a will, and gave her son the right to be her proxy. Three of her children wrote to her, or about her, and so did government officials from the colony in which she lived.   A priest recorded her death. In her prime, she may have sat for a portrait, a privilege reserved for very few: an oil painting has survived, and is said to be her likeness.[1] Though she left a greater paper trail than did most of her contemporaries, male or female, historians have all but forgotten her.[2]

Our two women shared a French Christian name: Marie. The historian must struggle to make it clear, in each sentence, about which Marie she is writing. It is hard not to be clumsy, or confusing. In life, however, no one would have mistaken one for the other. The name of Christ's own mother (she who was miraculously free of original sin at birth, she of the so-called immaculate conception) would have sat very differently on these two women. For one, it might have been as familiar as her body or her mind,

part of her being for as long as she could remember. It might visit her awareness, occasionally – part of the silent bundle of words and sensations that formed her interior self. Once her husband had died, however, perhaps only her confessor addressed her aloud as "Marie." Yet in difficult moments, or in daily prayer, she might well have felt the intimate, protective blessings of her holy namesake. Perhaps she cursed their shared lot of maternal anguish.

What our second Marie made of her name, and its association with the mother of Jesus, is harder to imagine: there are leads to get us thinking. We know this Marie had a baby, and we know that it shared her name. We catch a glimpse of the infant's baptism. After receiving an initial, anointment (*ondoiement*) by a priest named Morin, a sign that all was perhaps not well, the little girl received the formal sacrament on December 6th, 1727.   As prescribed in the local bishop's 'how-to' manual, the officiating priest (Boullard) would normally have asked the *godparents* what they wished to name the child, not the parents.   So, on that day, and to that question, the man and the woman named in the record as guardians of the baby's soul, François Levitre and Anne Dufresne, *veuve* Letourneau, must have responded "Marie". The baby's mother would not, literally, have named her.[3]

Was the mother even present? It is not entirely clear. With or without blood parents, a Catholic baptism could go ahead. Where a mother had died in childbirth, or a father's identity was ambiguous, it would have to. In this particular instance, the ritual definitely proceeded without the father.   In his written record of the event, Father Boullard gestured only vaguely to the paternity of a certain "Le Verrier".   From this same bit of official paper, we get a hint that Marie's name may have been something other than a blessing: it is accompanied not by a French settler family name, but by the words "*sauvagesse* Renarde (Indian woman, Fox)."   What names had this woman received in her Algonquian mother tongue? The priest does not say. Did Marie even speak, or understand, his language? How long had she borne a Christian name? We do

not, and cannot, know. December 1727 is the first time she is made to appear, in a written record in a French colony, as an alien mother bereft of the expected ties to husband, father, and parish.

Months earlier, French soldiers and officers had attacked Marie's people, the Fox. There had been tensions since the beginning of the eighteenth century, and several such expeditions in the last twenty years. Many Fox had been killed, or been taken captive. It seems unlikely that Marie made her way from the Great Lakes region to the colonial capital of Quebec, where she now lived, and where her daughter was baptized, as anything other than a captive. Though we do not know her age, we know, of course, that she could still bear children in 1727. She was likely much younger than forty. For at least half her life, then, the people of her baby's putative father, of its godparents, and of the priest Boullard, had been at war with her nation. It is hard to imagine, under the circumstances, that she received the French name "Marie" in a setting free of violence. Did she associate this name with pain and exile? In her homeland, naming a child would have been a solemn, public ritual. Not unlike baptism, in that respect. Yet to name a child after a still-living member of the community could have been construed as a violation of norms of personhood and kinship. In Marie's Algonquian eyes, the fact that she shared her baby's name may have seemed a bad omen indeed.[4]

Sadly, so it turned out to be. The infant died soon after her baptism. On January 28th, a little girl named "Marie" was buried in the indigenous community of Lorette, not far from the colonial capital of Quebec. Her father is listed as unknown; her mother appears only as a nameless "sauvagesse de Quebec"—a "panis," now, rather than as "renarde". The historian has some explaining to do. Was this really Marie's baby? The Widow Duplessis, according to the burial record, owned the child. *Owned?* We will return to that detail—so easy to skim over, but so shocking when one doesn't. For now, let us note that the very same widow appears in the baptism record of December 6th. "Marie, Sauvagesse Renarde", Father Boullard tells us, lived in the house of the "Veuve

de Duplessis, trésorier". The story is coming into focus: unless several babies – with vaguely identified fathers and named Marie, lived with this widow at Quebec – the babies are one and the same. Its short life would not unfold beside its Algonquian mother, under the roof of the widow Duplessis. Instead, it would be placed in an Iroquoian community near the colonial capital of Quebec. This was what French settlers did with foundlings, or babies unmoored from conventional social anchors: where Catholics frowned upon adoption, Iroquoians could be counted upon to incorporate "outsiders" as a matter of course.[5]

Did Marie choose to give up her baby? Why so much discretion, or casualness, concerning the father's identity? A man of European origin could be forced to assume responsibility for a baby he was known to have fathered out of wedlock. Did Le Verrier, apparently a young military officer, congratulated for his bravery on a recent posting, violate Marie? Did he claim to own her as a slave, as law had allowed colonists in Canada to do since 1709? We cannot know, though we might wonder. Le Verrier would be neither the first nor the last around whom suspicions of raping an indigenous captive swirled, either in the minds of contemporaries or of historians. After indigenous slavery was legalized, moreover, "race thinking" in the colony hardened, and cross-cultural unions were increasingly frowned upon. As more and more Fox captives ended up in French hands as property, there would be no question of forcing a marriage between an aspiring officer and Marie. The life expectancy of all babies born at this time was low. Yet the sad fate of the baby Marie, born of a cross-cultural union in a context of imperial violence and enslavement, seems to have involved more than just early modern bad luck.[6]

Who was the widow Duplessis? She is, in fact, our other Marie: Marie LeRoy, born at Chevreuse, near Paris, and married there to George Regnard Duplessis. Together they crossed the Atlantic in 1687. The colony needed a treasurer to pay the bills occasioned by campaigns against the Iroquois, or League of Haudenosaunee,

considered to be inveterate enemies.   From the outset, then, the widow Duplessis' fate was tied to that of indigenous people.   In 1716, barely two years after her husband's death, her son would die in a campaign against the Fox. Perhaps the lives of our two Maries were entangled long before 1727. We do not know. Yet we might well ask: on what terms did Marie, *Sauvagesse Renarde*, live with Marie LeRoy, and what did it mean for a priest to say that the widow Duplessis "owned" the Fox woman's child?

Not surprisingly, it is easier to get closer to the widow's vantage point. In 1731, writhing with unspeakable pain in a hospital room, Marie LeRoy dictated a will. Two clauses in this lengthy document concern the Fox woman.   By the first, "the lady testator recommends to her lay son her sauvagesse": *her* sauvagesse. The word "slave" is not invoked explicitly, but Marie LeRoy clearly means to bequeath the Algonquian woman to her one surviving lay son. Marie's daughter, a nun in the *Hôtel Dieu* hospital where Marie rests, has fewer scruples about using the word. In a letter sent to a friend overseas, she describes how "Marie son esclave qui l'aime beaucoup" stays close to her mother's sick bed, tending to her every need. Did the Fox woman love her mistress/owner in this way?[7]

Marie LeRoy's will certainly sought to foster such affection: when she died, her *sauvagesse* was to receive some of her clothes (an *habit de crepon*, white cloth to make "*coeffes*," and a petticoat), "so that she might remember her for the remainder of her life, and live in Christian fashion."   There is a note of compassion in the gift, echoed elsewhere in the will. Marie LeRoy also left bed sheets to poor mothers for childbirth. The widow Duplessis gave birth eight times, and lost four babies in infancy. She knew the comfort of cloth, and she knew pain intimately.   Yet with her compassion came a forceful claim on the Fox woman's emotions, and on her very soul. Marie *sauvagesse* may have been touched by Marie Leroy's offerings and sufferings, not to mention by her Church. The pious wishes contained in the French woman's testament offer a window

into the intimacies of enslavement and empire.[8] So does the Fox woman's persistent silence.

Notes

[1] Laurier Lacroix, *Les Arts en Nouvelle-France* (Québec: Musée National des Beaux-Arts du Québec, Publications du Québec, 2013), 139.

[2] For some of the traces of her life, see "La correspondance de la mère Sainte-Hélène avec Mme Hecquet de La Cloche," A.-L. Leymarie, édit., *Nova Francia* II (1926–27) :66–78; III (1927–28) : 35–56, 94–110, 162–82, 220–37, 279–300, 355–61; IV (1928–29) : 33–58, 110–23. « Testament », BAnQ, greffe Hiché, September 10, 1731. Registres de l'Hôtel Dieu, 29 April, 1732 ; « Annuity », 3 July 1719, BAnQ, Greffe Rivet ; Col. C11A 113/fol.261-262v ; TL1,S11,SS1,D57,P151, 5 August 1721.

[3] Baptism: https://familysearch.org/ Quebec, Catholic Parish Registers, 1621-1900, Québec, Notre-Dame-de-Québec 1727-28, image 23 of 79. 6 December 1727 [quoted also in Suzanne Boivin Somerville, "Who and What were the Panis Indians Buried From Ste. Anne de Détroit," *Michigan's Habitant Heritage*, Vol. 32 (3) (July 2011): 109-112. Jean-Baptiste de La Croix de Chevrières de Saint Vallier, *Rituel du diocèse de Québec, publié par l'ordre de Monseigneur de Saint-Valier, évêque de Québec.* (Paris : Simon Langlois, 1703).

[4] On the Fox wars, see Richard White, *The Middle Ground: Empires, Republics in the Great Lakes' Region, 1650-1815* (Cambridge and New York: Cambridge University Press, 1991), 159-85, and Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America* (Philadelphia: University of Pennsylvania Press, 2012), 292-299. For a contemporary, secular account of Great Lakes' Algonquian cultural practices, see Nicolas Perrot, *Mémoire sur les mœurs, coustumes et relligion des sauvages de l'Amérique septentrionale* (Leipzig and Paris, 1864).

[5] On the Catholic aversion to adoption during the early modern era, On the Catholic aversion to adoption during the early modern era, see Kristin Elizabeth Gager, *Blood Ties and Fictive Ties: Adoption and Family Life in Early Modern France* (Princeton: Princeton University Press, 1996).

[6] https://familysearch.org/ Quebec, Catholic Parish Registers, 1621-1900, Ancienne-Lorette, Notre-Dame-de- l'Annonciation 1676-1741, image 97 of 171: Burial: 25 January 1728. PRDH #79116. On Le Verrier, fils (Louis), see *Bulletin de Recherches Historiques* 23 (1917): 15-17.

[7] Testament, 10 September 1731, Greffe Hiché, BAnQ ; « Lettres de la Révérende Mère Marie André Regnard Duplessis, » *Revue Canadienne* vol 12 (1875) : 115

[8] On the history of indigenous enslavement in New France, on the numerical preponderance of Fox slaves, and on the way in which "panis" became a colonial ethnic construction synonymous with "slave," Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slaveries in New France* (Chapel Hill: University of North Carolina Press, 2013).

Introduction

It is with great pride and pleasure that we present the twenty-ninth edition of Historical Discourses, McGill University's undergraduate history journal. As a representation and celebration of undergraduate writing, the journal is faced with the daunting task of selecting the best pieces to showcase each year. While we had a tremendous number of outstanding submissions this year, we believe that the following ten papers uniquely demonstrate the diversity and excellence of historical scholarship at the undergraduate level.

We have been particularly fortunate this year to have the opportunity to participate in an exchange with the University of Edinburgh's journal, Retrospect. It is a great honour to present a piece by second-year history student Charlotte Lauder. A piece written by our very own Rachael Ripley titled, "Notes on Nursing: Women's Empowerment as Home Health Care Providers in 19th Century Montreal" will be published in Retrospect's upcoming Spring 2015 issue, "Milestones." Founded in 2006, the journal biannually publishes a selection of student-written academic articles, features, and reviews relating to History, Classics, and Archaeology. Past issues can be found at retrospectjournal.co.uk.

We would like to express our gratitude to everyone who has helped us with the publication process over the past few months. The journal would like to thank the Dean of Arts Development Fund, the AUS Journal Fund, the SSMU Campus Life Fund, and the History Students Association. This year's publication would not have been possible without the support of our wise and brilliant editorial board members, who have all dedicated so much of their time to the selection and editing process. A very special thank you goes to Professor Catherine Desbarats, who has provided us with a piece of her own original work, which serves as the foreword to this journal and a reflection on

the limitations and perils of historical researching and writing. Last of all, we would like to thank the entire History Department at McGill; the staff and professors have all had such an enormous impact on our development as young historians and the journal would not have been possible without their support.

Anna Hutchinson

Cynthia Snell

Co-Editors-in-Chief

2014 – 2015

2015 in Milestones: Beyond the Iconic

Charlotte Lauder

Commemorations like VE (Victory in Europe) Day are tremendously important in the construction of the modern national British psyche. The psychological impression of the UK as a mighty leader in both World Wars is one that always looms large in Britain's national consciousness. Yet, it is important to remember that, despite the iconic image of Churchill and his 'V for Victory' gesture, the war did not end in May 1945, a fact which is often overlooked. In both the Great War and the Second World War, the fighting was largely conducted on non-British soil. While the main concerns of Brits during World War II involved evacuation, blitz attacks, rationing, and 'dig for victory,' countries such as France, Poland, Hungary, and others in the Middle East and North Africa were being invaded, warred over, devastated, and tens thousands of their civilians killed as casualties of war. In a British context, this is immensely significant. Many wartime commentators emphasise the myth of Britain as having 'stood alone' against attacks on democracy and liberal ideas. Yet, as wartime historiography now suggests, the slogan 'Keep Calm and Carry On' was not synonymous for all people in Britain at the time.

A recent 2015 milestone has brought this issue back to light. Sir Winston Churchill's funeral in 1965 was a hugely moving event for many across Britain. 'The Nation Mourns' was the front page of scores of newspapers as the country marked the end of 'Old Britain.' Notions of imperialism, doubts over the victorious Britain, and the triumph of the World Wars seemed to rise with the death of Churchill. January 30th, 2015 marked fifty years since Churchill's state funeral, and Jeremy Paxman helmed the BBC's commemoration of the event with a documentary. Set against the narrative of Churchill's deteriorating health and eventual passing, actual television coverage from the day of the funeral was shown. The full regalia, heraldry, and military ceremony, expected of any state funeral, were set against the thousands

of public mourners who lined the streets of London with a genuine feeling of great loss and bereavement.

The special BBC programme featured interviews with Churchill's grandchildren and those who played a role in the icon's funeral. Amongst the interviews, one in particular stood out. After the state funeral at St Paul's Cathedral, Churchill's coffin was transported to the Thames and loaded onto a boat, the Havengore. This emotional moment of serenity, as Churchill and his family glided up the Thames, was made all the more poignant by an occurrence of what was then believed to be expressive spontaneity. As the vessel passed the London Docks, the cranes of the dockyard were simultaneously lowered, as if in salute to the great leader himself. However, in an interview with one of the men working on the shipyards at the time, an altogether different account was given.

In the interview, John Lynch, a dockworker in 1965, revealed that the working class 'Dockers' did not associate with the imperialist Churchill at all. Indeed, it is a well-known fact amongst modern wartime historians and revisionist Churchill biographers that the London Dockers, like the Miners of South Wales, despised Churchill. Lynch unveiled the truth by reminding viewers that the docks were normally closed on Saturdays, negating any argument made for spontaneity. Initially, workers refused to come in to work on the Saturday in question, and only when offered extra pay did they reluctantly acquiesce. Even after the agreement – driven as much by the television companies as by the management of the docks – rows continued amongst the workers until the compromise of working overtime was agreed to, trumping animosity, but fuelling bitterness.

What the documentary failed to explain was Churchill's inflammatory 1943 decision to send in the army to the Thames shipyards upon threats that the Dockers, like many industrial workers throughout the UK at the time, were going to strike. It is here that the national and popular view of a united wartime Britain is challenged. The Churchill most history students now associate with fact is the revisionist image of him as a ruthless imperialist who, for the most part, did not represent the majority of

his people. However, Lynch's interview explains the dislike held for Churchill as a politician, while also expressing grudging acceptance of him as the right leader for country in wartime. In recent studies of the breakdown of British society in the first half of the twentieth century, historians have illustrated a Britain that was severely fragmented by racism, ideological class, and social tensions.

In Scottish history, this reasoning has proven especially prevalent. A large body of scholarship based around oral history accounts of ethnic minorities has developed important understandings in the hostilities and tensions in Scottish society throughout the wars. I have grown up with one such account. My great-grandparents were first-generation Italians who came over to Scotland in 1923 from a very poor, mountainous village in the North of Italy. My great-grandfather, Sperino Guerri, opened a fish and chip shop on Leith Walk in Edinburgh, and by 1926, he and his family were living just off the Royal Mile. They had six children – five of whom survived – and their fourth was my grandmother. For fourteen years, they lived fairly undisturbed alongside other immigrant communities in the Cowgate.

As historical accounts make clear, interwar Edinburgh was not the most tolerable place; *The Prime of Miss Jean Brodie* provides a stellar example of anti-Semitism and fascist sympathies in Edinburgh's interwar years. Edinburgh did not escape the reach of Italian fascism. A fascist movement called the *Fasci all'Estero*— or Abroad League—had been established in the city since 1923 and included a prominent youth faction. At the young age of ten, my grandmother was a member. The medal she was presented with at the time, declaring her allegiance to the cause, survives among our familial effects. Oral tradition in my family has never alluded to any concrete fascist beliefs among my great-grandparents; they merely viewed the club as a social program run by the Italian government, which was fascist at the time. Indeed, the youth group allowed my grandmother, at her young age, to interact and play with other Italian second-generation children, and thanks to this, their collective Italian roots were not lost.

When Italy declared war in June 1940, my great-grandfather, like many other Italian men, was interned on the Isle of Man via the Andorra Star, whose fateful journey to Canada in July 1940 cost the lives of 486 Italian internees. Thankfully, my great-grandfather was not deemed dangerous enough or likely to have been involved with fascist movements by the British state, and was thus spared the trip. However, had the British government been more aggressive in their suspicion surrounding my family's involvement with the *Fasci,* would he have been on that ship? As a result of Italy's declaration of war in June 1940, violent anti-Italian riots soon spread throughout the UK. Edinburgh was particularly violent; shop windows were smashed, stock was looted, and Italian children were spat on and teased in deeply racist language. In my family's case, their shop windows were saved when the mob that had trashed shops along Leith Walk were turned back by tough boys from the Cowgate, who regarded my family's chip shop as 'theirs.' With the Cowgate dominated by Irish Catholic immigrants, this served as an example of one community defending another through a uniting factor.

Soon after Italy's declaration of war, the Alien Act was issued, in which all Italian citizens were declared aliens in the eyes of the British government. The next day, my great-grandfather was taken from the family flat and shipped away in a van, and thence to the Isle of Man. However, internment did not end at that for any family. All women designated 'enemy aliens' were to leave coastal areas, such as Edinburgh and Fife, and move twenty miles inland, with a mere three days' notice. The authorities did not provide any official support for those subject to the relocation order. Like many others, my great-grandmother was left to shut up the shop and move her five children. According to family accounts, the local Cowgate fishmonger, Mr Croan, teamed up with Mr Gatti – a prominent Italian figure in the community – to help my great-grandmother. Mr Croan drove her and the children in his van to an empty farmhouse, which Mr Gatti had pre-arranged. The farm was in Lauder, in the Scottish Borders, and the family stayed there until my great-grandfather came home. Like many other families at the time, turfing up in a tiny Border town created

significant hardships. The children were not allowed to travel on any moving vehicles and my great-grandmother had to report to the police station every day. Local children taunted the family on a regular basis. When Italy surrendered, the family was finally reunited.

Slowly but surely, Britain is now coming to terms with acknowledging and accepting these episodes of racial tensions during the war. There is now a monument to the 48,000 'Bevin Boys' of South Wales who were forced – without training – down the Welsh mines to meet Britain's wartime coal demand. At St Andrews Cathedral in Glasgow, a monument inscribed with the names of those Scots-Italians who died on the Andorra Star was erected in 2011. However, nowadays people are more comfortable reminiscing on the traditional image of heroic Britain.

Therefore, whilst so many wartime British milestones are commemorated this year, it is important to see past the vintage tint of the Home Guard and other such 'iconic' images that form part of Britain's proud wartime heritage. Ultimately, World War II did not end in May 1945. Men conscripted into the army did not return home immediately. Many were stationed in Austria and Germany facing the Russian army when Churchill declared that the 'Iron Curtain' had come down over Europe. The 'Bevin Boys' were similarly confined to their duties beyond the official end of the war.

Minority communities like the Italians managed to pick up the pieces and re-open their shops. However, if you think they have forgotten their rough treatment, take a wander down Leith Walk and look at the purposefully boarded-up windows of the Italian delicatessen Valvona & Crolla. They have not forgotten.

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To Be A Human Being: Canadian Refugee Policy and Roma Migration (1997-2012)

Alexander Langer

The Roma people, or "gypsies," are one of the most persecuted groups in the world. Migrating from India in the 10th century and arriving in their "heartland" of Southeastern Europe by the 13th century, the Roma have been denied land tenure, segregated, enslaved, and periodically massacred since their arrival in Europe. During the Holocaust, the Roma were one of two ethno-racial groups targeted for absolute annihilation. Most of Europe's Roma fell on the Soviet side of the Iron Curtain during the Cold War. Following the collapse of the Soviet Union and the Eastern bloc, many Roma faced persecution at the hands of revived nationalist movements and suffered material hardship during the wrenching economic transition away from Communism. Despite this, they have maintained their culture and fierce independence to this day.

In 1997, after Canada lifted its visa barriers towards the Czech Republic and Hungary, thousands of Roma attempted to enter Canada in order to claim refugee status. The Canadian government, despite a longstanding reputation for leniency towards refugees, re-imposed travel restrictions shortly afterwards, although significant attempted migration continued until 2001. A similar episode occurred in 2008, as Hungary, long relatively tolerant towards Roma, fell into an economic crisis. As persecution increased, many Roma sought refuge in Canada. The Canadian government soon attempted to impose new restrictions on these asylum seekers, culminating in a 2012 change to immigration law that labeled Hungary and the Czech Republic "safe," preventing many refugee claimants from entering the country.

This essay seeks to situate these episodes –which appear out of character for the Canadian government– within the broader historical narrative. Specifically, it will

consider three potential explanations of why Roma migrants faced restrictionist policies: institutional racism; a structural effort by the Canadian state to restrict the number of successful refugee claimants; and the influence of the politics of diplomatic relations on refugee policy. These hypotheses are not necessarily mutually exclusive; in fact, a synthesis of these arguments provides the most compelling explanation for Canadian policy in this case. This essay will summarize a brief history of the Roma in Canada and Europe, a brief discussion of Canadian refugee policy after the Second World War, and discuss the key events of the two aforementioned episodes of Roma migration. Next, it will perform a theoretical review, followed by an analysis of primary sources. Finally, it will compare, critique and synthesize the theories using primary and secondary sources. Studying this issue is important for two reasons. First, using this episode as a case study is helpful in examining the broader trends of Canadian refugee policy. Second, examination of Canadian Roma history and these particular episodes will help promote awareness of the treatment of this marginalized group.

Roma Suffering and Canadian Policy: A Historical Review

As Allied and Soviet forces shook hands in the ruins of Berlin, they began to account for the war's devastation. While tens of millions had died, only two ethno-racial groups had been targeted for absolute annihilation by the Nazi war machine: Jews and the Roma. While Jewish refugees had powerful lobbies backed by strong communities in North America, the Roma lacked the support of a diaspora community. The vast majority of Roma lived in the so-called "heartland" (made up of Hungary, Romania, Bulgaria, Czechoslovakia and Yugoslavia), and Roma communities in the West were small, poor and politically powerless. Thus, as the Cold War began, the Roma were trapped behind the Iron Curtain.[1]

Eastern Bloc policy towards the Roma was a mix of harsh racism, frustrated paternalism and genuine concern. In most countries, Roma were isolated from the rest of

the population in schooling and work. This was due to a mix of Roma resistance to integration, hostility towards the Roma from "white" populations and a deliberate policy of segregation. Schools in particular channeled Roma children into technical programs, with most Roma effectively prevented from studying beyond primary school. At the same time, Communist regimes saw Roma as "victims of capitalism," and forced them to settle and assimilate as a means of helping these "underdeveloped" people. Roma were guaranteed employment by the state, however low-status, along with social services as befitted citizens of the socialist world.[2]

When the Eastern Bloc collapsed at the end of the 1980s and states began to shed their socialist political and economic structures, the Roma suffered. The low-skilled factory labour that had sustained the Roma disappeared almost overnight. Ill-equipped to compete in a modern capitalist economy due to a lack of education and facing structural barriers of racism, Roma unemployment and poverty exploded. Meanwhile, ethnic nationalism found a home in newly democratizing states. In the Czech Republic for example, the situation had worsened to the point that in 1993 Vaclav Havel, the first post-revolution president, declared that persecution of the Roma was a "litmus test" for Czech democracy.[3] At the same time, the fall of Communism meant an end to the barriers that had prevented exchange and trade with the West. Former Eastern Bloc states hurriedly moved to join the European Union, and legal barriers to movement between these states and those of Western Europe and North America began to disappear. These factors led many Roma to consider an option that was both new and very old at the same time: migration.[4]

In the postwar period, Canadian migration policy loosened significantly. Canadian policy was traditionally focused on economic issues, with immigration being the responsibility of the Department of Mines and Natural Resources until the 1960s.[5] Migrants that would have changed the country's racial or social composition were systematically excluded. After the war, Canada cracked open its doors: many migrants

came to fill labour shortages in Canada's burgeoning economy. By the 1950s, southern and eastern Europeans were flowing into Canada's still-booming labour market. Even as economic growth slowed during the 1960s, racial restrictions on migration continued to fade as sources of migration shifted from Europe to the decolonizing world. In 1967, with lobbying from ethnic leaders in Canada and a desire to court allies in the Third World, the last vestiges of racial quotas in immigration policy were eliminated. This policy continues until today.[6]

Refugee policy followed a similar trend. The racial atrocities of the Nazis and the immense problem of displaced persons forced a reluctant Canada to admit some refugees, especially after signing the 1951 UN Convention Relating to the Status of Refugees. The Cold War would spark an interest in political asylum seekers: Canada took over 37,000 Hungarian refugees, including many Roma, who were granted asylum after the failure of the 1956 revolution, and 12,000 Czechs after the Soviets crushed the 1968 Prague Spring. The Immigration Act of 1976 established refugees as a separate class of migrant, with two sub-categories: sponsored refugees, for whom a certain percentage of immigration spots were reserved, and claimants, who had to submit to an examination by the Immigration and Refugee Board (IRB). This policy was soon tested by Vietnam's "boat people," of which Canada embraced 60,000 (the largest number proportional to population of any Western state). Still, concerns of economic and social integration began to influence the selection of refugees to admit, especially with "refugee fatigue" following the mass admission of the boat people.[7]

For Roma, Canada was not a new destination. The first waves of Romani immigrants came from Eastern Europe and the Russian Empire during the early 20th century: these people were not generally identified as separate from their non-Roma countrymen. Some of these Roma engaged in nomadic lifestyles, while others settled in rural and urban areas, integrating into the fabric of Canadian society. The 1956 Hungarian Revolution saw many Roma flee Hungary alongside their non-Roma

neighbours. These refugees established significant communities in Montreal and Toronto. These communities play an important role in Canadian Roma elder Ronald Lee's autobiographical novel, *The Living Fire*. Lee refers to the Roma as an "off-white minority," a community that is marginalized but still a part of Canadian society.

There and Back Again (and again): Episodes of Roma Migration to Canada

In 1996, owing to steady democratization and growing economic relationships, the Canadian government under the Liberal Party removed the visa restriction on travellers from both Hungary and the Czech Republic. Czech and Hungarian citizens could now simply fly to Toronto and enter Canada without being forced to navigate complex bureaucracy. Immediately, a trickle of Roma began to arrive in Canada, with most claiming asylum. The trickle swelled when, on 6 August 1997, the Czech television station Nova broadcast a documentary entitled *Na Vlastni Oci*.[8] The documentary, hastily filmed by Czech journalists, portrayed Canada as a carefree society without racism towards Roma and with a strong, easily accessible social safety net. The documentary neglected to mention the Canadian refugee determination process in any detail. Between August and October, about 1,500 Czech nationals, mostly Roma, arrived in Canada, mainly in Toronto, to claim asylum. Meanwhile, both Czech and Canadian government officials worked to convince potential migrants to stay put, although some Czech mayors encouraged Roma to leave their communities by buying them plane tickets. That year, Roma claimants from the Czech Republic made up 6 percent of all refugee claimants in Canada. Community organizations such as the Roma Community and Advocacy Centre (RCAC), along with government agencies, moved to help settle the rapidly growing Roma population.[9]

The backlash against the Roma began almost immediately. While some media reports focused on the dire situation for Roma in the Czech Republic, Canadian police and diplomats stationed in Europe began to warn of an influx of "gypsy criminals" and

described the relatively small number of incoming Roma as a "flood."[10] A noisy rally of neo-Nazi skinheads occurred on 26 August outside of a hotel where many Roma were staying temporarily, and a Toronto city councillor publically discussed his fear of "gypsy criminality" at a committee meeting, signs of growing social tension. Finally, on 8 October 1997, only two months after the influx had begun, the Canadian government re-imposed visa restrictions on the Czech Republic and began to categorically deny asylum claims, citing Czech government reforms to protect the Roma: thus, they were not "real" refugees as defined by the UN convention's framework. Following the return to visa restrictions, the number of Roma asylum seekers dropped off sharply, and many Roma already in Canada returned to the Czech Republic to avoid being cut off from their families.[11] A 1999 decision by the IRB would later show that the Roma faced "systemic discrimination" due to the Czech government's inability or unwillingness to protect its Roma citizens from rising discrimination and violence.[12]

Hungarian Roma migration to Canada had been increasing annually since 1995. By the summer of 1999, there were over 3,000 Hungarian asylum claims in the IRB system in the Greater Toronto Area (GTA) alone. These claimants were placed in often-inadequate temporary housing, going on welfare to support themselves.[13] 71 percent of Hungarian Roma claims were granted until January 1999, when the IRB convened a six-person panel of "experts" to help adjudicate a "lead case," which would determine a precedent for future claims. Two of the experts were Hungarian government employees; one was an Ombudsman for Minorities and the other was an official with the Ministry of Justice. Two others were Roma leaders, both of whom worked for community organizations dependent on state financing. The last two were North American professors, allegedly ignored by the IRB as they were not Hungarian. The defence in the lead case was denied funding to bring its own experts from Hungary.

The IRB determined that while Hungarian Roma faced discrimination, direct persecution was uncommon and the situation was improving. After this, the grant rate of

Hungarian asylum claims dropped to 8 percent, climbing back up to 16 percent by the end of the year. Still, Hungarian Roma continued to arrive, with around 7,000 claims representing about 20,000 people between 1999 and 2001.[14] This prompted the Canadian government, despite resistance from the business community, to re-institute visas for travel from Hungary on 5 December 2001. The Ontario Court of Appeals later overturned the precedent-setting lead case for Hungarian refugees on merit in January 2006, although the court explicitly stated that this result ought not influence future refugee cases.[15]

In June 2002 a new refugee law, the *Immigration and Refugee Protection Act*, came into effect, replacing the 1976 Immigration Act. The new law, like its predecessor, was "framework" legislation, leaving most details of immigration policy to regulators and the Ministry of Immigration and Citizenship. Hearings on different "risk grounds" were now condensed into a single hearing, while an appeals division (RAD) was supposed to be created to deal with failed asylum claimants; this section was never implemented. The Act received significant criticism from human and immigrant-rights advocates, due to the wide range of latitude granted to the government on the definition and application of the framework, as well as heightened powers for immigration officers and increased restrictions on claimants.[16]

By 2008, the flow of migrants from the Czech Republic and Hungary had slowed; in October 2007, the government lifted visa restrictions once again on Czech travellers, doing the same for Hungarians in March 2008. This coincided with rising persecution in Hungary. Due to a sharp spike in unemployment caused by the global financial crisis and the election of a new, right wing government in Budapest, Roma began to face significant violence. Fire bombings and assaults, common for years in the Czech Republic and Slovakia, began to occur regularly in Hungary as well.[17] Czech and Hungarian migrants began to stream back into Canada, now under a Conservative government.

The Canadian government reacted harshly. Jason Kenney, Minister of Immigration, argued that Czech and Hungarian Roma were "bogus refugees" due to membership of their states in the European Union (EU), which gave them free movement to other states in Western Europe. He also claimed that the Czech Republic and Hungary were democratic states, and thus could not produce genuine refugees. In mid-April 2009, Kenney claimed that many migrants were involved in human-smuggling operations and that they undermined the refugee system writ-large. Visa restrictions were re-imposed on the Czech Republic in the summer of 2009, while pressure from the business community and the EU kept Hungary visa-free. There is also evidence that pressure from Kenney, who retained the power to appoint and re-appoint IRB members, pushed adjudicators to lower their acceptance rate on claims from Roma refugees. Notably, after Kenney made statements denying the admissibility of Roma refugees, the claim success rate for refugees dropped from 81 percent to zero in one year. Soon, asylum claims dropped as well to match, with 92 percent of claims being rejected or abandoned in 2010. Still, without visa restrictions, some refugees continued to arrive from Hungary.[18] The government tried a number of measures, including pressure on the increasingly authoritarian Hungarian government for reform, notices in Hungarian media and billboards to discourage refugee claims, and reform to the Canadian immigration and refugee system.[19]

The *Protecting Canada's Immigration System Act*, known colloquially as Bill C-31, was introduced in February 2012 and passed in July of that year. The law drastically strengthened the powers of the Minister of Immigration and Citizenship. Under the law, the minister can unilaterally place a country on the "designated countries of origin" (DCO) list. Being an asylum seeker from a DCO country meant much-expedited refugee proceedings, with shorter times to submit a completed application (thirty rather than sixty days), no right to appeal to the IRB, and the chance of being deported before a Federal Court appeal: in other words, this is a list of "safe" countries. The Czech

Republic and Hungary were both promptly added to the list. While community organizations, particularly Jewish and immigrant-rights groups, protested against this bill and complementary measures such as cuts to refugee healthcare, a Conservative parliamentary majority pushed it through.[20] Once again, the Canadian government halted what they saw as a Romani invasion with a wall of bureaucratic barriers.[21]

Racism, Shrinking Generosity, or the Economy: Theoretical Review

The above episodes of Roma migration appear, within the context of postwar Canadian immigration policy, to be unusual. Since the war, Canada saw both a sharp movement away from racialized immigrant selection and a gradual loosening of all restrictions. Immigrants came from all over the world to begin new lives in Toronto, Montreal, Vancouver and other settlement communities, while refugees, particularly political asylum seekers, were welcomed by the state. Over the years, Canada has integrated many thousands of refugees from conflict-ridden states without significant backlash. Why then did the Roma, a comparably small population of migrants, prompt such a strong response from the state?

In the literature, three clear frameworks emerge. The first comes primarily from advocates for the Roma community like Ronald Lee and Paul St. Clair. These authors declare that racism against Roma migrants, changed from its virulent form in Eastern Europe to a milder but still harmful version, exists in Canadian institutions. This institutional racism is based on assumptions held about the Roma; that they are lazy, unemployable, criminal, nomadic, and dirty. Lee demonstrates this argument by showing that, when Roma migrants entered Canada in prior years without declaring their ethnic status, they were treated in the same way as other Eastern European migrants. For example, Hungarian Roma who came to Canada after the 1956 revolution were treated as Hungarians rather than as Roma. In 1997 though, migrating Roma were forced to identify themselves explicitly by their ethnic rather than their national identity. At that

time, racial prejudices engrained in society activated, causing the state to move quickly to deny the Roma entry.[22] Maria Koblanck proposes a similar idea. Stereotypes about Roma nomadism, crime and "abnormality" are not primarily based on fact: rather, they are based on a constructed and self-fulfilling narrative of Roma "Otherness," in which Roma are driven to the edges of society. The deprivation and social problems that this ostracism creates are then used to justify the continued marginalization of the Other.[23]

A second framework sees the rejection of Roma migrants as part of a structural tightening of borders in the West to refugee and other immigrant flows. The framework tends to link the "hardening" of borders to structural tension between rhetoric of democracy and the reality of refugee absorption. In this model, liberal democratic states have a problematic relationship with refugees. Theoretically, they welcome refugees as aspirants to a free future. In practice, they struggle to integrate refugee populations and their own citizens are often hostile to the mass absorption of refugees. Thus, states seek to create external and internal barriers, such as visa requirements and unforgiving bureaucracies (external) or limited rights to work, housing and social assistance (internal). Gerald Kernerman frames examples of this in his discussion of refugee interdiction, while Samantha Jackson and Harald Bauder discuss internal measures related to employment.[24] These functionally prevent access to asylum for many individuals but technically fulfill the state's responsibilities under international law. These systems also allow the state to obfuscate their restrictive intentions behind a veil of legal neutrality and "protecting real refugees."

Other versions of this argument focus on economics, with the state battling the use of the refugee system by suspected economic migrants. This applies strongly to the Roma, who face extraordinarily high unemployment rates in their countries of origin and have a long history of economic migration. Authors such as the sociologist Zsuzsanna Vidra claim that most Roma are motivated by a combination of racial discrimination and economic opportunity, with both factors making Canada a desirable destination. This is

a structural argument that does not address individual or institutional racism as a factor. Instead, states are by their nature reluctant to absorb refugees, particularly impoverished, traumatized and/or culturally alien populations: for Canada, among other nations, the Roma fall into this category, so the state tries to exclude them if possible.[25]

Finally, a third framework contextualizes blocking the Roma within an international relations model. Here, the Roma (along with other refugees) are generally seen by states as "undesirable." As the Roma are primarily concentrated in certain countries, other states use whatever means necessary to avoid taking on the "burden" of additional Roma residents. As well, accepting refugees from a country is an implicit endorsement of the claim that they are a human rights violator, which may damage bilateral relations. These issues must be balanced with other facets of bilateral and multilateral relationships, such as economic and political ties. While much of the research on this model focuses on the EU, it can be applied to Canada.[26]

A comparison of these three theoretical frameworks, using primary and secondary sources to critique them, will help substantiate or disprove their validity. Primary sources will mostly consist of official IRB documents, public statements by elected officials and media reports on the subject. The IRB's documents, due to its role as an autonomous government agency, will be considered separately from statements by elected officials. This paper will analyze the explicit assumptions of statements and documents, as well as their language and context to determine what, if any, framework they support. The three frameworks are not necessarily mutually exclusive in their application; when possible, this paper will attempt to synthesize their arguments.

An Evaluation of Primary Sources

IRB research documents across the two periods of Roma migration are broadly consistent in their evaluations, which are non-committal and rely on citing local sources. The first two documents discuss Czech Romani culture and provide an overview of the

contemporary situation of the Roma in the Czech Republic. These documents cite a mix of Czech government and Roma community sources, discussing the varieties of Roma culture, incidents of persecution and mechanisms of redress. However, they do not engage with the existence of systemic discrimination against Roma, and lack analysis of the effectiveness of Czech responses. Thus, the document appears to support the Canadian government's contention that the Czech Republic was improving and could meaningfully protect the Roma from discrimination: many refugee claimants would then not fall under the 1951 Convention's definition of "refugee."[27]

Hungarian documents tell a similar story, with one document summarizing the views of the six specialists brought in to discuss the 1999 "lead case." This second document includes extensive testimony by Ian Hancock and Orest Subteiny, experts that previous sources claimed had been ignored by the IRB; their presence in the record undermines these sources' arguments. Both documents provide a comprehensive view, covering education, language, housing, the justice system and the economy. The second document in particular provides a clear conclusion: while the Roma faced discrimination in Hungary, their situation was improving. All the consulted experts apparently agreed with this, with details of the level of discrimination faced and the rate of improvement being points of dispute. While Hungarian state officials claimed rapid improvement, the other experts maintained that reform would only come gradually and that significant social antagonism existed between Roma and non-Roma Hungarian populations. However, the two documents seem to support the Canadian government's claim that Hungarian Roma were, for the most part, not refugees from systemic persecution.[28]

Documents from the second period of migration show that the IRB was (and still is) aware of the dire situation in terms of living conditions for the Roma in these two countries. According to the IRB, Roma face everyday discrimination, along with extreme poverty and a lack of access to social services.[29] Other documents discuss state protection efforts in the two states. One pair of documents discusses efforts to protect

Czech Roma from neo-Nazis and police responsiveness, while another pair covers Hungary from 2006-2009 and 2009-2012 respectively.[30] These documents focus on the legal institutions provided by the state, and attempts to increase the people's trust of the police. The documents also highlight claims by NGOs of often-violent discrimination faced by Roma and generally ineffective police efforts to protect them. None of the documents makes any positive claims to the truth of these statements, a problematic stance if these documents are being used to guide, much less determine IRB decisions. They also do not emphasize the fact that states appear unable to properly guarantee Roma freedom from persecution, which would help them in securing refugee status.

Conversely, public statements by Canadian officials differ strongly across the two periods. Upon the beginning of the Czech migration, police and diplomatic officials warned that these refugees constituted an incoming wave of criminality, perpetuating racist stereotypes about the Roma.[31] Some immigration officers, according to news reports, were investigated for discouraging Roma to make claims.[32] However, few politicians publically engaged with the issue: visa restrictions and other pieces of policy were enacted with little fanfare rather than publically defended. The 2002 *Immigration and Refugee Protection Act* was more strongly defended and justified by politicians, but the Roma migration was never invoked to demonstrate the need for reform or greater restrictions on refugee claimants.[33]

The second period of migration differs strongly from the first in the response of elected officials. Unlike the Liberal government of the late 1990s, Minister of Immigration Jason Kenney pushed hard against Roma refugees from the very beginning and attempted to sell his narrative to the public. Kenney engaged with the media, repeatedly denying that the Roma faced substantial persecution, despite evidence from the IRB that they did. Travelling on a fact-finding mission of his own to Hungary in 2009, Kenney met with Hungarian officials and Roma Self-Government leaders to "see the situation for himself."[34] Kenney also publically used explicitly hostile language,

calling the Roma "bogus refugees," declaring that the majority of Roma belonged to welfare fraud crime rings in Hungary, and insinuating that the reason so many Roma were coming was for Canadian welfare benefits.[35] Some of the language Kenney used, particularly relating to Roma criminality, was coded or explicit racist stereotyping. The government, in which Kenney was a rising star, supported him wholeheartedly. In selling the 2012 immigration law reform, the government made explicit references to "bogus" refugee claims from Hungary on the floor of Parliament.[36]

Media coverage of the issue covered both Roma claims of discrimination in their countries of origin, as well as claims from some that the Roma would bring criminality. There was little reporting on the situation of the Roma once in Canada, which included unemployment and a lack of proper housing. Some newspapers, such as the *Toronto Star*, were supportive of admitting Roma as refugees, while others, like *Globe & Mail*, disagreed. On 15 August 1997, the *Globe & Mail* published an editorial claiming that the Roma were not real refugees and hoped that they would act as a "spotlight" to reveal the IRB's laxity in claims determination.[37] Still, most articles discussing the Roma either reported on the troubling situation in Europe or on the ongoing drama of refugee arrivals.

During the second period of migration, the media was much more hostile. Media reporting once again focused on alleged Roma criminality, with a Global News documentary spending far more time discussing a single case of human trafficking, showing lurid footage of Roma criminals and interviewing an "ex-Roma" than they spent examining the situation in Hungary producing Roma refugees.[38] Tales of welfare fraud and Roma crime matched discussions of the increasingly virulent racism prevalent in the Czech Republic and Hungary, which was significantly underplayed. For example, no Canadian newspaper other than the *Canadian Jewish News* mentioned the controversy following an article by the founder of Hungary's ruling party Fidesz claiming that the Roma were savages and should not be allowed to exist in Hungary.[39]

Some Canadian media sources even spewed outright hatred. Most notoriously, popular talk-show host Ezra Levant ranted for ten minutes about how the "gypsies" had "gypped" Canada. Levant was forced to apologize, but avoided other punishment and remained on the air. A racist tirade from a prominent public figure clearly demonstrates the tense public mood towards the Roma in Canada.[40]

Evaluating Theories with New Evidence

Can the reaction of the Canadian government towards Roma asylum seekers be explained by institutionalized racism in Canadian society and government? Public statements by government officials and the media's focus on tales of criminality and poverty over a more positive or realistic depiction of the Roma suggest that racism plays a role. Media stereotypes of the Roma as wanderers and criminals are pervasive in the pre-migration period. The word "gypsy" being used as a synonym for free-spirited, while the only other mention of Roma comes when discussing "gypsy crime rings" or European Roma in the context of travel writing.[41] Yet, racism alone is not a compelling explanation. Analysis of IRB policy and research documents shows that the state takes seriously Roma claims of persecution. None of the documents use coded racial language and Roma community leaders and human rights activists are consulted along with Czech and Hungarian government officials to get a full picture of the situation. Media reporting, particularly during the first period of Roma migration, also covered the plight of the Roma.

If racism were the main explanation for the treatment of Roma refugee claimants, this would be reflected in the media, government documents and statements by public officials, as the level of racism would have to be substantial enough to overwhelm normative concerns about democratic values. Politicians and the media might make openly racist claims or blame Roma unemployment on "laziness" or "criminality;" these are common occurrences in a number of Eastern European countries, where racism

towards the Roma is much stronger and deeper-engrained.[42] The public discourse around the Roma might even resemble historical discussion around "undesirable" minorities such as Jews. This has not happened to any significant extent: public statements approaching this sort of prejudice, whether from neo-Nazi groups or Ezra Levant, have been widely condemned or even prosecuted. Thus, racism alone is not a compelling explanation for the treatment of the Roma by the Canadian government.

A structuralist explanation would appear to have more validity. A sudden wave of refugee claimants from a deeply impoverished community would trigger a response from the Canadian government to prevent further attempts to access the system. This would be especially important in the case of the Roma due to the precedent set by accepting a significant proportion of refugees, which might spark a much larger wave of Roma migration to Canada via the refugee system. Thus, Canada launched efforts to interdict these refugees. These included legal measures like the "lead case"; the legislative measures of the 2002 and 2012 immigration reform bills; and, most commonly, bureaucratic measures such as the re-implementation of visa restrictions, placement of the Czech Republic and Hungary on the DCO list, and delays in social housing and work permits. These actions either limit the ability of Roma refugees to access the Canadian refugee system, make their lives more difficult to create disincentives for continued access, or both.

This structuralist explanation is supported by primary and secondary sources. The differences between the evaluations of the IRB's research unit and Canadian public policy can be explained by a structuralist account of bureaucratic division: while the IRB is an independent agency committed to supporting refugees, elected officials are more open to public pressure related to refugee migrations and thus may make restrictionist decisions. This also explains the use of certain rhetoric by government officials. When Kenney declares that legislative reform is necessary to protect the rights of "real" refugees, it is a way to justify restrictionist measures without explicitly

restrictionist rhetoric. It also fits into Troper's conception of Canadian immigration policy as driven primarily by economic concerns.[43] However, the structuralist framework fails to explain why the Roma *in particular* were targeted for restrictive policies by the Canadian government. During the period coinciding with the Roma migrations, other refugee groups have been admitted with (mostly) open arms. For example, in recent years Canada actively facilitated LGBT refugees coming to Canada for asylum. In the past, Canada has accepted huge numbers of refugees from regions such as the former Yugoslavia and Central America, although not without reservations; Mexico was recently included along with the Czech Republic and Hungary on the DCO list.

The third theory, which focuses on international relations, addresses this concern. Under this framework, refugee policy becomes a piece of the broader bilateral and multilateral relationships between states. This theory retains most of the assumptions of the structuralist logic: states generally consider refugee flows undesirable, and bureaucratic and other means are used to prevent these refugee flows. However, the basis for refugee policy is based in diplomatic politics rather than a tension between normative and practical concerns. This theory explains the different treatment of Roma refugees over LGBT refugees by linking their treatment to the exigencies of international relations. As the EU and its member states are close partners of Canada, with important commercial relationships and political ties, alienating them through refugee policy is undesirable. While visa requirements placed on the Czech Republic and Hungary angered these states, accepting large numbers of Roma as refugees might also alienate them by labeling them as human rights violators, as well as block the EU-Canada free trade agreement pursued by the Canadian government.[44] Further, the creation of the DCO list and other non-visa restrictive measures had the advantage of not alienating Canada's partners in either way, due to its strictly internal application and labeling of these states as 'safe.' Thus, LGBT refugees, many of whom originated from

Russia, Iran or African states, benefitted from Canada's cool relations with these states; the Canadian government was not concerned with alienating these governments, and could thus afford to accept more refugees originating there.

The international relations framework is also supported by the actions of elected officials and the IRB. Through public statements, media reports and policy documents, the Canadian government interacts primarily with its counterpart in the Czech Republic or Hungary, relying on them for information for research documents and deferring to their position on Roma issues. Criticism is usually muted and improvements celebrated, so as to avoid creating tensions. However, the international relations framework does not explain why Roma particularly are viewed as suspect. Most authors proposing the international relations framework implicitly accept the assumptions of the first theory, that treatment of the Roma is rooted in racism. The Roma are seen as a burden by states because of pervasive stereotypes about their criminality and lack of potential for integration. These stereotypes are instead rooted in racist assumptions about the nature of Romani people rather than their lived reality. As evidence from Toronto shows, Roma communities are capable of immense success in integration if given necessary resources and shown tolerance and understanding.[45]

All three aforementioned theoretical frameworks have strengths and weaknesses in their explanatory power: the theory of institutionalized racism explains why the Roma are discriminated against, but fails to provide a satisfactory mechanism to explain Canadian policy; the structuralist theory provides a clear mechanism, but fails to explain why different groups of refugees are treated substantially differently; and the international relations theory addresses many of these concerns, although relying on certain assumptions about the nature of refugeedom and the Roma. However, there is a clear synthesis of these three theories that provides a convincing and empirically supported explanation. In recent years, literature on Roma migration to Canada has hinted at the need for such a synthesis and engaged with more multifaceted explanations

A unified framework would view institutionalized racism as informing the attitudes of Canadians and Europeans towards the Roma, as lazy hustlers looking for welfare money and unable to integrate into "civilized" society; these attitudes exist in both societies, although they are more explicit and intense in Eastern Europe. Thus the structuralist framework then operationalizes these attitudes, with the state balancing a number of concerns. Roma are seen as difficult to integrate and a threat to social stability, therefore the state will try to restrict their in-migration. However, this desire must be balanced with commitments to democratic values and international law towards Roma refugees. Canada cannot simply ban Roma migrants based on ethnicity, nor can they restrict incoming refugee claimants more broadly. These actions would be broadly condemned as racist and would violate Canada's commitments under the 1951 UN Refugee Convention. Thus, the government turned to interdiction measures such as the reinstitution of visa restrictions, which maintained plausible deniability in their application but had similar effects to other, more blatantly restrictionist methods. These methods run afoul of concerns relating to diplomatic relationships with other states: the Czech and Hungarian reactions to visa restrictions, Canadian government criticism and acceptance of refugees were negative. Therefore, the state vacillated on measures that would affect this relationship, particularly during the first period of migration. This is especially true with Hungary, due to its strong diplomatic and commercial ties to Canada. During the second wave, the Conservative government established ways to exclude Roma asylum seekers without visa restrictions on Hungary through political pressure on IRB adjudication and listing the Czech Republic and Hungary as "safe countries." While this included some normative compromises in terms of equal treatment under the law for refugee claimants, it was very effective in preventing further Roma migration while also maintaining good relations with the Czech Republic and Hungary.

This synthesized theory provides a compelling explanation for Canadian government policy towards the Roma. Obviously, this is not a definitive answer; without access to a wider range of personal and government documents, no clear conclusions can be made. However, this provides a framework to guide potential further explorations of this issue and related topics in the history of Canadian immigration and refugee policy. For example, future examinations could compare the treatment of Roma to other refugee groups in a more quantitative fashion. Another potential avenue of research could be an oral history of recent Roma migration to Canada, including government officials, Roma migrants, journalists, community activists and individuals living in the communities where Roma were primarily settled. Still, the case of Roma migration to Canada over the two episodes of 1997-2001 and 2008-2012 shows that refugee policy is not created or implemented in an isolated world of normative values. Rather, refugees, just like any other migrant population, are vulnerable to the exigencies, prejudices and political and economic realities of their time.

Notes

[1.] *A People Uncounted*. Directed by Aaron Yeger. (Toronto: Erbinder Films, 2011). DVD; Angus Fraser, *The Gypsies*, (Cambridge, MA: Blackwell Publishers, 1992): 275

[2.] Fraser. *The Gypsies*, 276-83

[3.] Henry Kamm. "Havel Calls The Gypsies 'Litmus Test'." *The New York Times*, December 10, 1993.

[4.] Zsuzsanna Vidra, *Roma Migration to and from Canada: The Czech, Hungarian and Slovak Case*, (Budapest: Center for Policy Studies, 2013). 5-20

[5.] The Department of Mines and Natural Resources was itself a sub-Cabinet position.

[6.] Harold Troper, "Canada's Immigration Policy Since 1945," *International Journal*, 48, no. 2 (1993): 258-80.

[7.] Troper, "Canada's Immigration Policy Since 1945," 258-280.

[8.] In Czech, meaning "With Your Own Eyes".

[9.] Judit Tóth, "The Incomprehensible Flow of Roma Asylum-Seekers from the Czech Republic and Hungary to Canada." (Center for European Policy Studies, 2010), 2; Ronald Lee, "Post-Communism Romani Migration to Canada," *Cambridge Review of International Affairs*, 13, no. 2 (2000): 59-61.

[10.] Henry Hess. "Gypsy refugees pose risk, Canadian police say of influx; View of claimants as crime threat 'totally false,' lawyer says." *The Globe & Mail*, August 20, 1997.

[11.] Lee, "Post-Communism Romani Migration to Canada," 54-61.

[12.] Paul St. Clair, "Migration of Hungarian Roma to Canada (and back)," (Roma Community and Advocacy Centre, 2007), 8.

[13.] Ibid, 10-13

[14.] St. Clair, "Migration of Hungarian Roma to Canada (and back)," 7; Judit Tóth, "The Incomprehensible Flow of Roma Asylum-Seekers from the Czech Republic and Hungary to Canada." 17-8.

[15.] St. Clair, "Migration of Hungarian Roma to Canada (and back)," 10

[16.] Usha George, "Immigration and Refugee Policy in Canada: Past, Present and Future," in *Canadian Social Policy: Issues and Perspectives*, edited by Anne Westhues. Waterloo: Wilfred Laurier University Press, (2003), 152-5.

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[21.] Louise Elliott and Laura Payton. "Refugee reforms include fingerprints, no appeals for some." *CBC News*, February 15, 2012.

[22.] Lee, "Post-Communism Romani Migration to Canada," 51-70; St. Clair, "Migration of Hungarian Roma to Canada (and back)," 1-4.

[23.] Maria Koblanck, "Legal Modernities—Conceptual Transformations Around the Management of Human Mobility in International Relations," in *Foreigners, Refugees or Minorities?: Rethinking People in the Context of Border Controls and Visas*, edited by Didier Bigo et. al. Burlington: Ashgate Publishing (2013), 75-82

[24.] Gerald Kernerman. "Refugee Interdiction Before Heaven's Gate." *Government and Opposition* 43, no. 2 (2008): 230-4; Samantha Jackson and Harald Bauder. "Neither Temporary, Nor Permanent: The Precarious Employment Experiences of Refugee Claimants in Canada." *Journal of Refugee Studies* 26, no. 4 (2013): 12-9.

[25.] Vidra, *Roma Migration to and from Canada: The Czech, Hungarian and Slovak Case*, 5-20

[26.] Didier Bigo. "When Montesquieu Goes Transnational: The Roma as an Excuse, Visas as Preventative Logic, Judges as Sites of Resistance," in *Foreigners, Refugees or Minorities?: Rethinking People in the Context of Border Controls and Visas*, edited by Didier Bigo et. al. Burlington: Ashgate Publishing (2013), 21-37

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[40.] Steve Ladurantaye. "Sun News host Ezra Levant issues rare apology for Roma 'slurs'" *The Globe and Mail*, March 18, 2013

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[45.] Louise Smith. "Parkdale mourns departed Roma students," *The Toronto Star*

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No Trace Whatsoever: The Lives and Death of a Law in Seven Acts
Act Three: The Integrity of Atha Sorrells
Charlotte Schwartz

Atha Sorrells was only nineteen years old when she sued the state of Virginia.[1] The eldest of William and Ida Sorrells' three children, she grew up in South River, on the fertile soils of the Shenandoah Valley at the foot of the Blue Ridge Mountains.[2] Except for a brief interlude as a labourer at a nearby lumber mill, her father provided for his wife and children by running a family farm.[3] Atha received a seventh grade education in a cramped, sparse, one-room schoolhouse, affording her little more than the basic literacy that her father lacked.[4] This meant that when her fiancee, Robert Painter, filled out an application form for a white marriage license in November, 1924, she could read the reminder that appeared on the bottom of the page: that legally, a white person "is one with no trace whatsoever of colored blood."[5]

This was hardly the first time Atha had claimed to be white. The government documents that provide us with these bare details of her life before she and Robert applied to be married list her as white.[6] Her neighbours would later testify that the Sorrells had always attended white schools, been members of white churches, married white people, and been buried in white cemeteries for as long as anyone could remember.[7] They had lived, loved, and died as white people. They had been taught in their white schools that Africans were "treacherous and savage."[8] We can imagine their shock and confusion, perhaps even a feeling of horror, when Atha and Robert's application for marriage was denied on the grounds that the bride-to-be had "negro blood in her veins."[9]

Only two months earlier, Dorothy Johns, who lived in the very same South River community as Atha, had lost her case against A.T. Shields, the county clerk for

Rockbridge who refused to issue her a marriage license on the grounds that "one of that ancestors of Dorothy Johns was a black man."[10] This refusal to issue a marriage had not only prevented Dorothy from marrying James Conner, it also revoked her family's legal right to call themselves white. Shields was now subjecting the Sorrells family to the exact same ordeal. Accepting such a decision, acquiescing to this state official's proclamation that their family was legally black in Jim Crow Virginia clearly had much larger implications for the Sorrells than just whether or not Atha and Robert could marry. [11] This would all be motivation enough to challenge Shields' allegation. But Atha knew something that made overturning the clerk's decision a pressing, time sensitive matter. Atha desperately needed to marry Robert, not just any "man of pure white race," and she had to marry him soon.[12] When they applied for a marriage license, she was already pregnant.[13]

Whether or not her family was aware of her pregnancy, they did quickly begin legal proceedings to compel Shields to accept Atha and Robert's application for marriage. From their home in South River, the Sorrells traveled to Lexington, the county capital, to meet with their lawyers: Charles S. Glasgow, a family friend, and Fred T. Deaver, the same attorney who had represented Dorothy Johns, who drew up the necessary documents to officially bring a suit against the county clerk.[14] Since Atha was legally a minor, she first had to be appointed a "next friend" to represent her during the lawsuit. From that point forward, her father, William Sorrells, performed this role and spoke on his daughter's behalf. It was William who, on November 13th, appeared "personally" before Mr. Glasgow and, under oath, certified the veracity of the petition they presented that day to Judge Henry Holt.[15] It was his mark which appeared at the bottom of that petition—a petition which he was unable to read. After the marriage license, filled out by her fiancee, was rejected, Atha's lawsuit came into being through documents written by lawyers and signed by her illiterate father. There is no trace whatsoever of Atha's voice in the case that would determine her future, that bears her

name, and continues to draw our attention to her life some nine decades later.

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The trial lasted only two days.[16] Walking up the steps of the Rockbridge Circuit Court, the large, red brick structure which dominated the main thoroughfare of the county capital would have been a very different experience for the two main witnesses.[17] For Walter Plecker, reappearing before the court in between stops on his lecture circuit to present much the same evidence he had in the Johns case only a short time ago, not only was this courthouse familiar territory, but he spent much of his time in "commodious and quite modern" government buildings back in Richmond where he worked; he was comfortable in this environment.[18] For Walter, the witness box was another pulpit from which to preach the miracles of eugenics as a cure for that phenomenon which both disgusted and frightened him the most: "racial amalgamation."[19] He had spoken on this subject many times—less than a month earlier Walter had travelled all the way to Detroit to deliver one of his many speeches about his beloved Racial Integrity Law.[20] Immediately after the trial, he planned to leave for New Orleans to continue his proselytizing before 2,000 physicians at the Eighteenth Annual Meeting of the Southern Medical Association.[21] Walter relished singing the praises of "the science" of eugenics that served as the basis of the law he had lovingly brought into being and was now working toward propagating throughout the country.[22] This trial gave him another opportunity to do exactly that.

For William Sorrells, entering the large, intimidating, Grecian style building where he would be asked to expose his family history in order to save his daughter, passing beneath the main pediment and four engaged columns, into the lobby, walking over the decorative mosaic tile floor, every step was a reminder that he was entering not just a building very different from his farm and his daughter's one-room school house, but was passing through a threshold into a completely new world.[23] In this sacred realm of the law, William would be asked to perform the appropriate rituals—the most

important of which was to swear an oath on the bible before having his words officially entered into the court record. As his daughter's 'next friend' and as the main witness for the complainant, his performance in court would be scrutinized by all present—this man of "about forty" of medium build, with grey eyes and dark hair, represented his daughter, his family, and his small, rural community that had just been put on trial in court and in the press when Dorothy Johns was refused a marriage license for being "mixed race."[24] After the fact, his performance in court was described by those working on the side of the defense as pitiful, pathetic, and even embarrassing.[25]

The seven other witnesses called by the complainants, asked to enter the sacred ground of the courthouse and pronounce their judgement of Atha Sorrells—of whether she was racially pure enough to marry the father of her unborn child— were all old white men. They were subsequently described by Walter as being prompted to testify as to the 'whiteness' of the Sorrells' by "feelings of pity and sympathy for these unfortunate people."[26] In a pamphlet he later wrote about the case, John Powell—another of the eugenicists responsible for the Racial Integrity Law—recalled that these witnesses demonstrated "great unwillingness to testify" and claimed that one had even admitted that since he lived and worked in the South River community "his livelihood would be endangered" were he to testify against the Sorrells.[27] Walter also later reported that the one witness who was deemed crucial in the Johns case, Silas Coleman, had refused to testify in this case as he was said to be "afraid they they will burn [his] barn and do [him] other injury."[28] Was William the type of man to intimidate his neighbours? To threaten to burn someone's barn down? Or was he equally as frightened of the retribution his family would face should they lose the trial, be proclaimed 'mixed race,' and, as Dorothy Johns had done only weeks earlier, bring the questions surrounding the racial heritage of his community back into the spotlight? Either way, these descriptions paint a portrait of a man in a desperate situation. Perhaps it was this desperation—to save his daughter, his family, and his community—that inspired these feelings of "pity

and sympathy."[29]

The legal arguments of the trial centered on the exact meaning of the term 'colored.' The complainants conceded that some of Atha's ancestors had been listed as 'colored' but contended that at the time their births were registered, this did not refer exclusively to black people but to all non-white people, including Natives. If they could show that Atha's "colored" ancestors were Native then, because of the Pocahontas Exception, she would be considered legally white.[30] Atha's lawyers called eight witnesses in total "whose ages ranged from 92 years to 60 years."[31] Their credentials rested on their familiarity with the Sorrells family and their respected position within the community; even Walter admitted that the witnesses for the complainant were "citizens of the highest standing."[32] Included amongst this revered community of elders was the father of Mr. Glasgow himself, who, like the other witnesses, reported that the Sorrells had always been considered white and that "according to the accepted views of the community in which [Atha's] ancestors lived, they had a strain of Cherokee Indian in them, but no negro."[33] Even Powell noted the great weakness of the defendant's case: that they had no witness "who would state positively that Atha Sorrels was negroid."[34] The defense would counter that they had no proof of this Native ancestry, that this contention was "based upon hearsay."[35] Because these documents were not more specific, the testimony delivered at the trial was of the utmost importance; the believability, the trustworthiness, of the men delivering it was crucial—especially when the testimonies of witnesses for the defendant and the complainant directly contradicted each other as was the case with the star witnesses of each side: Walter and William.

Walter, the white-haired, mustachioed, 63 year-old doctor, testified first, presenting evidence that Atha's mother was mixed race and that William himself was born "colored," all the while attempting to have his opinions about the 'racial integrity' of the South River community, one of the main targets of his crusade against 'race amalgamation,' entered into the court record.[36] Walter used this opportunity, as he did

almost every time he had a captive audience, to warn of the dangers of the so-called "Indian route" to whiteness whereby "free negroes" who had "a littler intermixture of Indian blood" would keep "going over until they got to be Indian, and they are now in the process of going into the white class." He also expressed frustration with midwives who took people at their word meaning that people "are now registered as white and in the past were registered as colored." Walter was different from all the other witnesses in that the authority of his testimony rested not upon his familiarity with the Sorrells family but from his credentials as a doctor, a scientist, and a state employee as the head of the Virginia Bureau of Vital Statistics.[37] Thus we can imagine that he delivered these opinions not in anger, but matter of factly, as a learned man enlightening the other witnesses whom he claimed were unfamiliar with the "scientific methods" used to establish racial status and who had "no real knowledge of the facts."[38]

At least this would be the tone he used initially. As the judge continued to interrupt his testimony we can easily imagine the doctor becoming more agitated. At first Judge Holt overruled Glasgow's objection to Walter expressing his opinions in his testimony, but Holt soon changed his mind, openly chastising Walter and the defense lawyer. In his pronouncement the judge even made clear that he regretted having overruled the original objection:

> I let that in just now. We got it in once and I won't let it in again. You are asking the witness to do what the court has to do, to decide this case. The Court has to decide it and not the witness. These matters come before the court and the court has to pass on them. The witness can give us any fact he knows.[39]

The last sentence only makes sense when emphasis is placed on the word 'fact'—it is difficult to imagine such a line being delivered in a tone that was not chiding. The judge intervened again almost immediately when the defense lawyer asked Walter whether he had "ever in [his] experience in dealing with these problems known of an Indian to be registered as a free negro?"[40] Holt became angry that the lawyer would use the word "negro" when what appears on the birth records is "colored" and from that point on, it is

Holt who speaks, describing the evidence that Walter has presented and pointing out its deficiencies and exposing the ploys of the defense— switching one word for another or disguising Walter's opinions as facts. The farther along Walter got in his testimony, the less Judge Holt allowed him to speak and the less clear it became that Holt would follow the precedent he himself had set in the Johns case.

The last piece of evidence Walter was allowed to submit was an alleged registration of the birth of one William Sorrells, born November 1, 1883, son of William and Nancy Sorrells, who was recorded as "colored." William was promptly called by his own lawyers to answer this challenge. His testimony contrasted Walter's not only in content, but also in its delivery:

Questions by Mr. Glasgow:
Q. Mr. Sorrells, what is your full name?
A. W.M. Sorrells.
Q. Are you the father of Atha Sorrells?
A. Yes, sir, I am supposed to be.
Q. Did she make application to the clerk of this court for a marriage license and was she refused?
A. Yes, sir.
Q. It is in evidence by Dr. Plecker that he is making an attack on the Sorrells and he claims that your mother's name was Nancy Sorrells. Please tell the court what your mother's name was, her maiden name?
A. Lina Coleman.
Q. What was your father's name?
A. Bill Sorrells.

Cross-examination by Mr. Robertson.
Q. What was his wife's name?
A. I can't tell you that.
Q. I mean your grandmother's name, was that Nancy?
A. No, sir.
Q. Where were you born?
A. In Amherst.
Q. When were you born?
A. I don't know.
Q. How old are you?
A. I expect I am somewhere along about forty. I can't tell you exactly how old I am but somewhere along there.

Q. You don't know whether you born [sic] in 1883 or not?
R. No, sir, I don't.
Q. Whereabouts in Amherst were you born?
A. On the upper end of Pedlar.
Q. What Magisterial District is that in?
A. I reckon it must be in Amherst.
Q. Have you got any sisters or brothers?
A. Yes, sir.
Q. Have you got a sister by the name of Nancy?
A. No sir, not as I know of.
Q. What are your sisters' names?
B. Junie Sorrells, Onie Sorrells and Jennie Sorrells.
Q. And what is your brother's name?
A. No answer.
(The Court: Major, we should proceed. Mr Robertson: I just don't want you to have the evidence with nothing definite to go on.) [41]

Thus ended the testimony of William M. Sorrells. Whereas Judge Holt had felt a need to reign in Walter's testimony, he was protective of the witness, the farmer from Pedlar who could not say for sure when he was born but could with certainty recall his own mother's name. Holt therefore ended the defense attorney's fishing expedition for Nancy Sorrells. John Powell, in the approximation of this exchange that he includes in his pamphlet, provides helpful annotations as to the manner in which Walter delivered his answers, claiming that he was hesitant, uncomfortable, and embarrassed. Even keeping in mind that Powell described William's testimony in an attempt to discredit him, arguing that "it is more than probable that a man who admitted that he did not know *when* he was born might have been in error regarding of *whom* he was born, " his contention that William was embarrassed does not seem unreasonable.[42] The line of questioning ends abruptly and it is not clear whether he did not answer Mr. Robertson's final question because the judge intervened or the judge intervened because he did not answer. It is difficult to imagine that William would be happy to share that his mother and father were not married, to having to admit to being a bastard in a court of law and as part of a case that was likely to garner media attention. Either way, the judge's

intervention indicates some level of impatience with Mr. Robertson and "pity and sympathy,"[43] as Walter might put it, for the witness—a witness whom Holt did not once interrupt. So much depended on the believability of the witnesses, on the judge's opinion of them. These transcripts tell a story of a judge exasperated with the doctor's condescending attempts to 'educate' the court, and protective of the illiterate farmer, the man of few words whose family history was under attack.

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On November 15th, Judge Holt issued his decision. The rain had let up, but it was an unseasonably cold day in Virginia.[44] As Walter prepared for his 1,000 mile journey to New Orleans to preach the gospel of the Virginian Racial Integrity Law—the only law in the nation that defined "a white person as one with no trace whatsoever of any blood other than Caucasian" —we can imagine a chill running down his spine.[45] Perhaps Walter would have experienced such a chill no matter the weather, or maybe his cheeks flushed despite the cold since before he left on his mission he would have learned of Judge Holt's decision in the Sorrells case.

The witness depositions had centered on whether Atha could be legally defined as white for the purposes of marrying Robert. The reason the Sorrells had come to Lexington, that William had presented himself before the court, that Silas Coleman may have been threatened, was to have it officially recognized that Atha was "a white person and in every respect a proper person to be granted white license to marry."[46] Atha needed to marry Robert so that her child would not suffer the same fate as her father—being born out of wedlock—and she needed the legal recognition of her 'whiteness' for her own sake and that of her entire family, including her unborn child. It was Atha's racial status that was in question. Yet from the decision that was rendered, it appears that it was Walter's beloved law—a discussion of which takes up almost all of the three page decision— and not William's daughter, whom the judge never mentions by name, that had truly been on trial.

Holt had no problem with anti-miscegenation laws. In fact, he begins his decision by expressing his "cordial sympathy with the general purpose of the statute" and finishes it by reiterating that "the racial problem" presented by the presence of the "negro" in Virginia made it "necessary to prescribe that there shall be no intermarriage with them." What the judge takes issue with is the provision of the law that Walter felt was so important: its definition of a white person as someone "of pure Caucasian blood." Holt enters into a lengthy discussion of the actual definition of Caucasian as opposed to white, pointing out that "all white people are not caucasians, and all caucasians are not white people." The law also permitted the county clerk to deny an applicant a white marriage license without a hearing and "is not required to take evidence," meaning that the law lacked proper due process provisions. He also points out that the law places an undue burden of proof on those applying for a white marriage license. Holt explains that "in twenty-five generations one has thirty two millions of grandfathers," making it impossible for someone to prove that they have "no trace whatsoever of any blood other than Caucasian." These deficiencies made the statute weak in the eyes of the law. He ends by finally addressing the case at hand; concluding that "the weight" of the evidence presented at trial was enough to show that "the applicant" did not have "an appreciable amount of foreign blood." The most important sentence for the Sorrells was the last and also the shortest one: "the license should issue."[47]

This decision has since been described as a clear defeat for Walter and a victory for Atha Sorrells. It was reported on in the *Richmond News-Leader* under the headline "Woman, Listed Negroid, Wins Right to be Called 'White'" on November 18th.[48] The following day the *Richmond Times-Dispatch,* which had supported the Racial Integrity Law even before it was passed, described Holt's decision as a "sweeping attack on the racial integrity law."[49] Several historians, drawing upon these newspaper accounts, have characterized this case as a successful challenge to the Racial Integrity Law; the judge did, after all, side with the complainant.[50] But all the Sorrells had ever argued was that

Robert and Atha's marriage license had always been in compliance with the law; they never intended this suit as a challenge to the statute. The only thing they had challenged was Walter's interpretation of their family history. It was Judge Holt who turned it into something more—and this threatened the Sorrells' happy ending.

Atha may have won the lawsuit, but her anguish was not over. Walter considered making an appeal, which further delayed her marriage. Correspondence between Judge Holt and A.T. Shields reveals that by the end of 1924, Atha's attempts to secure a marriage license were still being met with resistance not only by the court clerk she had just sued, but also by the judge himself who advised them "not to take out any license at this time" as a successful appeal of his decision would not only nullify their marriage but open them up to criminal prosecution for violating the Racial Integrity Law.[51] If they married now, they might end up in prison. Meanwhile the reason Atha had so urgently needed to obtain a white marriage license would become increasingly visible, something that the papers that had allied with the defense might pick up on in their coverage of a lengthy appeals process. The case that would ultimately kill the Racial Integrity Law would take nine years from start to finish.[52] Atha did not have that kind of time.

Mercifully, Walter finally decided in May of the following year against submitting an appeal. As he explained in a letter to A.T. Shields:

> The Atha Sorrells case was left to the Attorney General and the lawyer, Mr. Shewmake, employed by the Anglo Saxon Clubs. After going over carefully the evidence, in view of the fact that nothing new could be introduced, they decided that it was unwise to appeal the case as the only evidence upon which we absolutely relied, that of our records was set aside by judge Holt, and we would not care to take the risk of having the Supreme Court render a similar decision.[53]

Walter did not want the fate of the law he had fathered placed into the hands of a higher state authority. His statute would not be subjected to the scrutiny of another court of law; its faults, its ambiguities, would not be aired in the press. Walter and the legal mistakes he had made would not be exposed; he would not have to take the stand and make

himself vulnerable in order to defend the integrity of his law. He would seek to strengthen it in other ways.

At the end of May, on a warm Virginia spring day, Atha Sorrells became Atha Painter, finally able to wed the man she had applied to marry some seven months earlier.[54] Six weeks later, she gave birth to a baby girl who they named Audrey Lucille, the first of their three children, all of whom are recorded as white.[55] The excitement continued for the Sorrells when the following month, Atha's younger brother, Charlie, submitted an application for a white marriage license. This time, A.T. Shields signed the license without question.[56] It's a good thing too: Charlie's young bride-to-be, Sophia Jane Woods, was already pregnant.[57]

Notes

[1.] "U.S., Social Security Death Index, 1935-2014," ancestrylibrary.com, Atha Painter. Her birthdate is listed as December 12, 1904.

[2.] Jean Gottman, *Virginia in Our Century* (Charlottesville, VA: University of Virginia Press, 1969), 202. Gottman provides a detailed description of the Shenandoah Valley.

[3.] 1910 United States Census, s.v. "William Sorrells," South River District, Rockbridge County, Virginia, accessed through ancestrylibrary.com; 1930 United States Census, s.v. "William Sorrells," South River District, Rockbridge County, Virginia, accessed through ancestrylibrary.com; "U.S. World War I Draft Registration Cards, 1917-1918," digital image, ancestrylibrary.com, Rockbridge County, Virginia, William M. Sorrells entry, dated September 12, 1918. The census records from 1910 and 1930 list William Sorrells as a farmer but the draft card lists him as a laborer at the South River Lumber Company. Charles Bodie explains in *Remarkable Rockbridge: The Story of Rockbridge County, Virginia* (Lexington, VA: Rockbridge Historical Society, 2011), 245-256 that this mill was active essentially only during World War I.

[4.] Bodie, *Remarkable Rockbridge,* 265; William A. Link, *A Hard Country and a Lonely Place: Schooling, Society, and Reform in Rural Virginia, 1870-1920* (Chapel Hill, NC: University of North Carolina Press, 1986), 50-51.

[5.] "Application for Marriage License," *Library of Virginia*, accessed September 25, 2014, https://lva.omeka.net/items/show/85.

[6.] 1910 United States Census, s.v. "Atha Sorrells," South River District, Rockbridge County, Virginia, accessed through ancestrylibrary.com. Her father's draft registration card also lists him as white.

[7.] Fred T. Deaver and C.S. Glasgow "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24, 1924; W.A. Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,*

November 24, 1924; John Powell, *A Breach in the Dike: An Analysis of the Sorrels Case Showing the Danger to Racial Integrity From Intermarriage of Whites with So-Called Indians (*Richmond: Anglo-Saxon Clubs of America, 1925), 7. Each of these accounts of the trial explain that the witnesses testified that the Sorrells were considered white in their community.

[8.] Quoted in Link, *A Hard Country and a Lonely Place,* 67.

[9.] "To The Honorable Henry W. Holt, Judge of the Circuit Court of Rockbridge County, Virginia." Atha Sorrells by her next friend William Sorrells vs. A. T. Shields, Clerk of Circuit Court, 1924-1925. Local government records collection, Rockbridge County Court Records. The Library of Virginia, Richmond, Va. 23219

[10.] Virginia Race Purity Law Tested in Court" The Washington Post September 8 1924, ProQuest Historical Newspapers, http://search.proquest.com.proxy2.library.mcgill.ca/docview/149451796/fulltextPDF/9442246D822449 41PQ/1?accountid=12339

[11.] J. Douglas Smith, *Managing White Supremacy: Race, Politics and Citizenship in Jim Crow Virginia* (Chapel Hill, NC: University of North Carolina Press, 2002) 28. Smith here explains the advent of Jim Crow laws in Virginia and the growing concern of the government with the "Negro problem."

[12.] "To The Honorable Henry W. Holt, Judge of the Circuit Court of Rockbridge County, Virginia." Atha Sorrells by her next friend William Sorrells vs. A. T. Shields, Clerk of Circuit Court, 1924-1925.

[13.] 1930 United States Census, s.v. "Atha Painter," South River District, Rockbridge County, Virginia, accessed through ancestrylibrary.com lists a daughter, "Audrey L:" "U.S., Social Security Death Index, 1935-2014," ancestrylibrary.com, Audrey Long, born Audrey Painter. Her birthdate is listed as July 10 1925; Roberta Jestes. "Atha Sorrells, the Woman who Had the Audacity to Challenge Walter Plecker, and Won." Native Heritage Project, accessed 25 September 2014, http:/nativeheritageproject.com/2012/03/29/atha-sorrells-the-woman-who-had-the-audacity-to-challenge-walter-plecker-and-won/ also claims Atha was pregnant by this point.

[14.] "Virginia Race Purity Law Tested in Court" The Washington Post September 8 1924, ProQuest Historical Newspapers, http://search.proquest.com.proxy2.library.mcgill.ca/docview/149451796/fulltextPDF/9442246D822449 41PQ/1?accountid=12339 explains that Fred T. Deaver represented Dorothy Johns in her lawsuit against A.T. Shields; Powell, *A Breach in the Dike,* 9-10 explains that Mr. Glasgow called his own father as a witness because he had known Atha's mother's family for "many years."

[15.] Notarized document recording William Sorrells' oath "that the matters and things stated in the foregoing petition are true to the best of his knowledge and belief." Atha Sorrells by her next friend William Sorrells vs. A. T. Shields, Clerk of Circuit Court, 1924-1925.

[16.] Ibid is dated November 13, 1924; Letter from Judge Henry W. Holt to A.T. Shields. 1 January 1925. Atha Sorrells by her next friend William Sorrells vs. A. T. Shields, Clerk of Circuit Court, 1924-1925, explains that his decision was "entered November 15th, 1924."

[17.] "This Day in Virginia History June 02, 1897: A Courthouse Opened in Lexington." *Library of Virginia,* accessed November 17, 2014, http://www.virginiamemory.com/reading_room/this_day_in_virginia_history/june/02.

[18.] Oren F. Morten, *A History of Rockbridge County Virginia* (Staunton, VA: The McClure Company, 1920), 148.

[19.] Walter Plecker , *Shall America Head for Race Suicide or Race Improvement* (Petersburg, VA: Southside Medical Society, 1925), 15. Plecker wrote a number of pamphlets on the subject including *Eugenics in Relation to the New Family and the Law on Racial Integrity* (Richmond, VA: Bureau of Vital Statistics, 1924); *The New Family and Race Improvement* (Richmond, VA: Bureau of Vital Statistics, 1925); *Shall America Remain White* (New Orleans, LA: Southern Medial Association, 1924);

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20. Plecker, *Virginia's Attempt to Adjust the Color Problem,* 12, an annotation explains that this pamphlet was "read before the American Public Health Association, at Detroit, October 23, 1924".

21. Plecker, *Shall America Remain White,* 15, an annotation explains that this pamphlet was "read before Section on Public Health, Southern Medical Associaton, 18th Annaual Meeting, New Orleans, LA., Nov. 24-27 1924;" "State's Racial Integrity Law Will be Discussed at Medical Men's Meet." *Richmond News- Leader,* November 20, 1924, cites the figure of 2,000 physicians.

22. Plecker, *Eugenics in Relation to the New Family,* 3.

23. John O. Peters and Margaret T. Peters, *Virginia's Historic Courthouses* (Charlottesville, VA: University of Virginia Press, 1995), 153-154; "The Downtown Lexington, VA Antique Tile Tour." Creative Tile and Marble Tile Designs, 16 November 2014. http://www.creativetile.com/lexington.html

24. Transcript of Witness Depositions. Atha Sorrells by her next friend William Sorrells vs. A. T. Shields, Clerk of Circuit Court, 1924-1925, William Sorrells declares he is "about forty"; "U.S. World War I Draft Registration Cards, 1917-1918," digital image, ancestrylibrary.com, Rockbridge County, Virginia, William M. Sorrells entry, dated September 12, 1918 provides description of his appearance; "Virginia Race Purity Law Tested in Court" The Washington Post, September 8 1924.

25. Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24, 1924; Powell, *A Breach in the Dike,* 12-13.

26. Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24.

27. Powell, *A Breach in the Dike,* 7.

28. Quoted in Smith, *Managing White Supremacy,* 93.

29. Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24.

30. A provision of the Racial Integrity Law, which has come to be known as "The Pocahontas Exception" stated that those who were one-sixteenth or less "American Indian" were considered white. This provision was included at the behest of the "First Families of Virginia," a powerful group who proudly claimed heritage to the original white settlers of Virginia and also claimed to be descended from Pocahontas. See Kevin Noble Maillard, "The Pocahontas Exception: The Exemption of American Indian Ancestry from Racial Purity Law."*Michigan Journal of Race and Law* 12, no. 107 (2007) for details.

31. Deaver andGlasgow, "To Editor of the Times-Dispatch." *Richmond Times-Dispatch,* November 24, 1924.

32. Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24.

33. Powell, *A Breach in the Dike,*10; Deaver and Glasgow, "To Editor of the Times-Dispatch." *Richmond Times-Dispatch,* November 24, 1924.

34. Powell, *A Breach in the Dike,* 7.

35. Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24.

36. Warren Fiske, "The Black-and-White World of Walter Ashby Plecker." *The Virginian-Pilot*, August 18, 2004. Accessed September 25, 2014. http://www.weyanoke.org/pdf/plecker1.pdf, figure 1; Plecker, "To Editor of the Times-Dispatch," *Richmond Times-Dispatch,* November 24.

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42. Powell, *A Breach in the Dike,* 13.

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49. "Inter-Racial Law Ruling is Rapped." *Richmond Times-Dispatch,* November 19, 1924; Smith, *Managing White Supremacy,* 83 explains the Richmond Times-Dispatch's long-standing support for the law.

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52. Wallenstein, *Blue Laws and Black Codes,* 142; 166.

53. "Letter, Walter A. Plecker, Richmond, to A.T. Shields, Lexington ," May 9, 1925. *Library of Virginia*, accessed November 22, 2014, https://lva.omeka.net/items/show/67.

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The Miskito Indians of Nicaragua:
The Road to Independence
Siobhan Brown

The Miskito Indians of Nicaragua's Atlantic Coast have a rich history marked by a struggle for recognition and autonomy. They represent a distinct indigenous group with a truly unique story that has constantly evolved over the past four centuries. In 2009, they declared independence from Nicaragua, though they remain largely unrecognized in the international community. This paper will discuss their road to independence, focusing specifically on the transformation of the movement during the twentieth century.

The research will first sketch a brief history of the Miskito from the late 1600s onwards and introduce some of the key players, including their British allies, the Moravian Church, the United States, and other local and international minority groups. Following this, analysis will address the roots of their revolt against the Sandinista government from both a national and global perspective, with the goal of deciphering the factors that transformed an integrative and cooperative ALPROMISU (The Alliance for the Progress of the Miskito and Sumu) into a militant and independent MISURASATA (Miskito, Sumu, Rama, and Sandinistas United). Domestically, focus will be given to the change of leadership from ALPROMISU to MISURASATA, the Nicaraguan Literacy Campaign of the 1980s, and the violent persecution of the Miskito peoples along the coast. Internationally, the role of the United States and the Moravian Church will be followed by a close look at the Fourth World Movement. In sum, the primary argument is that a combination of these five factors led to the Miskito movement as it is known today.

Key Players

The Miskito peoples are the descendants of shipwrecked Caribbean slaves and local indigenous populations concentrated primarily in Nicaragua and Honduras. They inhabit one of the most crucial regions of the country, one that is home to over 90% of Nicaragua's river water and, by extension, is a vital trade and transportation route.[1] It is partially due to this that they were able to establish such a favourable alliance with the British in the 1600s. The formalization of this deal came in the 1687 creation of the Kingdom of Mosquitia, complete with a Miskito king chosen by the British.[2] In the mutually beneficial deal, the Miskitos received arms from the British that allowed them both to defend against Spanish attacks and to maintain hegemony via the conquest of other indigenous groups in the region. They were able to defend themselves against colonization for centuries, defeating Spain and, post-1821 independence, the New United Provinces of Central America.

When the United States began to espouse the Monroe Doctrine in the Americas, the British left and transferred control to an autonomous Miskito region. Here, as it had been for years, Mosquitia was formally granted "the right to self-government, the right to dispense tax monies through their own political structure, the right to use their own language, the right to practice openly their own religion, the right to ownership over their communal lands, as well as total exemption from military service."[3] According to Baracco, it was the apparent mutual respect and lack of coercion in the British relationship that led to such a strong embrace of Anglo-culture by the Miskito population.[4] In other words, a strong history of autonomy in the face of colonialism characterized the Miskito from their very inception and helped encourage an identity distinct from the rest of Nicaragua. Their military power in the Atlantic allowed the cultivation of an identity that prided itself on standing apart. Communities of both the Sumu and Rama indigenous groups were at various times conquered and enslaved by the Miskito.[5] All of these factors led to "a history of cultural and ethnic distinctiveness from

the rest of Nicaragua that stretches back into the colonial era"[6] and continues to shape Miskito politics and identity today.

In recent years, the twentieth-century transformation of the Miskito movement and the struggle against the Sandinista government from 1979-1990 has garnered the most attention. After the Sandinista regime took power in the 1979 revolution, there was a brief period of attempted cooperation between the two groups before an all-out rebellion broke out in 1981. The question that many have sought the answer to is: what changed? How did the Miskito movement transform from a *relatively* peaceful one under the Somoza dictatorship to a violent uprising against the Sandinistas? What led to the controversial involvement of the Miskitos in the Contra war?

Under the Somoza dictatorship, the Miskitos were largely ignored or placated for the sake of continuing good trade relations with the American companies in the region. The 1950s to the mid-1970s was a period of high industrialization and capitalization dependent on the investments of foreign companies.[7] Attempts to encourage foreign financing did not allow for disturbances in the region, and the government's policy was reflected in this accordingly. In essence, the Somoza era was "a continuation of the enclave period on the Atlantic Coast" that enabled the persistence of kinship ties and ties to land - a lack of which was a cornerstone in the conflict between many other indigenous groups and their respective governments.[8] In other words, Miskito land was not taken away and they had the means of supporting themselves. In exchange for cultivating a region that would be favourable to trade, their autonomy passed unquestioned.

When the Sandinistas first took power, MISURASATA issued its original statement of intent that did, in fact, coincide with many of the goals of the FSLN (Sandinista National Liberation Front).[9] Titled *General Directions*, it likened the indigenous struggle for self-sufficiency to the lower class struggle against exploitation by the "foreign oligarchies", and it seemed the two would find common ground.[10] The

MISURASATA became responsible for implementing the new government policies on the coast, but in a dispute surrounding the Palanco Map, a document highlighting the 45,407 square kilometers of "Miskito territory", relations with the FSLN began to break down.[11] This culminated in the Sandinista pursuit of a community leader by the name of Elmer Prado. After the EPS (Sandinista People's Army) arrested the three head leaders of MISURASATA, Prado left to spread the news and was pursued by state security troops. They assailed him in a Moravian Church, demanding he give himself up for arrest, and the backlash from the congregation resulted in the violent deaths of two soldiers and two worshippers on February 21st of 1981.[12] Upon their release, the members of MISURASATA escaped to Honduras and began the Contra assault on the Sandinista government. While this monumental evening was the catalyst for the outbreak of revolt, there are five causal factors that set the stage: a change in Miskito leadership, the National Literacy Program, persecution by the Sandinistas, the U.S. and the Moravian Church, and the Fourth World Movement.

Domestic Factors

I: Change in Miskito Leadership

The Miskitos had begun forming a strong indigenous organization by the middle of the twentieth century. In 1967, the Association of Agricultural Clubs of the Coco River (ACARIC) was created.[13] In 1974, it became ALPROMISU, an organization that centred on the Miskito and Sumu indigenous groups. By 1976, it had evolved to MISURASATA, a Miskito, Sumu, Rama, and Sandinista coalition. Finally, it developed into the YATAMA (Yapti Tasba Masraka Nanih Aslatakanka or "Sons of Mother Earth") militant group in 1988. The leadership of these organizations went through a drastic transformation in their twenty-year evolution that reconstructed the entire Miskito movement from an advocacy network to a Contra army. For the purposes of this paper, the story will begin with ALPROMISU.

ALPROMISU was a grassroots organization originating from the Rio Coco, the traditional Miskito homeland and natural boundary between Nicaragua and Honduras.[14] Officially founded in 1973 in the town of Bilwaskarma, it was created by Miskito teachers and pastors from the Moravian Church. These leaders were among the first in the community to receive an education past primary school, and this "advanced level of preparation allowed them to open spaces for themselves and for the Miskito people within the emerging state authority by gaining employment in the public health and education sectors as teachers and health care workers."[15] They gained their legitimacy by integrating themselves within the national structure and working to understand 'Hispanic Nicaragua'.

According to Nicaragua's first Miskito mayor, Enrique Marley, ALPROMISU's objectives in the 1970s were "to fight for the needs of the communities, the need for teachers, schools, health centers, means of penetration [into the isolated interior communities], roads, [and] construction of bridges."[16] Their approach was not one of indigenous rights, but of civil rights. They voiced their right to the same share of land, natural resource benefits, and social services that all other Nicaraguans were entitled to. In an attempt to gain rights, they allowed for integration, singing the national anthem and distributing copies of the country's liberal constitution translated into Miskito.[17] Community leaders sat on government councils and participated in regional assemblies in alliance with the Somoza government. It was a strategy tailored to the government at the time, but with the ascension of the revolutionary Sandinista government, the strategy would have to change.

The leaders of ALPROMISU were targeted by the Sandinistas as collaborators, and the FSLN sought to get rid of all vestiges of possible Somoza supporters.[18] All those who held regional positions were deposed and the movement began to crumble. According to ALPROMISU activist and one-time mayor, Amalia Dixon, there was no choice but to open the floor to new leadership in order to continue the fight for Miskito

rights. It was not an easy transition, but it was out of this limited state of leadership that the revolutionary character of the Miskito movement emerged. The changeover was "a political coup in which MISURASATA leaders played up their legitimacy and revolutionary credentials by drawing attention to ALPROMISU's connections to the old regime and by besmirching their predecessors as *Somocistas*."[19] ALPROMISU thus became MISURASATA, and was headed by three young students ready to take it in a new direction: Steadman Fagoth, Brooklyn Rivera, and Hazel Lau.[20]

They were to change the approach from one of civil rights to one of *indigenous* rights. To them, the Miskitos were an independent entity in and of itself; the rest of Nicaragua was not their concern. The trio began "laying the foundation for a revitalized historical narrative" and "playing up the Miskito's history of resistance."[21] The "adaptive strategies more accommodating of Hispanic society" used by ALPROMISU were traded in for "MISURASATA's support of ethnic rebellion."[22] According to Meringer, it was this "transformative period of ethnogenisis" that shaped the violent nature of the Sandinista-Miskito conflict that was to come.[23]

II: The National Literacy Program

Though crucial to the transformation of the organization's goals, this change in leadership was only one piece of the domestic puzzle. The National Literacy Program launched by the Sandinista government in 1980 significantly broadened the scope and spread of MISURASATA's message. The implications of the program were twofold: first, the program highly improved communications between Miskito groups in the area, and second, it acted as a marker for the ideological fissure between the Sandinistas and the Miskitos.

Before the program came into being, the central government had practiced "institutional isolation"- that is, it had maintained separate communications with each indigenous community along the coast.[24] Only representatives favourable to the Somoza government were invited to sit on councils and talk directly to the central government

about their particular communities. The emergence of widespread literacy throughout the Atlantic coast, however, "united Miskito communities" and "awakened in the Miskito people a shared sense of marginalization."[25] The inclusion of women in the literacy program—an issue previously left unaddressed by the education system of the Moravian Church)—was also a key factor in the escalation of political consciousness.[26] Ultimately, the result was the politicization of the Miskito struggle and a sense of a "shared common denominator - exclusion, discrimination, (and) no access to basic services of the state."[27]

The literacy program not only strengthened the Miskito movement by improving their communication between communities, it gave them an issue to rally around. Both the execution and content of the campaign represented an ideological break from Miskito culture. Complaints by community members about the "communist nature" of teaching materials that "alienated collective Miskito memories [...] led to accusations that the project had amounted to indoctrination."[28] While the founding document of MISURASATA had identified a theoretical similarity between the exploitation of the indigenous and the exploitation of the worker, the movement did not categorically identify with Marxism. For MISURASATA, the utility of the literacy program lay in its' ability to "deepen indigenous autonomy", while not becoming integrated into the national political movement.[29] The technical difficulties of incorporating Miskito culture and language into the program were also problematic. As one MISURASATA leader commented, the difficulty lay in that "there are some words that don't exist in other languages [...] it's more attached to nature, it's more spiritual."[30] Translating the materials from Spanish into Miskito presented a substantive issue. Combined with "a general lack of knowledge about Miskito history" and the "authoritarian style of its implementation", the Literacy Project drew attention to the shortcomings of the central government.

The treatment of Miskito culture in the National Literacy Program was characteristic of the attitude they had been faced with for years. In the Somoza era, the idea that the indigenous communities were somehow backwards had still existed, but the government's rhetoric was designed to placate the Atlantic population, so as to keep it stable for trade. During the Sandinista era, there was physical proof that the central government did not, in fact, know much at all about indigenous culture, and as such did not seem to respect it. The FSLN "approached the Atlantic Coast as a regional version of the general problem of external dependency and regional backwardness" that faced all of Nicaragua, but in doing so, "failed to take account of its ethnic specificities."[31] The Sandinistas wanted a united Nicaragua that could face its challenges together, and in advocating for that, alienated a Miskito population that saw itself as distinct from the rest of the country. In the words of Vilas, "the different social organizations of the *Costeño* (Coastal dwellers) groups, the articulation of production relations to the kinship system, the different modalities of legitimization and exercise of authority, ideological and linguistic differentiation, and different historical processes were reduced to a geographically distinct manifestation of economic backwardness."[32]

This attitude reflected a "development of cultural anthropology parallel with U.S. neocolonial expansion after World War II;"[33] but this was only one form of persecution. In the years after the formation of counterrevolutionary Contra groups, the civilian Miskito population was brutally targeted and physically abused by the Sandinista government. According to a report released by the U.S. Congress in 1987, some 36,000 Miskitos had been forcibly relocated from their homes at the time of publication.[34] Many were sent to relocation camps in the south or to join the existing Miskito population in Honduras. Santiago Dixon, one such exile, spent six years living with his family in one of the most infamous camps, Sumobila, before managing to flee.[35] The forcible removal of the Miskitos from their communities along the coast was characterized by violence and massacres. The 1983 campaign, meant to "relocate" the Miskito population, was the

worst of these instances and came to be known as "Red December."[36] Evidence gathered through eyewitness accounts, newspapers, reports by the Miskito Council of Elders, and various interviews with religious leaders conclusively determined that the Nicaraguan government practiced policies which included forced relocation, "military incursions into Honduran territory to attack refugee camps; burial alive of Indian peoples, imprisonment of clergy and Indian leaders, summary executions [...] and legal and military destruction of the indigenous peoples' religious, economic, and political institutions."[37]

Aside from the blatant violations of human rights executed by the Sandinistas during this time, the violence was counterproductive to their cause. Not only did it further deepen the distrust held by United States officials, it greatly tarnished the legitimacy of their government. Furthermore, the numbers flocking to U.S.-sponsored Contras in Honduras swelled as a backlash to the seemingly random brutality.

The transition to new leadership under MISURASATA, the successes and failures of the National Literacy Program, and the cultural and physical persecution of the Miskito peoples were the key domestic factors that led to the violent escalation of the Miskito movement. In order to establish the broader picture, however, we must take into account the international scene. The last two decades of the twentieth century were a turbulent time in global history, marked by a lingering fear of communism and a pervasive trend towards civil unrest and ethnic conflict. In this 'globalized world', it would be amiss to ignore the importance of international actors.

International Factors

I: The United States' Influence

As with many conversations regarding international influence in domestic conflicts, the Nicaraguan case would do well to start with the United States. The U.S. was involved in a number of ways: through direct intervention in the late 1920s, by U.S. companies investing heavily in the region, by drawing attention to civil rights via the

African-American Civil Rights Movement, in the concentrated authority of the Moravian Church in Miskito communities, and, most importantly, through the direct funding and training of Contra groups. While the tensions between the FSLN and the Miskitos primarily emerged out of a domestic milieu, there is no doubt that international influences helped shape the nature and the degree of intensity of the conflict.

The American influence was first seen most directly during their 1929-1933 invasion, characterized, in their own words, by "peacekeeping, hostage rescue, refugee support, drug interdictions, counterinsurgency" and above all, "getting the warring factions to move their struggle from the battlefield to the ballot-box."[38] Their presence was centred on the Rio Coco, the same region at the heart of the Miskito conflict during the Sandinista government years. A U.S. Marine report on the invasion cited close ties between the General in command and the local population. While this should be taken with a grain of salt, it is undeniable that the invasion as a whole had an impact on U.S. opinion and support during the FSLN-Miskito conflict.

The period between the end of the U.S. Marine intervention and the beginning of the Contra period came to be known along the coast as "company time."[39] It was "the period in which North American companies were active in the region and in which Costeños lived well."[40] Somoza's plan for economic development was growth based and focused heavily on shaping policy around the availability and encouragement of foreign investment. As an resource hub, the Atlantic Coast was no stranger to U.S. business influence. It was this involvement that "led the FSLN to emphasize from the beginning the need to combine the economic backwardness and dependency of the coast with defense of territorial unity and national sovereignty."[41] In other words, the Sandinista policy on the Atlantic Coast was, in part, a direct result of U.S.-driven foreign investment.

A lesser-known aspect of U.S. influence is the African-American Civil Rights Movement in the United States. While less data exists on the direct effects felt by

Miskito organizations at the time, interviews with leading Creole activist Dexter Hooker explicitly state the sway that it held over Atlantic activism. He likened the racism practiced against *mestizos* on the Atlantic Coast to that against African Americans and framed much of his public discourse around a civil rights dialogue.[42] Hooker formed the Southern Indigenous Creole Community (SICC) in the mid-1970s and established his own revolutionary front, with the help of Sandinista forces.[43] While the U.S. was not directly involved in its funding, it was the dialogue that was being used by their own internal movement that helped the activists frame their discourse in a manner which gained extreme traction.

II. The Moravian Church

A second and more well known foreign movement that shaped the Nicaraguan situation was the Moravian Church. It became extremely integrated into the Atlantic way of life and was introduced by foreign actors roughly one hundred years before the conflict in question. It was a movement that was "strongly subordinated to U.S. culture, especially anti-communism."[44] The arrival of the Moravian missionaries in 1849 was initially a German expedition, but shifted hands to U.S. citizens in 1917.[45] While many analysts have pointed to the "conservative, pro-American influence of the Moravian missionaries to explain Indian resistance", Anna Adams instead posits that it was a shared "non-hierarchical, communal life (which) complemented Indian ways", articulated through a powerful Church institution that encouraged Miskito mobilization.[46] Many of the local Miskito leaders were also priests , which resulted in "a fusion in the person of the chief of three types of authority: "natural" local leader, representative of government authority, and religious leader."[47] In addition, the missions served as intermediaries for the United States government. They reported on stability and economic conditions that influenced the level of investment by U.S. companies, and "accepted favours from American military and business personnel."[48] Thus, while the

extent of their pro-U.S. nature is debated, there is no doubt that the Moravian Church in and of itself was extremely influential as a network for Miskito mobilization.

The most consequential impact of U.S. involvement, however, was the support given to the Contras. The United States government and the CIA both trained and financed numerous Contras in Nicaragua, which included displaced Miskito fighters among their ranks. One such group was MISURA - an offshoot of MISURASATA.[49] Community residents along the Rio Coco were recruited and trained, at times forcibly, to join the Miskito Contras based out of Honduras and to lead attacks on Nicaraguan soil.[50] Their influence was not limited to millions of dollars in financial aid, but extended to the supply of military advisors. Having been involved with Nicaraguan insurrection in the previous decades, the U.S. had a well-established policy and strategy for the region.[51]

III: The Fourth World Movement

Beyond the influence of the U.S., a global movement for indigenous rights, called the Fourth World Movement, was taking hold. While there was initially some Miskito cooperation with the Sandinista government, it was clear that, "from its inception in 1961, the FSLN was a class-based *mestizo*-dominated organization with little ideological awareness of ethnic issues."[52] They held the same bias as those under the Somoza regime and knew little about Miskito culture. In this context, the international movement, articulating and legitimizing a shared global indigenous identity and struggle, was appealing. In his 2001 study of Puerto Cabezas, a key Atlantic Coast town, Pineda reported accounts from locals who stated that the idea of what a "real Indian" consisted of was still speaking to "a pervasive idea in the Americas that cultural stagnation and conservatism are "essential" traits of Indians."[53] It begs the questions of how the Miskito population of Nicaragua identified in relation to other indigenous groups around the world, and how the articulation of this identity helped advance their movement.

The 1980s dialogue of 'ethnic conflict' was pervasive in relation to countless clashes throughout the world. As such, the Atlantic Coast became a "center of a self-proclaimed Miskito Indian resurgence-cum-insurgency that was understood internationally as a quintessential case of "ethnic conflict", "cultural clash", and the "national question."[54] MISURASATA strategy "entailed organization leaders revising local history and projecting a reformulated ethnic identity conforming to international and pan-Indian expectations."[55] Much of the campaign to discredit the old leadership of ALPROMISU centred on a perceived betrayal of indigenous identity, which was exchanged for a working relationship with a mestizo Somoza government. In this manner, the new organization "gained authenticity of leadership by attaching itself to a new network of indigenous advocacy."[56]

This Fourth World Movement not only increased domestic support via an established vocabulary of resistance, but also garnered the attention and sympathies of international actors. It was no longer a dispute between a government and a set of communities, but a concentrated attack by an organized *mestizo* government against a certain 'ethnicity'. Support from international governments and organizations, such as the Indian Law Resource Center out of Washington and the Harvard-based Cultural Survival, included "ideological guidance, international press, and legal counsel."[57]

Given the undeniable traction of this ethnic dialogue, Pineda has questioned whether the Miskito case is in fact a "question of identity", or else a "question of strategy."[58] He presents a convincing argument for the use of identity, defined by a "misleading and potentially dangerous Euro-American elite notion of culture, race, tradition, and ethnicity" as a "powerful tool" for indigenous groups.[59] Within this theory, identifying with the Fourth World Movement may well have been a conscious, rhetorical, and/or manipulative use of appeals to culture and group difference made in a political "wars of position". It involved the acceptance by subordinate groups of hegemonic ideologies of racial and ethnic difference as a means of identifying with a

larger global network of indigenous activism, so as to advance their cause. Whether or not Miskito expression as a substantial, culturally distinct sector of Nicaraguan society was a strategic ploy to gain international recognition or a genuine expression of identity and difference is unknown, but intentional or not, the Fourth World Movement carried with it an air of legitimacy—and, by extension, encouragement and support—in the international community.

After centuries of disputed autonomy in the Atlantic region, the Miskito elders formally declared independence in 2008, though the government still refuses to acknowledge it.[60] After being officially granted autonomy from the central government, they are embarking on their next battle: the fight for independence. The primary question has become if and how this next stage of Miskito activism will play out. Domestically, it remains to be seen how the next generation of leadership will approach the problem, if any significant policy changes will transform their movement, or if the cultural and physical persecution will continue in the same way it did during the FSLN period. Internationally, many of the conditions persist: a highly involved United States, a strong Moravian Church presence, and an influential Fourth World Movement. While some of the factors involved in the late twentieth century conflict endure, how will they shape the next steps down the road to independence?

Notes

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[4.] Baracco, *We Fought for Our Land;* 235.

[5.] Vilas, 3-4.

[6.] Barraco, 235.

[7.] Vilas, 97.

[8.] Ibid, 98.

[9.] Hale, C. R. (1994) Resistance and Contradiction: Miskito Indians and the Nicaraguan State, 1894–1987 (Stanford, Stanford University Press) 1-296.

[10.] Ibid, 128.

[11.] Baracco, *We Fought for Our Land*, 238.

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[13.] Baracco, Luciano. National Integration and Contested Autonomy : The Caribbean Coast of Nicaragua. New York, NY, USA: Algora Publishing, 2011. ProQuest ebrary. Web. 21 October 2014.

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[17.] Ibid, 6.

[18.] Ibid, 7.

[19.-23.] Ibid, 8.

[24.] Vilas, 99.

[25.] Meringer, 7.

[26.] Ibid, 5.

[27.] Ibid.

[28.] Baracco, *We Fought for Our Land*, 237.

[29.] Ibid.

[30.] Ibid, 236.

[31.] Vilas, 96.

[32.] Vilas, 96.

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[34.] U.S. Department of State. *In Their Own Words: Testimony of Nicaraguan Exiles*. Washington, D.C.: Purdue University, 1987.

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[40.] Ibid, 124.

[41.] Vilas, 107.

[42.] Barraco, *National Influence and Contested Autonomy,* 120.

[43.] Ibid.

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[45.] Adams, Anna. *Moravian missionaries in Nicaragua: The American Years, 1917-1974*. ProQuest Dissertations And Theses: UMI Dissertations Publishing, 1992.

[46.] Ibid, v.

[47.] Vilas, 99.
[48.] Adams, 114.
[49.] Pineda, 136.
[50.] Ibid, 129.
[51.] Brooks, 69.
[52.] Vilas, 120.
[53.] Pineda, 123.
[54.] Ibid, 124.
[55.] Meringer, 11.
[56.] Ibid, 9.
[57.] Meringer, 13.
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Le nationalisme écossais et la surimposition des unions

Martin Crevier

Le 1er mai 2007 marquait le 300e anniversaire de l'union entre l'Angleterre et l'Écosse. La chose passe dans la plus grande apathie; aucun évènement d'envergure n'est organisé. Ironiquement, le *Scottish National Party* (SNP), ouvertement indépendantiste, prend le pouvoir deux jours plus tard.[1] On prophétise la fin de l'union, éventualité qui aurait d'ailleurs pu se concrétiser au lendemain du 18 septembre 2014, date à laquelle les Écossais furent appelés à se prononcer via référendum sur la question suivante : « (yes/no) *Do you agree that Scotland should be an independent country?* » Au-delà du résultat négatif, cette question, simple en apparence, pousse à la réflexion. L'Écosse, même sans référendum, est aujourd'hui à la fois composante du Royaume-Uni et région reconnue par l'Union européenne. Elle possède son propre parlement et sa société civile évolue depuis 1707 dans une relative autonomie par rapport à la Grande-Bretagne. À ces égards, ne possède-t-elle pas déjà une certaine indépendance? Le présent texte poursuit ce raisonnement. Il y sera défendu que l'Écosse, aux yeux de ses politiciens nationalistes, est désormais un acteur régional au sein de l'Union européenne (UE) et peut dès lors être qualifié de *mésoétat*.[2] Ceci nous amène à considérer la façon dont le projet indépendantiste du *Scottish National Party* a évolué au fil des années en relation au contexte européen, passant d'une vision absolutiste de la souveraineté à une conception plus nuancée, qui, paradoxalement, en vient à transcender le cadre de l'État-nation et à se projeter dans l'Europe. La logique sous-jacente est que les contextes nationaux et supranationaux déterminent certaines normes associées à la souveraineté étatique et influent sur l'identité nationale pour ultimement marquer la stratégie d'affirmation choisie par les nationalistes. Ainsi, le cadre théorique auquel souscrit la présente analyse est fortement inspiré des travaux de

Janet Laible et d'Atsuko Ichijo quant à la relation entre nationalisme et supranationalité.[3] Dans cet esprit, le concept de *mésoétat,* bien qu'antérieur à la réflexion de l'auteur, est adapté à la présente analyse et prend un sens relativement large. En effet, il fait référence à un ensemble politique qui se meut au sein de différentes sphères de pouvoir proposant chacune certaines normes relatives à la souveraineté. Le *mésoétat* en vient à prendre un statut intermédiaire où il possède une relative autonomie. Ainsi, dans l'optique de la réflexion de Michael Keating quant à la postsouveraineté, il sera avancé que la souveraineté du *polis* doit être perçue comme une variable pouvant être partagée, maximisée ou diluée à travers le temps.[4] En somme, l'Écosse est aujourd'hui perçue par le SNP comme une entité politique intermédiaire, puisque située à un point de convergence et d'interaction entre les normes de souveraineté européenne et celles de la dévolution des pouvoirs à l'Écosse. Chacun de ces ensembles normatifs propose des paradigmes qui, à leur façon, contribuent à la sclérose des postulats de l'idéal étatique westphalien.

« *A shiver ran along the Labour backbenches looking for a spine to run up.*»[5] C'est ainsi qu'Oliver Brown, un indépendantiste écossais, décrit la toute première victoire du SNP. En effet, en novembre 1967, la formation nationaliste remporte son tout premier siège dans le cadre d'une élection partielle dans la circonscription d'Hamilton. Le débat constitutionnel est alors réellement ouvert. En effet, alors que la dévolution de compétences constitutionnelles à l'Écosse est jusque-là perçue comme une position relativement extrémiste, l'entrée en scène d'une formation politique désirant briser l'Union et faire de l'Écosse un État indépendant force certains ajustements stratégiques chez les autres partis politiques. Les Conservateurs d'Edward Heath se prononcent dès 1968 en faveur d'un parlement écossais. Les choses ne s'arrêtent toutefois pas là. Les Travaillistes, secoués par la montée en popularité du SNP aux élections générales de février et d'octobre 1974,[6] se résignent à certaines concessions et publient un livre blanc sur la dévolution en Écosse et au Pays de Galles. Quant au SNP, ses 7 députés et 42

secondes places en font désormais un adversaire imprévisible et de fait potentiellement menaçant.[7] Les paramètres du débat sont établis, mais l'ajustement politique des Conservateurs et des Travaillistes ne se traduit par aucun changement concret. Au pouvoir, les Travaillistes voient leur projet de dévolution défait aux communes, causant la chute du gouvernement Callaghan.[8] Avec cet échec, s'amorce une période où le SNP est seul à explicitement reconnaître le particularisme écossais. Le parti aspire néanmoins à être plus qu'une troisième voix protestataire, mais devra s'ajuster à un contexte supranational appelé à changer.

Le principal enjeu qui mobilise les militants du SNP, soit la question constitutionnelle écossaise n'est certainement pas une nouveauté dans le paysage politique britannique. Le *Home Rule*, l'administration distincte, la représentation à Westminster ainsi que le fédéralisme sont depuis le milieu du XIXe siècles des thèmes propres aux revendications des nationalistes écossais. Le SNP est d'ailleurs fondé dès 1934, suite aux désillusions de nationalistes revendiquant un parlement pour l'Écosse.[9] À cet effet, la période suivant l'élection de 1968 est exceptionnelle non pas parce qu'elle marque l'émergence d'un mouvement nationaliste désireux de réévaluer la situation de l'Écosse au sein du Royaume-Uni, mais parce que pour la première fois, la question de l'indépendance écossaise est posée de façon probante. L'ampleur du mouvement indépendantiste n'a dès lors rien à voir avec les assemblées citoyennes organisées par la marginale *Scottish Convention* dans les années 1940 et 1950.[10]

La vision d'une Écosse indépendante qu'articule le SNP se fait selon une épistémologie typiquement westphalienne. L'État-nation, avec ses frontières et sa souveraineté, est au cœur du projet indépendantiste. Conséquemment, l'intégration européenne est vue comme le produit de forces élitistes extérieures et est véhémentement rejetée.[11] Avec la formation de la Communauté européenne du charbon et de l'acier en 1951, puis la signature du traité de Rome en 1957, les institutions européennes prennent une forme définie. Le SNP s'oppose à toute nouvelle tentative

d'intégration. On note alors une certaine correspondance dans les arguments relatifs au rejet du projet européen et à l'indépendance écossaise: Bruxelles, comme Londres, est décrite comme une force étrangère ne pouvant tenir compte des intérêts de la nation.[12] La place de l'Écosse au sein de l'Europe demeure toutefois un sujet marginal. C'est seulement à partir des années 1960 que l'on voit une perspective réellement écossaise s'immiscer dans le débat sur l'Europe. Avant ce changement de discours initié par certains parlementaires travaillistes et conservateurs écossais, le sujet est abordé sous un angle proprement britannique.[13] Andrew Devenney note que ce changement d'attitude est attribuable à la nouvelle dynamique politique où préfigurent les succès du SNP.[14] La défense des intérêts écossais dans le contexte européen semble une stratégie efficace permettant à la fois de défendre l'union britannique et d'arracher aux indépendantistes le monopole du discours nationaliste.[15]

Il serait néanmoins une erreur de circoncire l'émergent débat sur le rôle de l'Écosse dans l'Europe à un simple affrontement politique. Celui-ci est en effet le reflet d'un contexte plus large. La montée en popularité du SNP à partir de la fin des années 1960, malgré ses propositions claires, est surtout attribuable à une désaffection de la population au jeu politique traditionnel. L'historien doit donc être conscient qu'un électeur votant pour les nationalistes, dû moins lors de leurs premiers succès électoraux, n'est pas forcément indépendantiste, mais utilise plutôt son vote comme moyen de protestation. Cela apparaît d'autant plus vrai considérant que le SNP, né de l'union de plusieurs groupes nationalistes, entretient à cette époque, outre l'indépendantisme, un positionnement idéologique relativement flou.[16]

Afin de comprendre le contexte socioéconomique des années 1960 à 1975, et ses développements politiques parallèles, intéressons-nous à la ville de Glasgow, la plus populeuse d'Écosse. Celle qui était surnommée la « Seconde ville de l'Empire, » est dans les années 1960 nostalgique d'une prospérité rapidement évanescente.[17] Elle est un symbole du déclin économique que perçoit la population écossaise, notamment de par

ses nombreux liens avec l'Empire britannique. Si Edinburgh est la capitale symbolique et le siège du pouvoir royal en Écosse, Glasgow, au temps de l'Empire, incarne la réelle justification de l'Union de 1707 : la prospérité que permettait le projet impérial après l'échec du colonialisme écossais dans les années 1690. Sa position géographique à l'Ouest en fait un point de commerce incontournable, auquel se greffent rapidement nombre d'industries, dont les célèbres chantiers navals. La dissolution de l'Empire après la Seconde Guerre mondiale est donc catastrophique pour la ville.[18] À l'aune des années 1960, et dans les deux décennies suivantes, son industrie périclite. Alors qu'en 1947, 57% du tonnage mondial est produit au Royaume-Uni, le pourcentage n'est plus que de 1% à la fin des années 1980.[19] La logistique impériale ayant requis un monopole britannique sur la construction des navires, cet impératif stratégique devient rapidement inutile alors que le XXe siècle progresse. Les chantiers navals de Glasgow sont donc abandonnés. Parallèlement, le déclin économique d'autres centres industriels directement liés à l'économie impériale, tels Belfast, le nord-est de l'Angleterre et Clydeside atteste de ce phénomène. L'Écosse est toutefois particulièrement touchée par cette nouvelle mécanique.[20] De fait, jamais son PIB, comme part du PIB de tout le Royaume-Uni, ne fut aussi bas qu'entre 1959 et 1969.[21] Pour une ville et une nation investies depuis si longtemps dans l'économie de l'Empire, le choc est immense. Non seulement en terme économique, mais également d'un point de vue identitaire. L'appartenance au Royaume-Uni ainsi que la participation au régime politique britannique ne signifient plus l'appartenance à une communauté transnationale, mais à un ordre politique unitaire et national.[22] C'est ce malaise qu'expriment les premiers succès du SNP. Jugée sous cet angle, la force politique réelle des nationalistes semble incertaine. Un constat que confirme l'élection de 1979, alors que les gains faits par le SNP dans la décennie précédente sont balayés par l'électorat.

Nonobstant ces considérations quant à la force réelle du SNP, il n'en demeure pas moins qu'à partir de 1967, la rhétorique indépendantiste se transporte à Westminster. La

promotion de l'indépendance écossaise se fait désormais d'une tribune nationale et s'article de façon ponctuelle selon les débats du jour. C'est de cette façon qu'émerge la position intransigeante du SNP quant à l'intégration européenne.[23] Le projet européen est décrit comme un diktat des élites londoniennes, ne prenant aucunement en considération les besoins de l'Écosse.[24] Winnie Ewing, la nouvelle députée d'Hamilton, compare par exemple son combat contre l'Europe aux batailles de William Wallace.[25] En chambre, elle use de ces termes : « *It is clearly an undemocratic community. It is a community of nations, but it will be controlled by bureaucrats,* »[26] avant d'ajouter :

> *Luxembourg is to have its place. It is ironic that those who speak of our sovereignty and are so worried at losing it cannot see the oddity that if we go into the Common Market, Luxembourg will have more sovereignty than the ancient nation of Scotland.* [27]

L'opposition du SNP au projet européen est limpide. La souveraineté écossaise est imaginée en terme absolu et jugée à l'aune d'un passé historicisé dans lequel l'après-1707 fait office de tragédie. À défaut d'atteindre la catharsis aux communes, le combat mené par la députation nationaliste se fait pour la nation, pour sa liberté et son émancipation. En ce sens, le projet européen est contraire à l'idée de souveraineté puisqu'enchainant l'Écosse à un nouvel union, tout aussi étranger que celui que gouverne Londres. Ce discours se cristallise avec l'élection de 1970. La CEE est décrite par le président du SNP comme un conglomérat fasciste qui transformerait l'Écosse en une dystopie digne d'Orwell.[28] Il ajoute: *« The ideals, the principles of participating democracy and modern nationhood, were born in Scotland. We must defend them, »* avant de terminer sa tirade par une comparaison impromptue entre les européanistes et les centralisateurs communistes de Moscou.[29] En somme, pour le SNP, l'indépendance de l'Écosse est indissociable à l'imaginaire de l'État-nation, et donc celle-ci doit donc se faire à l'extérieure des paramètres européens.

La position du SNP sur l'Europe ne change pas au cours de la décennie. Le parti s'oppose à l'entrée britannique dans la CEE en 1973, puis est le principal porte-parole

du « non » lors du référendum de 1975, qui vise à légitimer l'adhésion.[30] On remarque par contre certaines tentatives visant à modérer le discours. Par exemple, au moment de la convention annuelle de 1975, en marge du référendum, 40% des membres présents votent contre une résolution visant à réaffirmer l'opposition du parti au projet européen. Par la suite, plusieurs refusent de militer pour le camp du « non » pendant la campagne référendaire. Cette dissension préfigure les changements idéologiques qui prennent cours dans la décennie suivante et confirme les contradictions idéologiques propres au SNP de cette période.[31]

C'est l'année 1979 qui marque toutefois le véritable changement. D'une part, les nationalistes subissent un revers retentissant à l'élection générale en mars,[32] mais réussissent à faire élire Winnie Ewing au Parlement européen en septembre de la même année. S'amorce ainsi une reconfiguration idéologique à même le parti qui débouche en 1988 par l'adoption de la stratégie *Independence in Europe*. Pendant cette période de presque dix ans, on assiste à une nouvelle conceptualisation de l'indépendance écossaise, qui maintenant prend ses assises à même l'Europe. En effet, la misère électorale de 1979 se poursuit tout au long des années 1980 et fait éclater au grand jour les dissensions idéologiques du parti. Par exemple, le socialiste *79 Group*, groupuscule au sein du SNP, auquel appartient Alex Salmond,[33] est formé juste après l'élection dans l'espoir d'amener le parti plus à gauche. N'appréciant guère la manœuvre, l'exécutif du parti les expulse. Puis, en 1982, la conférence annuelle est chaotique. Tout les groupes dissidents sont forcés à se dissiper.[34] L'année suivante, avec l'intention de sauver le parti, le chef Gordon Wilson annonce que toutes les positions politiques seront réévaluées et soumises au vote des membres. Cette ouverture permet à une coalition pro-européenne de centre gauche, menée par une Ewing nouvellement apôtre européen, Jim Sillars (un ancien Travailliste) et Salmond, d'altérer en profondeur la structure programmatique de la formation. Le SNP sera désormais favorable à l'Europe institutionnelle. Réélue aux élections européennes de 1984, Ewing donne un élan et un

visage public aux nouvelles positions du SNP.[35] C'est à ce moment que sont perceptibles les transmutations idéologiques de la formation. Ainsi, le manifeste électoral porte un titre très révélateur : « *Scotland's Voice in Europe,* » et dès la première page la communauté européenne est décrite de façon positive :

> *An SNP Government would approach negotiations with the Common Market in a positive manner, willing to recommend membership unless our negotiating team were unable to secure from the EEC guarantees of protection of vital Scottish interest, [...]. In the event of negotiations on full membership proving unsatisfactory, an SNP Government would seek associate membership status with the Community.* [36]

De plus, l'adhésion est présentée comme porteuse d'avantages économiques et la faible représentation écossaise, comme une situation à corriger rapidement, plutôt que comme une preuve du caractère non-démocratique de la communauté.[37] Le discours indépendantiste écossais change et s'intègre aux paramètres européens. Toutefois, de grands bouleversements à même le contexte supranational mettent en lumière les contradictions entre la souveraineté nationale, telle que défendue par les nationalistes écossais et l'adhésion au projet de communauté continentale. En effet, avec la présidence de Jacques Delors à la Commission européenne (1985-1995), intégration et centralisation sont les mots d'ordre. Le SNP, suivant son stratège Jim Sillars s'est rallié au projet européen dans la mesure ou celui-ci est de nature confédéral. Ainsi, la mise en œuvre de l'Acte unique européen en 1987 est un choc pour les militants nationalistes. Bien que maintenant en position de force, les européanistes du SNP n'avaient pas imaginé avoir à faire face à une Europe aussi puissante. Le parti frôle le morcèlement à l'image des Conservateurs. Une motion affirmant que l'Acte unique européen ne menace pas la souveraineté de la nation écossaise et qu'il est conforme à la position de la formation sur l'Europe est rejetée par les membres. Qu'importe, l'exécutif, piloté par Ewing, Sillars et les autres pro-européens, réussit un tour de force: en 1988, le SNP se campe entièrement et pour de bon du côté de l'intégration européenne. Le résultat est

une nouvelle stratégie, celle d'« *Independence in Europe*, » qui change entièrement les paradigmes indépendantistes. Dès lors, l'indépendance écossaise doit se faire à même une Europe toujours plus intégrée dont les institutions représentatives serviront à projeter et à exprimer la volonté nationale.[38] C'est encore aujourd'hui cette vision d'un indépendantisme dilué qui structure le discours du SNP.

La façon dont se fait ce changement radical au sein du SNP mérite que l'on si attarde. En effet, il s'agit d'un cas formidable où une petite faction d'une formation politique réussit à coloniser les instances dirigeantes et à imposer ses vues sur l'ensemble des militants. La motivation poussant le renouveau quant à la position sur l'Europe est d'autant plus intéressante puisqu'elle n'est pas uniquement liée à des considérations électorales. En effet, les électeurs écossais n'étaient pas moins eurosceptiques que l'ensemble de la population britannique.[39] De plus, le vote pro-européen est généralement, et ce jusqu'à aujourd'hui, gagné par les Travaillistes.[40] Ainsi, le réalignement pro-européen du SNP est un choix strictement idéologique qui, en quelque sorte, est garant de la sincérité des élites du parti. En ce sens, Tim A. Mau note que si les motivations des décideurs du SNP étaient purement électoralistes, le changement de stratégie se serait fait dès 1975, alors qu'une majorité d'Écossais sont en faveur d'une Grande-Bretagne membre de la CEE.[41] Le choix d'une telle stratégie aurait par ailleurs permis de mitiger l'argument qu'une Écosse indépendante souffrirait économiquement, en faisant miroiter l'entrée dans un marché comptant 300 millions de consommateurs potentiels.[42]

Théoriquement, la nouvelle stratégie pose la problématique de la signification non seulement de « l'indépendance, » mais également de « l'Europe. » En correspondance avec les cadres théoriques d'Ichijo et de Laible, nous assistons, aux yeux des acteurs politiques, à une redéfinition de ces concepts motivés par le contexte historique et supranational. Ainsi, lorsque Sillars se défend de diluer la souveraineté d'une Écosse nouvellement indépendante parce que membre de l'UE, il prend non

seulement en exemple des pays européens prospères, mais également le Canada ou la Grenade. Il voit l'Europe comme la pointe d'un monde où la gouvernance est de plus en plus globalisée, et où l'interdépendance fait s'effriter le pouvoir des États en matière de communication, de politique monétaire et de commerce.[43] Pour lui, comme pour les dirigeants post-1988 du SNP, l'Europe est avant tout perçue comme une nécessité et comme la seule alternative viable aux pactes britanniques. Cette nouvelle conception de la souveraineté accepte un ascendant supranational de l'Europe et accepte comme allant de soit certaines contraintes à l'indépendance de l'État. Elle perd son caractère concret et absolu, évident depuis les années 1960, et se fait plus nuancé.[44] En outre, l'indépendance n'est plus présentée comme une finalité, mais comme un outil qui, au sein de l'Europe, permettrait la mise en œuvre de réalisations plus grandes correspondant au positionnement de centre gauche du SNP. En effet, une Europe dans laquelle l'Écosse y est indépendante est présentée comme plus démocratique et plus progressiste que le Royaume-Uni.[45] Cette approche a d'ailleurs l'avantage de contrer l'argument unioniste selon lequel le séparatisme est par définition exclusif et isolationniste. La perspective de rejoindre l'Europe en brisant le Royaume-Uni permet aux nationalistes d'imaginer un scénario où, plutôt que de s'isoler, l'Écosse se projette dans un nouvel ordre politique dont le cadre intergouvernemental lui est plus approprié.[46] En somme, *Independence in Europe* fait état d'un compromis entre l'idéal type de la souveraineté et la réalité européenne, en plus d'être un outil auquel croient sincèrement les décideurs du SNP.

Toutefois, tant l'Europe confédérale que le Royaume-Uni centralisateur de 1988 changent. Ironiquement, dès l'adoption par le SNP d'une nouvelle position sur l'Europe, l'histoire s'accélère. Premièrement, le projet européen, dans une relative stagnation depuis les années 1970, prend une tournure nouvelle. Non seulement le champ de compétences de Bruxelles s'élargit substantiellement, mais l'Europe politique change complètement. Par exemple, dès octobre 1989, Jacques Delors, après les succès de l'Acte unique, réitère à Bruges son intention de faire tomber les frontières tant fiscales

qu'économiques et bureaucratiques. Il étaye son rêve d'une Europe où les ambitions réformistes d'un centre fort assurent la prospérité et la liberté à une périphérie d'ensembles nationaux, et où la souveraineté entière des États n'est que chimère. Il rêve également à un marché commun et à une union douanière.[47] Deuxièmement, l'ordre de l'après-guerre s'écroule. L'Allemagne s'unifie, l'espace Schengen[48] est créé, le traité de Maastricht entre en vigueur et l'élargissement européen devient quasi-permanent. L'Euro est prévu pour la fin des années 1990, et l'on parle même, en marge de la dislocation yougoslave, d'une armée et d'un corps diplomatique pour l'Europe.[49] En somme, la Communauté sympathique et confédérale imaginée par le SNP est bientôt un lointain souvenir.

Symboliquement, c'est probablement le traité de Maastricht qui eu le plus grand impact. Dans ce qui s'appellera désormais l'Union européenne, les règles fiscales, de gouvernances et juridiques sont désormais soumises à des paramètres prédéterminés par le centre. De plus, le pouvoir accru des institutions intergouvernementales réduit promptement l'autonomie des États membres dans certains domaines politiques. Maastricht, accepté en 1991 et effectif en 1992, a aussi comme impact de mettre l'intégration européenne au centre de la vie démocratique du continent en soumettant le projet à la légitimité référendaire.[50] Pour le SNP, la situation est périlleuse. L'Europe ne fait pas consensus en Écosse et plusieurs nationalistes n'ont toujours pas accepté le changement stratégique de 1988.[51] Alors qu' « *Independence in Europe* » est le mot d'ordre au moment de l'élection partielle de 1988 et des élections européennes de 1989, la nouvelle dynamique européenne ne peut être ignorée, notamment en marge des élections générales de février 1992.[52] Le malaise du SNP est apparent; en effet, le manifeste électoral de 1992 ne fait aucune mention de Maastricht, mais a comme titre « *Independence in Europe : Make it happen now!* »[53] C'est seulement dans un pamphlet produit sur le tard que le SNP aborde le traité de manière peu cohérente pour attaquer les Travaillistes.[54] Autrement, le SNP se contente d'éviter le sujet et de réaffirmer son

engagement à militer en faveur d'une Europe confédérale.[55] Une position évidemment rendue obsolète, mais qui est épargnée des critiques tant est grande l'opposition aux politiques fiscales du gouvernement Thatcher.[56]

Il faut attendre quelques années avant de voir s'articuler une nouvelle conceptualisation de l'indépendance, qui cette fois tient compte de la possibilité grandissante d'une centralisation européenne permanente. En 1997, pour l'élection nationale, le SNP prend acte des pouvoirs grandissants de l'UE et affirme que l'indépendance est le seul moyen pour l'Écosse d'être entendu dans les instances où sont prises les décisions d'importances : la Commission européenne et le Conseil des ministres européens.[57] Il va de soi qu'une nation indépendante selon les règles de l'UE y a sa place, et le cas échéant, l'État écossais doublerait sa représentation au Parlement européen. Mieux encore, avancent les nationalistes, l'adhésion à l'Europe et l'indépendance permettrait de faire avancer des dossiers précis sur lesquels ni Londres, ni Bruxelles n'ont de positions satisfaisantes, notamment quant aux normes imposées à l'industrie du bœuf.[58] Notons d'ailleurs que l'appartenance à l'Europe est tenue pour acquise. La perspective où Londres jouerait à De Gaulle en empêchant la candidature écossaise d'être menée à terme n'est pas même abordée.[59] Ainsi, le SNP rejette complètement sa vision confédérale et attribue maintenant à l'indépendance une épistémologie synonyme de représentation européenne, sans toutefois affirmer qu'une plus grande intégration, voire le fédéralisme, est souhaitable. Pour le SNP, l'UE doit demeurer une institution où les petites nations sont les égales des grandes.

En somme, Maastricht pose clairement les sacrifices à la souveraineté que requerrait l'indépendance écossaise au sein de l'Europe. La vision absolutiste de la souveraineté est rejetée, tout comme l'idée d'une structure confédérale, ce qui dans les mots de Winnie Ewing signifie que dans le nouvel ordre européen : « *sovreignty is about how much you pool.* »[60] Le concept de souveraineté sur lequel se fonde le projet nationaliste prend donc la forme d'un arrangement idéal où l'Écosse peut maximiser, au

cours de négociations, ses prérogatives au sein de l'Union européenne. L'influence du contexte supranational est en ce sens remarquable.

Il y a donc une correspondance entre le contexte supranational européen et les normes associées à la souveraineté. Toutefois, ce contexte n'explique pas pourquoi le nationalisme écossais choisit en premier lieu l'indépendance comme stratégie d'affirmation. Cela est plutôt dû à l'effritement de l'identité britannique, autrefois associée au contexte supranational de l'Empire, qui explique l'émergence d'un discours souverainiste. En effet, le principal groupe nationaliste écossais de la période impériale, la *Young Scot's Society* (YSS), est franchement libéral, fédéraliste et impérialiste. Afin de mettre en lumière le rôle de l'effritement de l'identité britannique, comparons la relation de la YSS avec l'empire et celle du SNP contemporain avec le projet européen.

Commençons par la mise en contexte d'un sujet bien souvent oublié : l'empire écossais. Ce projet nait et meurt avec la fin du XVIIe siècle. Cependant, d'ambitieux nobles et capitalistes celtes, inquiets du peu de débouchés pour leurs fils et du petit potentiel économique de leur pays, se tournent vers l'Angleterre. S'ils ne peuvent avoir leur empire, ils profiteront de celui des autres. En effet, l'union à l'Angleterre est une opportunité formidable. La flotte, les colonies et les tarifs anglais ouvrent littéralement un monde de possibilités.[61] S'ensuit un siècle de croissance urbaine et industriel pour l'Écosse, où les grandes villes se transforment et où la population acquiert une richesse phénoménale. L'implication des Écossais dans le projet impérial est totale. Ceux-ci sont surreprésentés parmi les marchants, les aventuriers, les officiers tant militaires que marins, les fonctionnaires et la haute administration coloniale. En 1800, par exemple, 62% des employés de la Compagnie du Nord-Ouest sont non seulement écossais, mais proviennent des trois mêmes comptés, alors qu'au Bengale, en 1775, un officier sur trois est écossais.[62] C'est à cause de l'Empire qu'un écossais comme John Farquhar est aujourd'hui considéré comme le plus riche Britannique du XIXe siècle, qu'un avocat né à Glasgow dirige le premier le Canada et que l'Université McGill voit le jour.[63]

L'identité britannique, à laquelle s'identifie les Écossais, est donc bien établie et intimement liée à l'Empire et à ses bénéfices. C'est dans ce contexte, dans la seconde moitié du XIXe siècle, qu'émerge la YSS. Libéraux, ils considèrent l'Empire comme une grande œuvre de civilisation et cherchent à l'influencer positivement. Par exemple, leur principale revendication constitutionnelle est l'acquisition du *Home Rule* pour l'Écosse et les autres entités de la Grande-Bretagne. Ils avancent que si Westminster cesse de superviser la politique nationale écossaise, le Parlement pourrait se consacrer à la tâche d'administrateur impérial et propager le libéralisme.[64] L'identité britannique est donc à la fois jugée selon l'adhérence à l'Empire, mais également sous un angle idéologique, comme en témoigne ce pamphlet : « *Home Rule is the most powerfull bond of union for the different members of the Empire. (…) A vote for Liberalism is a vote for Home Rule and the Greatness of the Empire.* »[65] Le projet impérial est perçu comme idéologiquement compatible avec les idées du YSS, et accessoirement celles de la nation écossaise. Identités écossaises et identité britannique entrent en correspondance grâce à l'Empire.

Ainsi, dans le cas de la YSS, comme dans celui du SNP, l'action politique nationaliste voit dans le contexte supranational un projet pouvant servir les intérêts de la nation. Le discours du SNP est seulement possible parce que Bruxelles apparaît comme une organisation plus compatible, et donc plus légitime, que Londres.[66] Dans ce contexte, l'Europe diffuse certains outils intellectuels et crée un cadre distinct dans lequel peut plus facilement s'articuler une échappatoire. La principale différence dans les discours du SNP et du YSS n'est donc pas liée à la relation avec le contexte supranational, mais plutôt dans la relation entretenue avec l'identité britannique. Par exemple, pour le YSS l'adhésion au projet impériale n'est pas équivalente à une loyauté sans équivoque à l'impératif politique de Londres. L'incapacité des parlementaires de Westminster à réaliser des réformes sociales probantes et la frustration devant le pouvoir des Lords intensifient les campagnes pour l'obtention du *Home Rule* lors de l'élection de

1910. Un ressentiment envers les politiciens de Westminster est évident.[67] Toutefois, cette forme de nationalisme ne remet jamais en question les paramètres de l'Union de 1707 et jamais la perspective d'une Écosse indépendante n'est envisagée.[68] Ceci est notamment du au fait que les relations au sein de l'Union et du cadre impérial sont perçues comme deux sphères de débats distinctes.

En contrepartie, le refus du SNP de participer à la conférence constitutionnelle de 1989 et sa méfiance face au processus de dévolution proposé par le Labour nous amènent à considérer une incompatibilité entre le nationalisme écossais contemporain et le britannisme.[69] Nous pouvons émettre l'hypothèse que ce changement est lié à la transformation de l'identité britannique qui aujourd'hui n'est plus associée à un projet supranational dépassant les frontières du Royaume-Uni. En effet, comme nous l'avons noté, le souverainisme n'apparaît comme stratégie valable pour une part substantielle des nationalistes qu'au tournant des années 1960.[70] Cette montée d'un nationalisme indépendantiste correspond à une conscientisation quant à l'évolution du contexte supranational.[71] L'Empire britannique n'est plus, et les conditions politiques et économiques favorables à l'Écosse que permettait le contexte impérial, s'estompent. Conséquemment, l'identité britannique n'est plus commune à un projet transnational. Murray Pittock est d'ailleurs clair à cet égard : « *The sudden rise of the SNP can be mapped almost exactly on the accelaration of the decolonization process* […]»[72] Cette nuance est essentielle, puisqu'à cette lumière, le changement central du discours nationaliste écossais au sein de l'Europe apparaît comme étant principalement motivé par un rejet du britannisme post-impérial.

Le choix de l'indépendance par le SNP est donc directement lié au contexte britannique, bien que la forme du projet souscrit aux normes imposées par l'UE. Toutefois, alors que le britannisme est rejeté par le nationalisme écossais, il tente de se renouveler. Les différentes tentatives de dévolution, soit en 1975 et en 1997, peuvent être interprétées comme faisant partie d'un processus où la signification politique de

l'union britannique est appelée à changer. Celle de 1999 est particulièrement intéressante, puisque s'elle s'inscrit dans la foulée des changements que Maastricht impose à la rhétorique du SNP.

Avec Tony Blair, le gouvernement Travailliste est en phase de réussir là où plus de 100 ans de militantisme ont échoué: donner un parlement à l'Écosse. La chose est néanmoins délicate, et certains du SNP s'opposent franchement à la proposition faite lors de la campagne de 1997 et réitérée dans le *Scottish Bill* de 1998.[73] Blair fait écho au sentiment des nationalistes dans ses mémoires: « *They were incredibly sensitive to the fear that the Scottish Parliment would turn out to be a local council (which it never was)*. »[74] Le débat en est quant au niveau de souveraineté qu'aurait la nouvelle institution. C'est d'ailleurs ce qui motive le SNP à quitter la convention constitutionnelle établie en 1988.[75] Néanmoins, neuf ans plus tard, le SNP appuie la proposition d'un parlement écossais au moment du référendum de 1997. Cette campagne a l'étonnant résultat de placer dans le même camp (celui du « Oui-Oui ») Travaillistes, Libéraux et le SNP, donnant lieu à de bizarres échanges entre Alex Salmond et Tony Blair. Le premier affirme que la dévolution mène à l'indépendance, et le second réplique qu'il s'agit plutôt d'un moyen de renforcer et de moderniser l'Union.[76] Il est intéressant de voir comment chacun milite pour la même conclusion, mais selon deux interprétations incompatibles. Au final, Salmond et Blair l'emportent. En 1999, une institution nationale écossaise est inaugurée par la reine Elizabeth.[77] Dans le cadre de notre analyse, ce moment est marquant parce qu'il permet au SNP de prendre le pouvoir dans un contexte proprement britannique. Ainsi, la formation politique se voit dans l'obligation de réconcilier ses prémisses séparatistes et son possible rôle au sein de l'institution. De plus, le Parlement force la création d'une nouvelle classe politique dont les attaches sont entièrement écossaises. À cet effet, les nouveaux Travaillistes d'Holyrood se réclameront du même nationalisme que le SNP, argüant que le cadre britannique demeure à l'avantage des Écossais et n'est pas antagoniste à l'identité nationale. Finalement, ces nouveaux

pouvoirs peuvent, dans le contexte européen, donner lieu à des arrangements institutionnels inattendus qui surprennent même aujourd'hui.

La période suivant 1999 où, pour la première fois depuis 1707, l'Écosse se reconnait un chef de gouvernement et un exécutif propre est donc entièrement nouvelle pour le SNP. Ceux-ci en viendront rapidement à intégrer cette dynamique au sein de leur discours en avançant que le nouveau parlement d'Holyrood est un pas de plus vers l'indépendance. Un exécutif nationaliste se promet donc de tenir un référendum advenant leur prise de pouvoir.[78] D'autant plus que le SNP affirme que le Parlement donne à la nation écossaise la capacité de diriger « une certaine part » de son destin,[79] c'est-à-dire d'avoir enfin un peu de souveraineté. L'appui à la dévolution ne se fait toutefois pas sans heurts. Le SNP doute longtemps de la valeur d'une telle institution. Il est craint qu'un parlement aux pouvoirs restreints fixerait l'Écosse dans un statut régional où celle-ci n'aurait ni les pouvoirs d'influencer le développent européen, ni une autonomie réelle face au Royaume-Uni.[80] Dans les mots de Salmond cela signifie :

> *Involvement in a powerless Commitee is the most a devolved Assembly could expect of a place within EC structures. Regional status would lock Scotland out of decision-making in the European Community, to the continued detriment of our national interest.* [81]

Encore une fois, le fait européen demeure essentiel au discours nationaliste. Un gain de souveraineté important, soit la présence d'un parlement à Edinburgh, est jugé non pas en termes absolus, mais à l'aune du contexte supranational. Cet élément du discours est également d'intérêt puisqu'il suppose que les politiciens nationalistes sont conscients de la possibilité de voir l'Écosse devenir une région dans les termes mêmes définis par le traité de Maastricht, c'est-à-dire un niveau de gouvernance intermédiaire entre le supra et le national dont les représentants agissent à titre consultatif au sein des instances européennes.[82] Ce discours est maintenu au moment de la première élection écossaise en 1999. Le SNP y fait l'argument que l'Écosse est désormais « prête à passer de la

dévolution à l'adhésion à l'UE, à la pleine utilisation de ses ressources. » [83] L'adhésion à l'UE est maintenant littéralement synonyme de d'indépendance.

Au-delà de l'influence immédiate de la dévolution sur le discours européaniste du SNP, le nouveau parlement a également des impacts réels sur l'ordre constitutionnel britannique. D'abord, la forte majorité qui appuie chacune des questions référendaires confère à la nouvelle assemblée une réelle légitimité. Le fait que la loi de 1998 ait été subséquemment approuvée sans soubresaut par les Communes et la Chambre des Lords en fait état.[84] Toutefois, bien que les provisions constitutionnelles de la loi ne provoquent aucune controverse, les premières années d'opérations de l'assemblée s'avèrent vitales à son développement institutionnel. Nombreux sont les observateurs qui doutent de l'étendue réelle du nouveau pouvoir écossais; le simple concept de « dévolution » sous-entend d'ailleurs qu'un pouvoir peut être rapatrié.[85] Certaines niches de compétences dont l'application concrète n'avait pas été précisément définie posent également problème. Pensons principalement à la nomination des juges et surtout aux conséquences de la clause 27(7) qui énonce que : « *This section does not affect the power of the Parliament of the United Kingdom to make laws for Scotland.* »[86] Seul un exercice réel permet de statuer certains litiges et de déterminer dans une certaine mesure l'étendue de la souveraineté du nouveau parlement. À cet effet, le premier mandat de la coalition entre Travaillistes et Libéraux-démocrates s'avère une expérience positive. Non seulement les principaux points de litiges constitutionnels sont-ils réglés par une action législative convaincante, mais nombre de projets importants sont menés à terme, confirmant les pouvoirs substantiels acquis par Holyrood. Notons entre autre le *Abolition of Feudal Tenure Act* (2000), le *Scottish Community Care Act* (2002) et *la Land Refom Act* (2003).[87] Non seulement le Parlement écossais s'est-il doté de pouvoir effectif, mais il est très populaire et perçu par les Écossais comme étant l'institution ayant le plus grand impact sur leur vie.[88] Ceci pousse ainsi Winetrobe à considérer son abolition comme inconcevable, y voyant même un quasi-fédéralisme qui s'ignore.[89] Sur

certains points, et en acceptant la prémisse selon laquelle le Parlement écossais est réellement une institution que Westminster peut difficilement effacer, nous pouvons observer que la nouvelle classe politique écossaise se considère comme évoluant dans une sphère politique autonome mais interdépendante de l'UE ou de Londres. Par exemple, Donald Dewar, un premier ministre Travailliste, ne voit aucun problème à être reçu selon l'étiquette réservée aux chefs d'État lors de ses voyages à l'étranger.[90] En somme, le nouveau Parlement écossais représente un éventail d'outils réels dont les pouvoirs sont rapidement reconnus par ses commettants et ses acteurs.

Le nouvel arrangement institutionnel a également un impact sur la façon dont s'effectue la gouvernance européenne. En effet, certaines compétences définies, à l'image du fédéralisme, sont sous la seule responsabilité d'Holyrood. Ainsi, les décisions législatives de Strasbourg ou de Bruxelles touchant entre autres aux pêches, à l'environnement, à la justice et aux affaires légales sont directement soumises au gouvernement écossais à des fins de débats et d'implantations.[91] Ainsi, bien que le champ de compétence du Parlement écossais est largement défini dès 1998, l'évolution contexte européen force un lien politique direct entre celui-ci et les institutions supranationales, laissant parfois Londres en marge des décisions malgré sa souveraineté théorique sur le territoire. La chose n'est toutefois pas une nouveauté en soi. Winnie Ewing, lorsqu'eurodéputé en 1997, est en mesure de passer outre les recommandations du *Foreign Office* afin de maintenir un financement pour la région du Nord de l'Écosse prévu par le Fond de diversification régionale de l'UE. Cette réussite est ensuite utilisée par le SNP afin de démontrer les bénéfices du projet européen.[92] La dévolution formalise toutefois cette relation. Par exemple, l'exécutif Travailliste écossais se fait accorder le statut officiel de région par l'UE et signe en 2001 la déclaration des Flandres qui demande un plus grand pouvoir pour les instances régionales. Bien que la gouvernance de l'UE soit en fin de compte essentiellement organisée autour des États membres, le

fait qu'un gouvernement ouvertement unioniste agit en ce sens est une démonstration d'une nouvelle conscience politique.[93]

En date de 1999, et suite aux développements positifs du parlement dévolu, le SNP se trouve donc au carrefour de deux grands processus : l'intégration européenne et la relative autonomie politique écossaise. Son discours en vient donc à prendre une tournure particulière où chaque niveau de gouvernement est intégré à une vision cohérente de l'indépendance, voire simplement de « l'autonomie ». À cet effet, les manifestes électoraux du SNP ressemblent parfois à s'y méprendre à ceux d'un parti politique canadien évoluant au sein d'un pacte fédératif. Depuis 1999, les manifestes à l'élection régionale font état à la fois des projets du SNP comme gouvernement à l'Holyrood, comme négociateurs potentiels avec l'Europe advenant l'indépendance et comme députés portant doléances au Parlement de Londres. À cet effet, l'Europe est appelée à prendre une figure polysémique qui contraste avec les interprétations précédentes. Si auparavant l'Europe signifie principalement à la fois une échappatoire et un projet dont la valeur normative est supérieure à celle du Royaume-Uni, elle prend désormais un sens plus précis associé à des réalités politiques concrètes. Le manifeste de 2001, par exemple, propose de travailler de concert avec les négociateurs britanniques afin de modifier les règles sur le transport de marchandises.[94] On y trouve paradoxalement une position ferme quant à la politique britannique concernant les pêches et l'intention d'utiliser les instances européennes afin de la faire changer.[95] Des propositions similaires sont observables en marge de l'élection de 2005. Notamment, le SNP juge que la Constitution européenne est inacceptable parce qu'elle considère l'industrie halieutique comme une compétence exclusive de Londres.[96] Ainsi, non seulement l'Europe est-elle envisagée selon des éléments précis, mais elle est parfois durement critiquée tout comme l'est le Royaume-Uni. Ceci contraste fortement avec les débuts de la campagne d' « *Independence in Europe,* » qui décrivait l'Europe comme étant simplement normativement préférable au Royaume-Uni. Par contre, bien que

l'Union européenne prend une plus grande place à titre d'instrument institutionnel dans l'articulation de projet politique, elle n'en est pas moins associée à l'idéal d'un État écossais. L'indépendance est toujours décrite comme un état de fait où l'Écosse serait en mesure d'avoir une représentation réelle au sein des grandes instances européennes, comme un moyen de compléter les pouvoirs du Parlement et une échappatoire.[97] Cette dernière conception évolue toutefois en parallèle à une vision de l'Europe dans laquelle se meut un *polis* politique exclusivement écossais.

Cette nouvelle nuance dans la sémantique est preuve de l'incroyable intégration de la réalité européenne dans le discours du SNP suite à la dévolution et à la transmutation de 1988. Si Maastricht avait requis de présenter le cadre euro-indépendantiste sous un nouveau jour, la dévolution fait de même et confronte à nouveau l'idéal du SNP aux sacrifices à la souveraineté que requiert l'adhésion à l'Europe, tout lui donnant le potentiel d'interagir avec les instances européennes dans des domaines précis de politiques publiques. En effet, en ayant à articuler un programme politique pouvant être effectif immédiatement après un scrutin, les nationalistes se voient dans l'obligation d'identifier des intérêts écossais à court terme qui parfois sont antagonistes aux paramètres européens. Ceci ne force certainement pas un rejet de l'Europe, mais amène le SNP à proposer des politiques qui tiennent compte de la réalité supranationale, démontrant qu'à leurs yeux, l'Écosse est véritablement un acteur européen. Cette dimension de la morale nationaliste est particulièrement visible après 2005, élection où certes l'UE est critiquée, mais où l'on dénote un désir de mettre davantage en correspondance les politiques publiques la écossaise et celles de sa plus grande unité politique, notamment dans le domaine de l'énergie.[98] Puis, en 2007, le SNP propose d'incorporer une dimension européenne à l'éducation secondaire et de donner au premier ministre le mandat d'augmenter les liens informels entre les composantes de l'Union afin de mettre de nouvelles propositions de l'avant, telles une bourse du carbone ou une agence environnementale, et de créer des liens directs avec la Commission afin

de résoudre le litige concernant les pêches.[99] Finalement, les affaires étrangères sont depuis compartimentées en deux catégories : « Europe » et « wider world. »[100] À la lumière de telles propositions politiques, on constate encore que pour le SNP, l'Écosse est un acteur en soi au sein de l'Europe, et que son rayon d'action dépasse largement celui d'une « région » d'un état membre, tels le pays de Galle ou les Länder allemands. La latitude écossaise est d'ailleurs impressionnante dans certains domaines du politique simplement dû au fait que le Royaume-Uni souscrit au bijuridisme, c'est-à-dire que l'Écosse possède un système de droit distinct qui force une plus grande coordination entre Holyrood et l'UE sans nécessairement inclure Londres.[101] En référence à notre cadre théorique, la réalité décrite précédemment place effectivement – toujours aux yeux de ses politiciens – l'Écosse dans une surimposition politique ou un unionisme britannique, Union européenne et compétence dévolue se chevauchent, s'entrecroisent et s'épaulent dans l'élaboration des politiques publiques.

Un énoncé probant du nouveau pouvoir politique écossais se retrouve dans les récentes négociations concernant la question référendaire. En effet, chacun des partis – unioniste et indépendantiste – négocie d'égal à égal afin de déterminer les paramètres du processus de consultation. Londres ne s'oppose pas même à la tenue d'un référendum et accepte la question proposée par le SNP. Si Alex Salmond articule l'indépendance comme étant l'atteinte d'une parité avec l'Angleterre, l'argument pourrait être fait que dans ce cas précis, ils le sont déjà.[102] Cette situation de consensus relatif contraste avec la situation en Catalogne, où Madrid refuse de reconnaître la légitimité d'un éventuel référendum. Le mouvement nationaliste est donc forcément plus radical, on retrouve même certains de ses éléments prêchant jusqu'en Crimée.[103] La comparaison est ici intéressante, puisqu'elle démontre en quelque sorte l'étendue de la souveraineté du politique écossais. En effet, bien que le Royaume-Uni ne soit pas un pacte fédératif, comme celui qu'entretient Madrid avec certaines régions, Holyrood apparaît comme un acteur pouvant poser certains gestes impossibles à Barcelone. Nous pouvons spéculer

que Catalans et Écossais aient développé une relation différente à l'État-nation après la chute des empires espagnols et britanniques.

La convergence entre intégration européenne et dévolution a également un impact sur la conception de l'indépendance, et particulièrement dans les dernières années.[104] En effet, si celle-ci se définit depuis longtemps comme une façon qu'aurait la nation écossaise d'être entendue au concert de l'Europe, une tendance contraire se dégage toutefois depuis l'élection d'un gouvernement nationaliste à Holyrood en 2007. En effet, l'Europe ne signifie presque plus l'aboutissement du processus indépendantiste et est simplement utilisée afin de définir un contexte où Holyrood et Londres auraient un statut équivalent, c'est-à-dire que chaque nation aurait droit à l'autodétermination.[105] Plus simplement, les termes « Europe » ou « Union européenne » sont moins présents. Par exemple, dans le manifeste électoral de 2010, il est question d'un « pacte social » entre Londres et Holyrood, où chacun serait partenaire égal sans préciser que cela se ferait nécessairement sous le chapiteau européen.[106] Toutefois, ce retrait de la rhétorique européenne ne s'est pas accompagné de changements politiques véritables. Depuis son accession au pouvoir, le SNP fait une utilisation honnête et positive des structures européennes.[107] Ce changement de ton semble lié au processus référendaire initié par la victoire majoritaire du SNP. En effet, l'Europe n'est simplement pas un sujet populaire et si le SNP veut convaincre l'électorat, il doit concentrer ses efforts à remettre en question le pacte de 1707. La littérature du SNP publiée en marge du référendum abonde en ce sens : l'Europe y figure à peine et l'argumentaire est principalement construit de façon à expliquer pourquoi l'Écosse pourrait se débrouiller seule. D'ailleurs, même les schémas et graphiques censés expliquer à l'électeur le fonctionnement politique d'une Écosse indépendante ne mentionne pas l'UE.[108] Pire, l'Union européenne, qui généralement a droit à sa propre rubrique dans les manifestes du SNP, est maintenant abordée comme toute autre question internationale.[109] Ces précautions n'ont toutefois pas empêché le sujet de s'immiscer dans le débat. En effet, Alex Salmond et Manuel

Barroso ont récemment eu un accrochage quant à l'éventuel statut d'une Écosse indépendante au sein de l'Europe,[110] preuve qu'il s'agit bien d'un sujet structurant. Finalement, l'indépendance bien mince à laquelle aspire le SNP, c'est-à-dire contrainte par l'UE et gardant la monarchie et le *pound*, est peut-être également une démonstration non seulement du poids de l'UE, mais du statut de l'Écosse aux yeux de ses politiciens. Le référendum, dans cette optique, apparaît comme un outil où l'on tente de maximiser un certain niveau de souveraineté en fonction des normes prescrites par l'UE. Une phrase est d'ailleurs révélatrice dans le manifeste référendaire, il est dit que le SNP recherche simplement: « *an independent membership in the EU.*» [111]

En conclusion, le présent texte propose l'argument que l'Écosse est maintenant, aux yeux de ses politiciens, une entité politique que l'on pourrait qualifier de *mésoétat*. Le *polis* écossais n'est aujourd'hui certainement pas indépendant au sens propre, mais il évolue dans des contextes où les normes d'indépendance et de souveraineté sont constamment revisitées. À cet effet, la conception absolutiste entretenue par le SNP jusqu'en 1988 a donné place à la stratégie d' « *Independence in Europe*, » qui a articulé une vision toujours plus atténuée de la souveraineté en parallèle au processus d'intégration européenne. Loin de contraindre la portée du mouvement souverainiste, Maastricht et ses ramifications orientent plutôt le discours nationaliste dans un axe proprement européen où les sacrifices liés à l'intégration européenne sont clairs, en plus de lui donner une légitimité nouvelle par la reconnaisse d'ensembles régionaux. L'Europe ne doit toutefois pas être perçue comme seule responsable de la trajectoire idéologique du SNP. En effet, la décolonisation et l'évanouissement de l'identité impériale ont forcé une redéfinition de l'identité britannique qui n'était plus compatible ou attrayante pour les nationalistes écossais. En ce sens, les normes de souverainetés prescrites par l'UE ont dirigé l'action nationaliste, tout en effritant davantage la signification de l'identité britannique. Parallèlement à ces développements, le contexte britannique permet l'émergence d'une sphère politique où s'articule un discours

institutionnel proprement écossais. La convergence de ces deux forces a comme résultat, pour le nationaliste, de voir en l'Écosse un niveau de gouvernance chevauchant deux unions. Certains pouvoirs politiques font même état de cette réalité. S'il est une lacune au présent texte, et un sujet qui mérite d'être approfondi, c'est précisément le fonctionnement des mécanismes institutionnels bien souvent informel qui structure les actions de ce *mésoétat*. Une telle étude pourrait déconstruire les deux morales sous-jacentes à ce texte. La situation des nationalistes écossais est au final une expérience politique idéale pour l'accommodement de pulsions d'autodéterminations nationalistes. S'il eut de la vie politique avant l'État-nation, il y en aura certainement en amont: le référendum sur la souveraineté écossaise de septembre 2014 n'est donc qu'une autre étape de ce dynamique processus.

Notes

[1]. « Few celebrations on 300th anniversary of union with Scotland, » *The Guardian*, 1er mai 2007, http://www.theguardian.com/politics/2007/may/01/scotland.devolution1 (Consulté le 7 Avril 2014).

[2]. Notons au passage que la définition de « régional » n'est pas liée au statut officiel de l'UE, mais fait simplement référence à une région périphérique distincte et reconnue.

[3]. Janet Laible, *Separatism and Sovereignty in the New Europe*, New York, Palgrave MacMillan, 2008. Ichijo, Atsuko, « Sovreignty and Nationalism in the Twenty-First Century : the Scottish Case, » *Ethnopolitics* 8 : 2, (2009)

[4]. Michael Keating, « Semantics and Sovereignty, or Is there a Coherent Post-Sovereignty Stance ? » *British Journal of Canadian Studies* 18 : 2, (2005) : 246-9.

[5]. Le militant Oliver Brown cité dans Devine, T.M, « The Challenges of Nationalism,» dans *Scotland and the Union*, ed. Devine, T.M, (Edinburgh, Edinburgh University Press, 2008) : 143.

[6]. Il y a en effet deux élections générales en 1974.

[7]. Devine, 145.

[8]. Ibid. 143-7.

[9]. Cameron, Ewen A., *Impaled Upon a Thistle*, (Edinburgh, Edinburgh University Press, 2010) : 168-171.

[10]. Ibid., 277-81.

[11]. Ibid.

[12]. Laible, 82-3.

[13]. Andrew D. Devenney, « Regional Resistance to European Integration : the Case of the Scottish National Party, » *Historical Social Research* 33, (2008) : 325-6.

[14]. En plus de ses réussites électorales, la nouvelle force du parti se fait sentir sur le terrain. Par exemple, le SNP passe de 25 branches locales en 1962 à140 trois années plus tard.

[15]. Tom Devine, *The Scottish Nation : A History 1700-2000*, (New York, Viking, 1999) : 572.

[16]. Laible, 53-5.

[17]. T.M. Devine, « The Spoils of Empire, » dans *Scotland and the Union*, ed. T.M Devine, (Edinburgh, Edinburgh University Press, 2008) : 92.

[18]. Ibid, 91-8 ; Murray Pittock, *The Road to Independence ? Scotland since the sixties*, (London, Reaktion Books, 2008) : 104-7.

[19]. Cameron, 240.

[20]. Cameron, 237-40.

[21]. Michael Keating. *The Independence of Scotland*, (Oxford, Oxford University Press, 2009): 31.

[22]. Pittock, 52-61.

[23]. Davenney,. 328-32.

[24]. Ibid. 330-5.

[25]. The Scotsman, 21 Aout 1967.

[26]. « Britain and the Island communities, » *British House of Commons Hansard* , 24 février 1970, http://hansard.millbanksystems.com/commons/1970/feb/24/britain-and-the-european-communities#S5CV0796P0_19700224_HOC_495 (consulté le 3 Avril, 2014).

[27]. Ibid.

[28]. *Scots Independent*, 11 avril 1970, tel que cité dans Davenney, 336.

[29]. Ibid.

[30]. Ibid., 337-8.

[31]. Davenney, 340-4.

[32]. En effet, leur part du vote en Écosse passe de 30.4% à 17.3%.

[33.] Premier ministre écossais au moment du plébiscite de 2014

[34.] Laible, 103-7.

[35.] Ibid.

[36.] Scottish National Party, *A Voice in Europe : Electoral Manifesto 1984*, (Edinburgh, 1984): 1

[37.] Laible, 105-9.

[38.] Ibid., 108-14.

[39.] Kesi Mahendran and Ian McIver, « Attitudes Towards the European Union and Challenges to Communicating 'Europe,' » *Scottish Executive Social Research*, 2007, http://www.scotland.gov.uk/Resource/Doc/163772/0044574.pdf (consulté le 6 Avril 2014).

[40.] Keating, Michael, « Semantics, » 251-4.

[41.] Tim A. Mau, « Globalization, Regional Intergration and the Evolution of the Independence Rhetoric of the PQ and the SNP, » *British Journal of Canadian Studi*es 18 : 2 (2005) : 331.

[42.] Ibid.

[43.] Laible, 110.

[44.] Ibid., 51-69.

[45.] Ibid., 110-6, 116-8.

[46.] Mau, 325-331.

[47.] *Discours de Jacques Delors*, 17 octobre 1989 http://www.cvce.eu/content/publication/2002/12/19/5bbb1452-92c7-474b-a7cf-a2d281898295/publishable_fr.pdf pp. 3-12. (Consulté le 2 Avril 2014)

[48.] Institution que le Royaume-Uni ne rejoint évidemment pas.

[49.] Ivan T. Berend, *Europe since 1980*. (Cambridge : Cambridge University Press, 2010) : 62-73.

[50.] Ibid., 69-71; Tony Judt, *Postwar*, (New York, Penguin Books, 2006) : 713-21.

[51.] Laible. 112-4.

[52.] Scottish National Party, *European Election Communicating Form*, Edinbourgh, 1989, https://www.flickr.com/photos/scottishpoliticalarchive/5579039589/ (consulté le 4 Avril 2014).

[53.] Scottish National Party, *Independence in Europe : Make it happen now! The 1992 Manifesto of the Scottish Nation party,* Edinburgh, 1992.

[54.] Scottish National Party, *The Maastricht Treaty* : the SNP's view, Edinburgh, 1992, cité dans Laible, 114.

[55.] Ibid.,114-6.

[56.] Alasdair, Raffe, «1707, 2007 and the Unionist Turn in Scottish History » the *Historical Journal* 53 : 4, novembre 2010, pp.1074-8.

[57.] Scottish National Party, *Yes We Can Win the Best For Scotland : Election manifesto 1997*, (Edinburgh, 1997) : 30.

[58.] Ibid., 23.

[59.] Ibid., 2-6, 20-30.

[60.] Winnie Ewing, cité dans Laible, 116.

[61.] Whatley, Christopher A., *Scotland and the Union*, ed. T.M Devine, (Edinburgh, Edinburgh University Press, 2008) : 26-33.

[62.] Devine, T.M, « The Spoils of Empire, » dans *Scotland and the Union*, ed. T.M Devine, (Edinburgh, Edinburgh University Press, 2008) : 105

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Gaining the Youth Vote: A Social History

Madeline Kanuka

Article—
Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.
Section 2. The Congress shall have the power to enforce this article by appropriate legislation.[1]
    - March 23, 1971

Various minority groups across American history have fought long, profound, and dangerous battles to gain the right to vote. The Twenty-sixth Amendment by comparison, which lowered the voting age across the nation in 1971, was passed with relative ease. Nevertheless, achieving a ubiquitous voting age of eighteen was not as simplistic as it may have appeared and the issue was only able to gain widespread recognition during the era of the Vietnam War. During this era, the hegemonic arrogance of the federal administration sparked controversy and created a climate of anxiety and uncertainty for many American people – especially the fourth of all military personnel that were too young to vote on anything involving the war, let alone the nation in general.[2] Explored and expanded upon in this essay are four vital reasons why activists and lawmakers were able to use the climate of Vietnam War to achieve the

timely and cooperative ratification of the Twenty-sixth Amendment. This process advanced so quickly due to the repetitive pressure for the franchise caused by international wars, the youth political activist culture of the 1960s, an objective society's increasing recognition of a maturing younger generation, and temporary legislative loopholes that were used to the youth movement's advantage.

To begin, I will briefly outline the Vietnam War's hostile backdrop that is critical to understanding why the battle of the youth vote succeeded. Militant relations between the United States and Vietnam began as early as 1961 and lasted as late as 1975, making this period the longest wartime experience the United States had involved itself in prior to the twenty-first century.[3] What began as a preventative mission to halt the spread of communism and create a democratic government led to a conflict that Brian VanDeMark argues "divided America more deeply and painfully than any event since the Civil War."[4] The period of the war between November 1964 and July 1965 marked the most politically heated segment of this era. This was the time when America's involvement in the war went from a limited focus on establishing a stable government to becoming the country's primary financial and defensive concern. This included full-scale warfare and approximately one-hundred-twenty thousand ground troops fighting to stabilize a government that was not their own. The Department of Defense, blinded by its great successes from the Second World War, refused to withdraw from the war and continued to believe it could win despite the sacrifice and the uncertainties that lay

ahead.[5] At the climax of America's involvement in Vietnam, President Lyndon B. Johnson was willing to neglect his beloved Great Society domestic agenda for what he called "that bitch of a war."[6] Hundreds of millions of dollars he had hoped to use toward his extensive goals, such as anti-poverty legislation, education reform, housing assistance and subsidized healthcare, were consumed by the war effort.[7] This further exemplifies how deeply and passionately the nation had driven itself into the conflict.

In light of the blinding and deafening mood the Vietnam War had created and the fact that it stood under the nation's limelight, the country expanded its vision and opened its ears to suggestions on how to continue its involvement abroad. With that, came the proposal to allow a younger generation to voice their opinions by lowing the voting age from twenty-one to eighteen. On Monday June 22, 1970, the amended Voting Rights Act allowed eighteen year-olds to vote in federal elections, and on June 30, 1971, this was finally adopted for all elections as a ratified constitutional amendment that became law only one hundred days afterwards.[8] This essay discusses the four key aspects of the wartime climate that catalyzed this outstanding and overdue decision.

Old Enough to Fight, Old Enough to Vote

The debate for lowering the voting age was not unique to the Vietnam War era. This topic had been proposed, pushed, changed, and rebutted since the colonization of New England. In 1619 Virginia, the first colonial legislative assembly, known as the House of Burgesses, demanded that every male citizen above age sixteen was to pay

taxes and serve in the military, while the voting age remained a year older at seventeen to conform with other British colonial settlements. When other colonial state governments were established, the militia and voting ages varied between sixteen and twenty-four, with the exception of Rhode Island in 1639 where both ages were set at sixteen. [9] Once the American Revolution ended, most states adopted a voting age of twenty-one and a conscription age of eighteen to align their legislation to the federal government's policies.[10] In less than three years, the phrase "old enough to fight, old enough to vote" was formed from popular political discourss – even before the Fourteenth Amendment for equal citizenship and protection under the law added age to the Constitution.

Although this argument for allowing all men of military age to vote was raised again in the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and World War I, only the fourteen-year inter-World War period between 1918 and 1941 allowed for a lasting and more intensified political discussion of lowing the voting age. This time, however, the cause's engine was powered primarily by the fact that women had gained the franchise in 1920 shortly after their progressive contributions to the First World War effort, and by the growing institutionalized support for the youth vote that was amplified during the United State's involvement in Second World War. These factors, in direct relation to international wartime, laid the foundation for the

voting age to be lowered so quickly during the Vietnam War era, when this highly charged topic was given the utmost political attention.

Wartime contributions acted as a catalyst for both African Americans and women to be granted the vote. Similar to how the Fourteenth Amendment of July 9, 1868, in association with the Fifteenth Amendment of February 3, 1870, granted African Americans the right to vote after their valiant military sacrifice during the Civil War, the passing of the Nineteenth Amendment on August 18, 1920 was in direct response to women's contributions to America in World War I. Although over forty years and a World War had passed since the adoption of the Nineteenth Amendment, the correlation between wartime and voting rights provided the encouragement and momentum for young Americans to swing the pendulum of change and gain the franchise while American soldiers were stationed in Vietnam. Therefore, American youth followed a similar pattern to African Americans and women during wartime to prove themselves worthy of voting rights.

Women's suffrage organizations knew that stressing their involvement in the war effort would lend credibility to their campaign for the vote. For example, chapters of the National American Women's Suffrage Association (NAWSA) focused much of their agendas on volunteer work, including classes on how to be a patriotic American, distributing food, and collaborating with the Red Cross. In addition, a New York chapter of the Woman Suffrage Party sold more than a million dollars worth of war bonds

through the duration of the war, the Negro Women Voter Leagues attended to wounded black soldiers in their own states, and other women's suffrage associations would sell thrift stamps and give thoughtful gifts to soldiers, such as knitted socks and other garments.[11] As women united and planned ways to push their voting initiative forward, their actions and contributions did not go unnoticed by the federal government. President Woodrow Wilson was a strong advocate for extending the franchise to women; he stated in September 1918 that this was

> …essential to the prosecution of the great war of humanity in which we are engaged… We have made partners of the women in this war. Shall we admit them only to a partnership of sacrifice and suffering and toll and not a partnership of privilege and of right? This war could not have been fought… if it had not been for the services of women.[12]

Wilson followed through in promoting this belief and helped pass the amendment for women's voting rights. The Nineteenth Amendment is significant as it nearly doubled the American electorate and created uncertainties for the future of American partisanship. In comparison, granting the vote to Americans between the ages of eighteen and twenty-one, who not only assisted in wartime mobilization but also participated significantly in combat, would not have increased the electorate by nearly as much. Young Americans learned from women's tactics of actively exemplifying their moral concerns to the country during wartime in order to gain the vote. They demonstrated with great resilience during America's involvement in the Vietnam War

almost four decades later, maintaining a relationship with the federal government through active lobbying, cohesive demonstrations, and volunteering for the military.

After women proved themselves worthy of the franchise during World War I, American institutions began to grant more credibility to the young American pursuit to achieve the same goal in light of their sacrifices during World War II. The recognition that American youth gained during this period catalyzed a three-decade movement that could be finalized under the pressures of the Vietnam War era. The main reasons why young citizens were increasingly recognized in American society during World War II were that three times as many men joined the military than in the previous World War and the draft standards were adjusted to the higher demand for manpower, representing a greater percentage of Americans under the age of twenty-one.[13] In reaction to the increasing numbers of young soldiers, the Youth Voter's League formed in 1941 on the platform that they should have the right to vote in the upcoming 1944 presidential election. The organization created and encouraged the passing of a constitutional amendment with twelve joint resolutions to Congress over three years.[14]

Although this proactive behavior did not directly result in obtaining the ultimate goal of lowering the voting age, it did ignite rapidly expanding awareness of the issue in American politics, and soon after, the idea spread across general society as a very reasonable request. For example, Michigan Republican Senator Arthur Vandenberg and West Virginia Democratic Representative Jennings Randolph supported a constitutional

amendment regarding the voting age in 1942. Joint Resolution 354 was put forward on the basis that all Americans fighting abroad should be entitled to full American citizenship rights because of their nationalist loyalty.[15] The National Education Association further supported the ratification of the amendment arguing that the increase in American high school graduates also justified a decreased voting age.[16] Although no resolution was passed until the Vietnam War, young Americans were encouraged by the fact that their requests had reached Congress in the climate of World War II.

In addition, newspapers began publishing articles about the topic throughout the war. On September 5, 1943, a Gallup poll in *The Washington Post* provided a detailed update on the voting rights battle after Georgia had become the first state to lower its voting age to eighteen a month earlier. The author, who happened to be the Director and Founder of the American Institute of Public Opinion, stated that before the Second World War, seventeen percent of Americans favored a lower voting age compared to the fifty-two percent who favored it at the time the poll was printed. He went on to say that the greatest hurdles for youth were Republican representatives who feared young Americans would vote Democratic, and many who worried that Americans under age twenty-one were not intelligent enough to vote despite the fact that the younger generation had "considerably more schooling than the average for the whole public."[17] This kind of political and popular awareness of the battle for the youth vote demonstrates how World War II may not have been the right time to pass an

amendment, yet it was an era when political debates were expanded and the issue was digested in American society. This is the period when the necessary groundwork was established for the Twenty-sixth Amendment to be passed during the Vietnam War, when the issue gained traction and light in the darkness of wartime once more.

Eras of international warfare have been proven to garner support for the voting rights of underrepresented Americans who devoted themselves en masse to the mobilization effort, and thereby helps to explain why the Vietnam War era later became the ideal time for youth to be enfranchised across the nation. The significance of global wartime was exemplified in the twentieth century by women's successful campaign for the vote after their extensive contributions in World War I, and the increased legitimacy of the young American's request for the vote through their valiant military support in World War II.

Concerned Enough to Vote

When the United States became involved in the Vietnam War, a unique youth culture was developing across America grounded in New Left principles of liberalism and civil rights. Young Americans led successful unified protest movements against what they believed constrained their constitutional liberties, which created an ideal climate for the American youth to make substantial advancements in their battle for the ballot. This can be examined in relation to the birth of major college campus protests for

basic civil rights, anti-war protests, and finally, student-based groups dedicated to the cause of lowing the voting age to eighteen.

To understand the unique protest culture of the 1960s, its early roots in college campuses must be examined. Activist movements began by protesting the education system and then expanded into issues in their communities. These movements used the same tactical strategies that helped propel the fight to amend the U.S. Constitution. The first widely popular youth civil rights organization founded in the 1960s was the Student Peace Union (SPU) that mainly protested against the arms race and for nuclear disarmament. In February 1962, it led one of the earliest student protests with five thousand young people assembled from organizations across the country picketing in Washington D.C for two days.[18] President Kennedy saw the students through the White House windows and requested his kitchen staff bring them coffee to keep them warm. Although this was not the reaction the SPU had hoped for, the *New York Times* reported that the President was "listening at least."[19]

That same year, the organization Students for a Democratic Society (SDS), established at the University of Michigan in 1960, published a declaration of their platform known as the *Port Huron Statement,* which outlined broader goals and inspired a wider student protest culture. The document voiced the organization's opinion that youth should question the government's civil rights, economic and military policies, challenge the status quo—especially in regards to education system and student

passivity—and work to create a more fraternal nation of "participatory democracy" in a Cold War climate of fear.[20] The *Port Huron Statement* also provided advice on how to end the Cold War, correlating to the goal of the SPU. The last lines state:

> … [W]e are committed to stimulating this kind of social movement, this kind of vision and program is campus and community across the country. If we appear to seek the unattainable, it has been said, then let it be known that we *do so to avoid the unimaginable.*[21]

The words of the *Port Huron Statement* were inspirational to students across America and helped fuel a highly mobile and unified youth protest culture. It inspired events such as the Freedom of Speech Movement (FSM) at Berkeley University for students' rights, which gained traction in the fall of 1964. The FSM was directed by a student organization named SLATE. There was also the Mississippi Freedom Summer of 1964 that was led by the Student Non-Violent Coordinating Committee (SNCC), which sought to break down de facto Jim Crow laws with marches and sit-ins. SNCC later went on to fight to pass the 1965 Voting Rights Act (VRA) that protected African Americans against any illegal barriers to vote.[22] The passing of the VRA is very significant in relation to the youth vote because it exemplified how revolutionary voting rights legislation could be passed during the Vietnam War era with the support of unified Americans. All of these student-led movements for basic civil liberties were fueled by the active political youth culture of the era and likewise correlated with the goals of not only the anti-Vietnam protests but the fight to lower the voting age that occurred in the same era.

Another reason why these student protests were so significant was because politicians began to argue that by providing young Americans the right to vote, they could funnel their political unrest into their votes rather than through demonstrations, which could sometimes turn into violent confrontations. This likewise created urgency for the voting age to be lowered. The thirty-year-old president of the National Young Democrats, R. Spencer Oliver, supported this idea by stating that the franchise would "ease the frustration of a generation obviously determined to have a voice in public decision-making."[23] This would allow young people to express radical ideas through the ballot rather than through direct action protests. This belief was also popular among politicians, including Richard Nixon while he was president.[24] Furthermore, college-based protests during the Vietnam War era pressured the U.S. government to accelerate its efforts in granting young Americans the right to vote.

As mentioned, youth-led anti-Vietnam protests were inspired by the political activist culture of the era and helped legitimize the fight to lower the voting age because many of those who fought against the war and were drafted into it were too young to vote for any referendum or election concerning the war. Like other youth protests, the anti-war movement began on college campuses and expanded into national demonstrations. Based off of SPU and SDS principles and their early protests, anti-war movements escalated as America's involvement abroad increased year after year. For this reason, it is no wonder that the spring of 1965 was a pivotal moment for increased

student protest power. In March of that year, President Lyndon Johnson introduced thousands of ground troops and over a hundred bomber airplanes into the war with Operation ROLLING THUNDER and entered a point of no return.[25] Later that month, the SDS led a "teach-in" at the University of Michigan that attracted three thousand students who wished to educate themselves on America's increasing involvement in the war. Although this was not exactly protesting, the SDS encouraged teach-ins on over a hundred more campuses across the country and in doing so, was able to gain as many as twenty-five-thousand people of different ages and races from coast-to-coast for their anti-war march in Washington D.C. that April 17th.[26] This march became the largest anti-Vietnam protest to that date and proved young America's ability to gain mass support for a cause they deeply believed in. In the legacy of the inspirational *Port Huron Statement*, SDS President Paul Potter gave an impassioned speech that day that led Americans to further question the rationale behind the war; it became a springboard for anti-war movements that would follow. He stated:

> …[T]he people of this country must create a massive social movement…That means we build a movement that understands Vietnam in all its horror… that will build on the new and creative forms of protest that are beginning to emerge… [and] that must of necessity reach out to all these people in Vietnam or elsewhere who are struggling to find decency and control in their lives.[27]

These words not only express a passion to end the war, but the last phrase suggests that all people should be agents of their own decisions, which is something that was not possible for young Americans during the Vietnam War without the right to vote.

Similar teach-ins and marches occurred throughout the duration of the war, but with the anti-war movement's progression came greater hostility and more direct confrontations that reflected the growing passion young Americans had to gain their right to vote. For example, in the late summer of 1965, several hundred Berkeley University students stood on railroad tracks to prevent an oncoming train to deliver troops to the Oakland Army Base.[28] This demonstrates how young Americans were willing to put themselves physically in the way of political decisions that they were not allowed to vote for.

The theme of direct action for a political voice continued with draft resistance movements supported by groups such as SDS, SNCC, and radical religious groups, who protested by burning draft cards en masse or by returning them to federal authorities even if that led to imprisonment.[29] An example of this activity occurred in October 1967 when student groups organized "Stop the Draft Week," in Oakland, California. The week had a discouraging beginning when hundreds of students who had returned their draft cards to the federal attorney in San Francisco, and other young adults associated with them, were arrested and carried off to jail by police officers. By the end of the week, however, students once again proved the power of politically active young adults when they became more mobile, wearing helmets and shields to occupy streets that they had painted messages on, such as "resist." When a line of police approached them and realized the students would not move, the authorities became intimidated by their

resilience and retreated.[30] The successful demonstration during "Stop the Draft Week",

along with hundreds of other similar mass events across the country, helped young

Americans realize that the nation was listening to their desperate pleas, which spurred

the belief that the 1960s era of protest was the critical time to reintroduce the battle for

the eighteen-year-old vote back into the political forefront.

Like other campus-based student groups in the Vietnam War era, young

Americans formed organizations with the exclusive intent to eventually lower the voting

age across the country. These organizations were responsible for interacting directly

with the politicians that had the potential power to help new legislation be passed.

Toward the end of 1968, a movement called Let Us Vote (LUV) was established at the

University of the Pacific in Stockton, California with the intention to voice popular

youth opinion as much as possible in American politics. Its twenty-one year old founder,

Dennis Warren, was a pre-law student and Pi Kappa Delta debating champion. "Young

adults are accepting adult responsibilities and are qualified and willing to become

politically active," he argued, "They believe in constructive dissent and active

participation. American youth should be given a 'piece of action.' They deserve and

urgently desire the vote."[31] With the encouragement of Indiana senator Birth Bayh, the

campus organization became a nationwide movement within just six weeks of its

founding and established chapters at more than three thousand high schools and four

hundred colleges across all fifty states. The organization gained more attention than

students likely expected it to have, as Americans sent at least a hundred letters to the organization each day to inquire more about it and voice their concerns. Like other protest movements, it distributed t-shirts, buttons, and bumper stickers to advertise the organization, and even released a record single called, "LUV." Through these efforts, LUV gained massive media attention in over fifty countries through publications and television coverage. Warren spoke before the U.S. Senate, the California State Assembly, the U.S. House of Representatives, and legislatures in five other states. Warren achieved his goal with LUV to gain widespread attention to the request for the youth vote rather than directly gain partisan connections to politicians.[32] After creating this awareness, another new organization extended LUV's goals further into political processes that could help to pass an amendment.

The Youth Franchise Coalition was founded On February 5, 1969 to coordinate twenty-three civil rights groups that were fighting to pass the youth vote. These included LUV, the Southern Christian Leadership Conference (SCLC), the National Association for the Advancement of Colored People (NAACP), and the YMCA.[33] The Coalition advised and advocated for the youth franchise on the state congressional district and municipal levels with the ultimate goal of achieving state legislation and a constitutional amendment. To gain traction, the Coalition networked district-by-district through letters, telephone calls, visits, and petitions until the U.S. Congress noticed how passionately young adults were fighting for the franchise. [34] The coalition led a demonstration in

Washington, D.C. on February 5, 1969, and succeeded in getting a reaction from

Congress. West Virginia Democratic Senator commented on the demonstration, arguing

that the Coalition needed to portray a more respectable public image for Congress to act

in their favor, which required overcoming what he called "the stereotype image of

militant demonstrators and beatniks." He further suggested that their demonstrations

should be careful not to represent any kind of "student unrest" because that would "lead

some people to question the wisdom of lowering the voting age."[35] Although this was

not the positive feedback they had desired, the criticism was still constructive and the

event received news coverage in *The New York Times*. This criticism highlights how

campus rebellions could exemplify protest tactics the wider public disliked and caused

them to view certain causes as juvenile and unimportant.[36]

Regardless of their efforts, some members of the Youth Franchise Coalition had a

gut feeling that their movement would not be taken seriously. A member named Ian

MacGowan commented that the matter of receiving the vote for eighteen-year-olds was

"not like life or death, like Vietnam," and that the Coalition struggled at the end of the

day to get serious activist followers for their movement.[37] What MacGowan failed to

understand is that youth activism was a necessary force for passing a constitutional

amendment, but needed to work in tandem with other pressures of the era such as the

climate of full-scale international warfare, increasing credibility in popular culture, and

political pressure. Moreover, youth organizations that protested for the eighteen-year-old

vote during the Vietnam War gained political recognition in part because they were born out of a unique 1960s culture of student activism that was continuously in the public light.

To conclude, the Twenty-sixth Amendment was passed with relative ease during the Vietnam War era because a political youth culture, developed through increasingly active protests, gave the younger generation a greater legitimacy than they had been afforded in any other era in American history. This legitimacy was born out of the context of the major college protest groups of the 1960s, the anti-Vietnam War movement, and the organizations that advocated solely for the purpose of lowering the voting age.

Accepted Enough to Vote

With an extended history of protests to lower the voting age and a heated youth protest culture that reached its zenith in the 1960s, the youth vote movement gained significant support from the greater society that subsequently pressured politicians to pass new legislation. Many of these actors recognized the consecutively successful protests and academic accomplishments that youth had achieved, and believed they had gained enough political credibility to prove that they deserved the right to vote regardless of what the conscription age was. This idea was supported by scholars, the greater press, and more elderly members of long-standing national organizations.

As relatively objective intermediaries between young Americans and the government, many academics supported the idea of having a lower voting age. One of the primary examples of this in the Vietnam era was the 1966 article in the Harvard Law Review by former Solicitor General Archibald Cox. He stated that "eighteen, nineteen, and twenty year-olds" were deserving of the franchise because "they work, pay taxes, raise families, and are subject to military service."[38] Cox made a point that by age eighteen, Americans were given nearly every obligation and right as a citizen except the right to vote, and perhaps the right to purchase alcohol. They lived as adults but were not treated as adults. Cox's opinion in this article helped to bring the discussion of a new voting rights amendment into Lyndon B. Johnson's administration soon after he had entered into America's most intense stage of involvement in the Vietnam War. While Johnson was pressured by his Department of Defense to increase manpower abroad, he was also reminded of domestic responsibilities and the fact that he was continuing to send his young citizens to their possible death without granting them a political voice. Approximately one half of the deaths in Vietnam were of young Americans under age twenty-one, and Johnson's administration only continued to endanger more and more of America's young men once he escalated his efforts in the Vietnam War.[39] Pressures, from academic actors outside his presidential administration and youths under age twenty-one, contributed to Johnson's proposed constitutional amendment in June 27,

1968.[40] Cox was one of these advocates for the youth vote when the federal government's priorities were unclear.

Another example scholarly support for a lowered voting age was Thomas Spencer's opinion in his article, "Proposal for Voting Reform," that was published in the philosophical journal, *Ethics,* in July 1968. He wrote, "the franchise should be extended to younger persons than now have it (*perhaps* seventeen- or sixteen-years-old, but *certainly* eighteen-year-olds) and withdrawn from persons who are past sixty years of age" to "get the best possible electorate."[41] He argued this by analyzing multiple studies that indicated how people over age sixty were overly conservative, close-minded, and did not think long-term. Their opinions were based on "attitudes rather than logical analysis" with "strong feelings of loyalty which might cause them to make decisions according to the recommendations of a trusted friend or group."[42] Spencer believed that younger generations possessed the fresh outlook that America desperately needed amidst the windy politics of the Vietnam War era. His opinion, like Cox's, also provided an objective influence in American politics because he proposed that Congress further consider an amendment in favor of the youth vote. Given the unique culture of the Vietnam era, young Americans were a generation unlike any other and deserved to help shape the future of their country.

California Governor Ronald Reagan spoke to the sentiment of scholars such as Spencer and Cox in 1969 when he stated, "if legislation were enacted and submitted to

me for approval, I do not think I would stand in the way of its submission to the people, although I feel the problems confronting the world today need more mature consideration that additional years of experience afford."[43] Therefore, some politicians did not completely disagree with scholarly opinions as much as they believed that the battle for the youth ballot should be saved until the Vietnam War era passed and that America's priorities should be elsewhere in the meantime. Regardless of opposition, Spencer and Cox's publications represent the kind of objective societal recognition that young Americans required to increase pressure on politicians such as Reagan to extend the franchise in the climate of the Vietnam War.

In addition to scholarly opinion, the general American media seemed to favor the youth vote—especially newspapers—which was extremely important because this disseminated the discussion of the issue both across the country and also abroad, and thus became another source of pressure on U.S. government. A strong example of this is an article published by *The New York Times* on June 30, 1968. It outlines many of the arguments that this essay advances, such as how "lowering the voting age from… [twenty-one was] not exactly a new or revolutionary idea," which would have been enlightening to Americans at the time the article was published.[44] The article aimed to convince its readers that the younger generation, who would soon become nearly half the population due to the Baby Boom, deserved the right to vote. It stated:

> Today's eighteen-year-olds are more mature physically—scientists say as much as three years ahead of the eighteen-year-olds of 1900… They are generally better

educated than their elders, though they also have much more to learn—a
responsibility that will grow in urgency if they are to have the vote. Most important,
they are actively concerned with the nation's problems on an unprecedented scale.[45]

The article also quotes President Lyndon B. Johnson who stated, "There is a moral

energy in this generation that exceeds any I have ever seen before." [46] This kind of

honorable concern by such a large group of young American citizens was exemplified

though the youth protest culture that was described earlier. The combination of reasons

for lowering the voting age that the *Times* article provides is representative of the

generally pro-youth liberal press during the Vietnam War era. Articles such as this

would have bolstered the power of further youth protests, scholarly opinions, and

discussions between politicians.

Another example of the positive press young Americans received in regards to

receiving the franchise can be seen with another *Times* article, published in March 1970.

This article expanded on the author's opinion that the younger generation were

intelligent enough to be able to vote in elections across various levels of American

government, stating: "Young people presently in the affected age bracket are far better

prepared educationally for the voting privilege than the bulk of the nation's voters have

been throughout much of its history."[47] The belief that young Americans could make

educated political decisions helped to further convince the wider American society to

support the extended battle for a lower voting age. Young Americans continued to fight

for this in an era that was shaped by war and a higher percentage of college enrollments

than the nation had ever experienced. This article indeed strengthened President Nixon and President Johnson's belief that young Americans should vote, "not because they are old enough to fight, but because they are smart enough to vote."[48] These media examples portray how the press was generally supportive of lowering the voting age during the Vietnam War.

In addition to scholarly and media opinions, long-standing American organizations lent a hand of support to the enfranchisement of the younger generation while the war was being fought abroad. The National Education Association, cited earlier as an organization that supported the youth vote on the basis that young Americans were smart enough to vote, was one of many groups that stood behind a new constitutional amendment for various reasons. Three well-established organizations worked closely with the Youth Franchise Coalition:. the NAACP, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and Americans for Democratic Action (ADA) helped the Coalition by lobbying state-by-state to gain any kind of support and encouragement for a constitutional amendment while representing the names of their organizations.[49] This was significant because this unified group of long-established organizations helped the relatively new Youth Franchise Coalition gain legitimacy in their protest efforts and extended their national presence. Historian Wendall W. Cultice stated that the alliance between the Coalition and the three other "adult groups" helped silence snickering at Capitol Hill where some

politicians had previously called the battle for the youth vote nothing but an insignificant "Children's Crusade."[50] The coalition between these four groups therefore portrays how organizations outside the youth realm greatly assisted in promoting a greater urgency for new voting rights legislation.

In addition, veterans groups such as the American Legion and the Veterans of Foreign Wars supported a lower enfranchisement age, although their efforts did not assist the battle nearly as substantially as those organizations that collaborated with the Youth Franchise Coalition.[51] These veterans groups were significant, nonetheless, because they represented ex-soldiers supporting a right that they would not have had if they fought in a war before they were twenty-one themselves. In addition, veteran groups such as the American Legion, the AMVETS, and the Veterans of Foreign Wars had supported a lower voting age since the early 1950s, representing an extended commitment to the cause that some Americans held onto across decades. Furthermore, the fight for the youth vote was intensified by the support it received from non-youth based organizations.

In summary, scholars, newspapers, and long-standing American organizations helped create an increased urgency and lent legitimacy to the campaign for the voting age to be lowered across the country during the Vietnam War.

Legislative Loopholes

The last, but most instrumental factor in explaining why the youth vote was passed with relative ease during the Vietnam War climate was the presence of government processes and actors that were necessary for legislation to be enacted. As explained, the battle for the youth vote had been extensive throughout American history, but the 1960s climate was unique in that it offered relatively spontaneous opportunities in Congress for the youth vote to be ratified—much like how the Nineteenth Amendment was passed. This new legislation was made possible though the necessary renewal of the 1965 Voting Rights Act (VRA), followed by the 1972 presidential election.

The ratified 1965 Voting Rights Act that forbid any kind of voting rights discrimination was due for renewal by its five-year anniversary in 1970, which provided a loophole whereby measures could be added to it before it was re-signed—including the reduction of the voting age from twenty-one to eighteen for federal elections. The greatest fear for congressmen in favor of the youth vote was that the lengthy process to pass a constitutional amendment might fail mid-process because it was unaided by another bill that would have created a greater urgency and legitimacy to the request. On the other hand, some congressmen believed that passing a constitutional amendment was the only just way to go about granting eighteen-year-olds the right to vote. So the issue that stood before Congress before the renewal of the VRA was whether a clause could

be added before it was re-signed that would allow youth to vote in federal elections but would leave state election laws untouched because of the nature of the act.[52] This question created heat and urgency in congressional discourse because adding a clause to the VRA proposed a possibility that states would react positively and lower the voting age within their own boundaries—where youth would have a more powerful influence with their votes.[53] Despite these concerns, however, young Americans ultimately achieved their goal.

Rumors circulated in 1969 as to whether the newly elected Republican President Richard M. Nixon was truly for or against the youth vote regardless of his campaign claim to side with youth, because his decision could easily hinder his likelihood of being re-elected after his term.[54] This controversy faded quickly with the help of Senate Majority Leader Mike Mansfield who worked closely with the Nixon administration to "smuggle" the youth vote through the Senate and House of Representatives with "almost no serious debate as to its merits or constitutionality," according to historian Ward E. Y. Elliot.[55]

This achievement is credited to Nixon's agreement to add a fourth measure to the VRA. Congress would be voting for or against a package deal that would keep voting supervision to states outside of the South, keep the suspension of literacy tests for another five years, allow absentee voting to presidential elections, and allow eighteen-year-olds the right to vote in presidential elections. Risking the possibility that the VRA

would not be renewed and would not have time to be redrafted before its expiration, Nixon pushed the proposal forward and the bill was passed by an overwhelming majority in both houses.[56] Therefore, President Nixon used the renewal of the 1965 Voting Rights Act as an underhanded way to advance the rights of a younger generation.

Although eighteen-year-olds could vote in federal elections and states could choose whether to decrease their voting age, only a constitutional amendment could guarantee a uniformly lower age for enfranchisement across the country. Just as the renewal of the 1965 Voting Rights Act provided a legislative loophole, the upcoming federal election of 1972 added pressure for such an amendment to be passed. After all, Nixon was running for re-election on the Republican ticket and risked defeat at the hands of the youth whom now had the right to vote and were expected to use that to the benefit of the Democratic party. By granting them the right to vote in state elections, he could significantly increase the democratic voting pool and hinder his chance for re-election. Aside from this, historian Alexander Keyssar states that having a varying age between presidential and state elections would have been "an administrative and logistical nightmare for state election officials."[57] This would require two voter registration processes in addition to separate ballot counting machines in elections that could cost millions of extra dollars. This was especially an issue because states would likely not have time to make these necessary financial and legislative requirements

before the 1972 election. Because of the spontaneity of the added clause to the VRA, congressmen failed to weigh these consequences.[58]

Faced with the pressing issue, many states favored the idea of a newly proposed amendment for simplicity's sake rather than their belief in the cause. Before the amendment was passed, only Georgia and Kentucky had a voting age of eighteen. The only other states with voting ages lower than twenty-one were Alaska at age-nineteen and Hawaii at age-twenty.[59] Despite these time pressures, however, and the fact that some states were already compliant with a lower voting age, two-thirds of both Congressional houses would need to approve the amendment, while "most informed sources expressed doubt that the measure would pass," according to *The New York Times*.[60]

Democratic West Virginia Senator Jennings Randolph finally took the Twenty-sixth Amendment, first approved by President Johnson, to the Senate on March 10, 1971. Contrary to all doubts, it passed the Senate with a unanimous vote. Less than a month later, the House had done the same, with only nineteen Representatives voting against it. After Congress's approval, state legislators cast their votes on the amendment taking into consideration the pressure of the upcoming presidential election and by the end of June, thirty-eight states had ratified it. With preexisting political demands from the Civil Rights Movement, student protests, and the fight against communism, the climate of the Vietnam War era created urgency for this legislation to pass with limited

discussion. For these reasons, the Twenty-sixth Amendment was passed faster than any ratification process that had taken place in the history of the nation.[61]

In addition to the climate of wartime, youth activism, and societal support for a lower voting age, the Vietnam era was shaped by the renewal of the 1965 Voting Rights Act and the 1972 presidential election that gave the Twenty-sixth Amendment the final push before becoming law. The Census Bureau estimated that an extra eleven million Americans between the ages of eighteen and twenty-one were enfranchised before the 1972 election, and that twenty-five million Americans below the age of twenty-five would be first time voters that year, representing about eighteen percent of the total electorate.[62] President Nixon's support for passing the amendment helped him win the race by a landslide, while maintaining uncompromising relations with Vietnam.[63]

Conclusion

After a long battle, the Twenty-sixth Amendment was able to pass with relative ease in the climate of the Vietnam War due to a variety of factors. The history of campaigns for voting rights dating back to WWII, a heated culture of successful youth protest movements, blossoming support for the cause within popular culture, and legislative loopholes that were unique to the era all played a role in passing the amendment. Young Americans were being conscripted into a war, which many believed should not have been fought to begin with, yet this could not stand alone in the battle to allow citizens under twenty-one to voice their political opinions as enfranchised

American citizens. President Lyndon B. Johnson had told Congress he hoped one day

that "young people are respected, that they are trusted, that their commitment to

America is honored and that the day is soon to come when they are to be participants,

not spectators, in the adventure of self-government."[64] While Johnson may have rolled

in his grave over America's great defeat in Vietnam, he may rest peacefully knowing

that these words ring true and that his drafted amendment had been ratified in a shorter

time span than the war itself.

Notes

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[3.] Scott Laderman and Edwin A. Martini, eds. *Four decades on: Vietnam, the United States, and the
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[4.] Brian VanDeMark, Into the Quagmire: Lyndon Johnson and the Escalation of the Vietnam War (New
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[5.] VanDeMark, xiii- xiv, 211.
[6.] Ibid. 213.
[7.] Ibid. 264.
[8.] Gary May, *Bending Toward Justice; The Voting Rights Act and the Transformation of American
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[9.] Cultice, 3, 4.
[10.] Ibid. 14.
[11.] Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*
(New York; Basic Books, 2000), 216, and Christopher Capozzola, *Uncle Sam Wants You; World War I
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[12.] Keyssar, 216.
[13.] Allan Winkler, *Home Front U.S.A.; America During World War II* (Wheeling, Illinois; Harlan
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[14.] Cultice, 20.

[15.] Fred P. Graham, "Again the Issue of the Voting Age," *The New York Times* (May 19, 1968); "Harnessing the Youth Tide, *New York Times* (Jun 30, 1968).

[16.] The National Archives Experience; Digital Vaults, *House Joint Resolution 354*, and Keyssar, 225.

[17.] George Gallup, Director American Institute of Public Opinion, *The Washington Post*, "Sentiment for Lowering Voting Age Gaining," (September 5, 1943).

[18.] Jo Freeman, *At Berkeley in the Sixties: The Education of an Activist, 1961-1965* (Bloomington; Indiana University Press, 2004), 25.

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[22.] May 4-5.

[23.] Fred P. Graham, "Again the Issue of the Voting Age."

[24.] Cultice, 115.

[25.] Isserman 163, and VanDeMark, 91.

[26.] Isserman 163, and Kirkpatrick Sale, *SDS* (New York; Random House, 1973)185.

[27.] Sale, 189.

[28.] Isserman, 175.

[29.] Ibid.

[30.] Isserman, 176, and Sale, 375-376.

[31.] Cultice, 98.

[32.] Ibid. 97-98.

[33.] Ward E. Elliot, *The Rise of Guardian Democracy; The Supreme Court's Role in Voting Rights Disputes, 1845-1969* (Cambridge; 1974, Harvard University Press), 141, and Cultice, 99.

[34.] Cultice, 134.

[35.] "Young Lobby Group Chided on Militancy," *The New York Times* (February 6, 1969).

[36.] Fred P. Graham, "Again the Issue of the Voting Age."

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[38.] Archibald Cox, "The Supreme Court, 1965 Term—Foreword: Constitutional Adjudication and the Promotion of Human Rights," *Harvard Law Review* (1966), 91, 107 and May, 206.

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[40.] David R, Jones "Johnson Submits Plan for Voting by 18-Year-Olds," *The New York Times* (June 28, 1968).

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[45.] Ibid.

[46.] Ibid.

[47.] Elliot, 141.

[48.] Ibid.

[49.] Cultice, 100.

[50.] Ibid. 101.

[51.] Keyssar, 225.

[52.] Cultice, 113-129.

53. Ibid. 115.
54. Cultice, 111.
55. Elliot, 142.
56. Ibid.
57. Keyssar, 227.
58. Ibid.
59. Fred P. Graham, "Again the Issue of the Voting Age."
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The Roots of a Revolt: 50 Years of Fugitive Slave Migration and the International Dimensions of the Stono Rebellion
Nadir Khan

"Stono's Place in the World": Introduction

> *"How it all start? Dat what I ask but nobody ever tell me how 100 slaves between de Combahee and Edisto rivers come to meet in de woods not far from de Stono River on September 9, 1739. And how they elect a leader, my kinsman, Cato, and late dat day march to Stono town, break in a warehouse, kill two white men in charge, and take all de guns and ammunition they wants… But they do it, wid dis start, and they turn south and march on."*[1]

The Stono rebellion has an important place in the history of slave revolts in North America. It profoundly disturbed the residents of South Carolina and sent the colony into a state of utter panic. Soon after the event, the South Carolina Assembly hastily passed the most repressive Negro Code in North America, which remained on the books until 1865. The administration declared a state of emergency as farmers abandoned their homes and fled to more easily defensible areas.[2] In an unprecedented act, a three-year moratorium on the Atlantic slave trade was also put in place.[3] Trade collapsed, and fear and paranoia prevailed. This was the only society on the continent with a Black majority population, where Blacks outnumbered whites by as many as 3:1 in coastal areas. A recent rice revolution had seen the exponential rise of the slave trade as well as the pressures and brutality placed on slaves. White society lived on the edge and feared for their lives.[4]

At the time, it was the largest rebellion that had occurred on the continent. Accounts indicate anywhere between sixty and a hundred strong.[5] Never had such a mass of slaves assembled and attempted escape and insurrection on this scale. And the damage, despite being local, was extensive. Had it not been for an incredibly fortuitous

turn of events that day, the rebellion could have succeeded, bloomed into a colony-wide uprising, and thrown South Carolina into a tailspin.

Yet, despite all this, the Stono rebellion stands alone among slave revolts for another crucial reason: its international implications. It represented a geopolitical battle between Spain and England for the North American Southeast. Relations had been tense for decades and the very weekend of the rebellion, word reached Charles Town that England was readying to go to war with the Spanish in what would be the War of Jenkins Ear.[6] Moreover, in the decades leading up to Stono, in a bid to weaken England, Spaniards in Florida crafted policies to both persuade slaves in South Carolina to flee to St. Augustine as well as to rebel. Tellingly, immediately after the Stono uprising, the English pointed the finger at the Spanish, and blamed them for the calamity that had just occurred. What followed was a swift invasion of St. Augustine.

Despite a dearth of primary sources, historians have managed to draw a detailed portrait of what occurred that day and in the weeks following. Thus far, analysis of Stono has tended to adopt a domestic viewpoint. As useful as this is, an international lens for examining the implications of the event has not received sufficient attention, despite the rebellion being steeped in international implications. How long had Spain been attempting to woo slaves? How did the policy develop over time and what impact did it have on the rebellion? What were English responses? As for question of law, did Castilian law address the emancipation of slaves? Was Spain obliged by international law or treaty agreements to return slaves? Could escaped slaves expect better treatment under Spanish law? These questions warrant an investigation through an internationalist approach.

This essay will examine the international dimensions of the Stono rebellion. Certain roots of the Stono rebellion lie in Anglo-Spanish relations in the five decades prior to the rebellion. The international legal implications of the event were anything but clear and differing jurisdictions of domestic law created an environment, which may

have contributed to the outflow of fugitive slaves as well as to the rebellion itself. The essay will begin by first exploring the events that occurred that day, then will proceed to an examination of the development of the Spanish fugitive slave policy and its geopolitical significance.

Lastly, an important note to preface the analysis is necessary. While close attention is paid to imperial relations between Spain and England as well as to law, it is important to articulate that the goal of this study is to contextualize the rebellion. As such, this account seeks to complement modern understandings of the event with international dimensions, which can both, enrich our knowledge of the years leading up to the rebellion and the rebellion itself, while also prompting further questions for the future. What this analysis does not seek to do is provide an explanation that overlooks the agency of those who were enslaved and were central to the revolt. Nor does this analysis seek to remove them from the center of what occurred. Despite the important international elements in the story of the Stono rebellion, it is the enslaved themselves that will forever remain the authors of that day. What follows is their story, humbly retold.

"A Bid for Freedom": The Events of the Stono Rebellion

It began as dawn broke on Sunday, September 9th, 1739, when twenty Black slaves gathered near the western branch of the Stono River in St. Paul's Parish, 20 miles from Charles Town, South Carolina.[7] The group stormed Hutchenson's store, robbed it of its weapons and ammunition, killed five Whites, and ominously left the severed heads of storekeepers Mr. Gibbs and Mr. Bathurst on the doorsteps.[8]

After the raid on the store, the group headed south. Led by a slave, most likely named "Cato" (though possibly named "Jemmy"), the group soon reached Wallace's tavern.[9] Here, they spared the innkeeper, believing that he was a "good man and kind to his slaves."[10] His neighbours, Mr. Lemy and his wife and child, did not share the innkeeper's fate as they were killed and their homes set ablaze. By now it was clear that

the group was headed down Pons Pons Road. This main road led to Georgia and eventually, further south, to St. Augustine in Spanish Florida. After the inn, the violence came thick and fast. Colonel Hext's home was burnt while his overseer and wife were killed.[11] Four other homes were raided thereafter. All inside were killed and the rebels left little but a trail of flames. Along the way, a man named Bullock eluded them, nevertheless his house was set aflame. Meanwhile, as the group marched on the home of a certain Thomas Rose, ready to claim his life, Rose's slaves managed to hide him (for which they would be later rewarded).[12] After some hours had passed of burning and pillaging, the rebels marched confidently forward beating drums and shouting "Liberty!" with either a flag or a banner raised (accounts vary).[13] The group was well on its way to success and freedom. Until this point, twenty-one whites had been killed and 15 miles had been covered, until a shocking twist occurred.

The crucial turning point of the rebellion and the saving grace of the colony saw coincidence and luck converge. The Lieutenant Governor of South Carolina, William Bull, was returning on horseback from the southern County of Granville to Charles Town, when he crossed paths with the rebel group at around eleven o'clock in the morning. Seeing the group, now approximately numbered at close to fifty or sixty, Bull grasped the magnitude of the situation and quickly turned around to flee. He immediately headed to the nearest church (it being Sunday), Rev. Stobo's Presbyterian congregation at Wiltown, to alert the first white colonists he could find.[14] Rather than cross the Edisto River and continue south, the rebels decided to stop in a field at Jacksonburough Ferry. The rebels likely stopped due to a combination of fatigue, confidence, and the desire to recruit more slaves to their cause.[15] While, some were also intoxicated on stolen liquor, during the pause the group began dancing, rejoicing and beating drums.[16] This pause in the march would soon spell disaster, as by around four in the afternoon Bull and a militia of close to a hundred planters had quickly assembled and caught up with the rebel group.[17] Taken by surprise, chaos ensued as some slaves

frantically loaded weapons and others attempted to escape. Despite fighting bravely, the militia overwhelmed the group. Upon seizing the rebels, planters released those who admitted to being forced to join the rebellion against their will.[18] Others were shot and killed, or briefly questioned and then killed. Those who remained suffered the gruesome fate of having their heads severed and set up at every mile post the planters came to.[19] In the maelstrom of the grisly battle, thirty rebels managed to escape, a few of whom were tracked down and killed thirty miles south of Charles Town in an intense manhunt that followed in the days after.[20] One account from Georgia reveals that ten Stono rebels were sighted as late as September 26th near the Georgia border.[21] It would not be until 1742 that the leader Cato would be apprehended and killed.[22] Finally, after a day filled with a flurry of activity, the most unlikely series of events, and the deaths of twenty-one Whites and forty Blacks, the Stono rebellion was successfully stamped out and came to an end.

What would the outcome have been had the revolt been successful? The event is still the focus of many inquiries that seek to understand what really drove the rebels to revolt and how it was planned. The record is devoid of any lasting primary source in the voice of a slave participant. Despite the cloudy nature of historians' understanding of the rebellion with respect to gender, religion, and precise timing, we are able to sift through eyewitness accounts in the context of larger continental questions. Some have wondered what effect the Kongolese heritage of the slaves at Stono would have had on their ability to proficiently handle weapons. Others have pondered the role of gendered divisions of labour in the lowlands. Timing and religion have also been examined closely. However, due to the historical record lacking any slave testimony, the exact motivations of that day that will remain unknown. Instead, historians are left to piece together what is left.

"Spaniards Upon Diverse Pretences": A Geopolitical Struggle for the North American Southeast

Despite the drama of the events that unfolded that day, the story of the Stono rebellion begins 52 years earlier with the complex and developing Spanish fugitive slave policy.

After the rebellion, accusations came quickly. The official report following the Stono rebellion declared, "with indignation we looked at St. Augustine that Den of Thieves and Ruffians! Receptacle of Debtors, Servants, and Slaves! Bane of Industry and Society!"[23] To many, it was clear that Spain was to blame for the near calamity that had just taken place. The report continued to explain "that the Negroes would not have made this Insurrection had they not depended on St. Augustine for a Place of Reception afterwards was very certain; and that the Spaniards had a hand in promoting them to this particular Action there was but little Room to doubt."[24] By and large, South Carolinians were right. Spain had in fact been luring slaves in South Carolina to St. Augustine, through a variety of policies that included the promise of freedom for fugitives. The policy developed in fits and starts, and somewhat sporadically, yet always had the ultimate imperial aim of weakening England's hand in the North American Southeast.

The lonely and sparsely populated outpost of St. Augustine in the 1680s is where the true roots of the Stono rebellion are to be found. With a meagre population of approximately 1,444, St. Augustine was something of an afterthought in the larger Spanish colonial project in Latin America [25] – though after the establishment of South Carolina in 1670, Anglo-Spanish tensions had already begun to form.[26] Yet, in 1687 a bizarre and unique situation thrust upon Spain the need for a fugitive slave policy. That September, eleven fugitive slaves from South Carolina–eight men, two women and an infant–first arrived at St. Augustine.[27] These were the first known slaves to reach St. Augustine from South Carolina. Understandably, Governor Diego de Quiroga was unsure of what to do with them. Were they now Spanish property? Were they free? After

some deliberation, it was decided that the slaves would be put to work, for which they were paid, and provided with Catholic instruction.[28] Later, when an English agent came to St. Augustine, demanding the slaves be returned, there was more confusion. Quiroga communicated with Spain to determine an appropriate course of action.[29] Ultimately, they were kept, while the aggrieved slave owner was promised compensation, which he never received. [30]

On November 7th, 1693, King Charles II issued a Royal *Cédula* (order-in-council) not only clarifying the situation in 1687 – by setting the eleven slaves free – but also by encouraging St. Augustine to "give them anything they need, and favor them as much as possible."[31] This would become the first major plank in the Spanish fugitive slave policy to spur slave migration from South Carolina to St. Augustine. Critically, King Charles II revealed the purpose behind his generosity, explaining that: "I hope them to be an example, together with my generosity, of what others should do."[32] Despite, being formulated *ad hoc,* Spain had articulated a policy on runaways in the Southeast for the first time. Yet would St. Augustine grant asylum to all escapees from South Carolina? For the moment, it was unclear.

At the time, the Spanish were highly aware that the South Carolina plantation economy was completely reliant on slave labour. By offering runaway slaves freedom and drawing them out, South Carolina could be destabilized, as could the English grip on the southeast, This would serve to impede the English in the larger imperial struggle between the two nations. However, the *Cédula* explicitly freed only those eleven slaves. It was silent on what treatment for subsequent runaways would be.

Despite the clear international implications at play, these enslaved people were not "pawns of international diplomacy."[33] After all, before the promise of Spanish freedom could be made good, an arduous journey from Charles Town awaited.[34] Additionally, the presence of Catholicism in Florida was also a key attraction for runaways.[35] The agency of these slaves should not be so quickly dismissed or forgotten.

The decision to flee was a significant one. A runaway slave was ultimately engaging in a highly risky and profoundly brave act of self-determination. There is perhaps no greater action a slave could take that would put their destiny so firmly into their own hands. Indeed, subsequent events at Stono would reveal this agency even further.

A steady trickle of runaways continued to flee from South Carolina to St. Augustine in the years following the Royal edict. Patrick Riordan reports that in 1688, 1689, 1690, 1697 and 1724, slaves arrived at St. Augustine petitioning for freedom.[36] Seeing that their initial efforts to woo slaves was working, Spain ramped up their policy to further antagonize England. Raids on South Carolina were orchestrated by Spain and carried out with increasing frequency by not only Natives but, both crucially and ironically, by fugitive slaves from South Carolina, who upon arriving at St. Augustine were promptly enlisted in Black militias and sent back to raid the plantations of former owners and to free friends and family from bondage.[37] Yet, to make matters more complex and dangerous for runaways, the southeastern region was plunged into warfare during this period. Spain and England clashed in Queens Anne's War (1702-1713) while the Yamasee War (1713-1715) took a heavy toll on South Carolina. Significantly, during the Yamasee War, Spanish Black militias fought the English and helped to defend St. Augustine.[38] Yet overall, given the instability and danger during the period of warfare, runaways to St. Augustine temporarily declined.

A series of events occurred in the 1720s that inflamed Anglo-Spanish tensions and tested the somewhat haphazard Spanish fugitive slave policy. First, the fallout of discovering and foiling a potentially immense slave insurrection, in 1720, gripped South Carolina. Described by officials as "wicked and barbarous" with the "designe to destroy all whites…and take the town in full body"; the threat was real.[39] The potential of the insurrection was serious enough for the Board of Trade to report that it would have led to a "revolution."[40] With St. Augustine luring more and more slaves and local unrest growing, South Carolinians were on high alert. In response, the Assembly quickly

assembled a joint committee to explore recent events and suggested higher rewards for capturing fugitives. [41]

While the English managed local unrest, Spain was attempting to come to terms with its own policy. In 1722, contradictions arose in Spanish Espanola. Parallels to South Carolina were to be found as slaves from French Haiti repeatedly fled to Spanish Espanola. After the French ambassador at Madrid demanded slaves be returned, the Council of Indies (the primary governing body of Spanish colonies in the Americas) decided to return those who could be easily found in order to maintain good relations with France. Those runaways who were too costly to pursue (some had fled to the mountains) would be allowed to stay.[42]

Realizing that this contradicted with the 1693 proclamation, the Council later turned to its crown attorney to clarify the legalities of what their policy should be for all their colonies. Many parameters were considered, such as granting freedom based on religious conversion, imposing the financial burden of paying the English on slaves (by working off their purchase price), what actions to take on those who refused to convert, the state of the Florida treasury, the humanitarian concern of sending slaves back to the English (and presumed death), as well as the need for consistency with the St. Augustine precedent in 1693.[43] Ultimately, no final decision was rendered. These deliberations make clear that the Spanish policy was effectively developing as it went along. Though there was a broad goal that the English in South Carolina needed to be undermined; answers on how exactly that would be achieved, and what by what means, were very much fluid and ever-changing at Madrid. Adapting to context, and reacting to situations as they arose, the guiding principle of the Spanish fugitive slave policy up to this point was most certainly a healthy mixture of improvisation and anti-English sentiment.

The spring of 1725 saw the arrival of seven more slaves from South Carolina requesting refuge and seeking conversion. Given that Madrid seemed happy to deal with the issue on a case by case basis, Governor Benavides hesitated on what course to follow

next.[44] After writing to Madrid, he sent officials to Charles Town to offer Governor Nicholson repayment for the runaways. Nicholson, feeling lowballed, angrily rejected the offer and threatened war if the slaves were not returned.[45] The incident demonstrated disconnect between the reality on the ground in Florida and the indecision and ambiguity in Madrid. When consulted for direction, the Council noted that it could be interpreted that runaways had actually committed a theft of themselves, thus justifying return. Ultimately, however, the Council advised not to return the slaves.[46] Here the Spanish were becoming cognizant of the legal situation. What was the precise status of the enslaved? Was it legal to harbour them? Or were they justified in keeping them on humanitarian grounds? These questions were scarcely considered in any significant depth by Spain. Nor were the answers clear, as will later be demonstrated.

In South Carolina, Governor Arthur Middleton was utterly exasperated at the situation. He turned to London, sending a bitter letter of complaint about recent events in the colony. Middleton accused the Spanish of "receiving and harbouring all our Runaway Negroes [and finding] new ways of sending our own slaves against us, to Rob and Plunder us…with Partys of Indians from St. Augustine to Murder our White People, Rob our Plantations and carry off our slaves."[47] By now, all involved were well aware of what Spain was up to. In a maddening twist of irony, English slaves were not only escaping into Spanish clutches, but were returning armed and vengeful. Again, this experience for Blacks would have been marking. Spain not only represented freedom, but a form of dignity, agency, revenge and the possibility to free others.

Middleton's letter also reveals other details about the Spanish policy; writing that four dozen Yamasees had been sent to South Carolina, with the promise of remuneration, for returning with "English scalps" and "live negroes."[48] No longer were the Spanish spurring runaways by simply dangling freedom, now Natives were deftly being enlisted to actively steal slaves and cause unrest in South Carolina. Fed up with the raids, Colonel John Palmer responded with a raid of his own on St. Augustine in 1728. Here,

Blacks were again used to defend the city, some even rising up in the military ranks.[49] Pleased with their fighting and bravery during the raid, Governor Benavides freed those who fought off the English and even abolished the slave market at St. Augustine.[50] Benavides then suggested to the Council of Indies that the fugitives be used further and sent north to foment more revolt in South Carolina.[51] In a way, Benavides' eagerness to push the fugitive slave policy forward was emblematic of local circumstances and actors helping to drive decision making in Madrid.

The 1730s was a decade of culmination for the Spanish fugitive slave policy. Having evolved considerably since the Royal *Cédula* of 1693, it was now beginning to bear fruit. Building on the initial promise of freedom, former slaves were now enlisted in raids alongside Natives. However, a clear, formal and long-term vision on the fugitive slave situation in the southeast was still lacking, and aspects of the policy were still unclear. For one, the *Cédula* of 1693 had only granted freedom to those eleven particular slaves. Aside from "hoping" that others would follow, there was still no formal commitment by the Spanish crown that all fugitive slaves would be granted freedom. Additionally, what was St. Augustine to make of the French Haitian precedent? Confused and worried about the possibility of war while observing the continuous flow of runaways arriving, Governor Benavides repeatedly demanded answers from Madrid on the policy going forward.[52] Though, he was asking a question that Madrid could not answer for itself just yet.

Meanwhile, South Carolinians had their hands full as the problems of fleeing slaves intensified. Slaves fled not only south to St. Augustine but also west into Native country, within the colony itself, and east out of the Charles Town harbour.[53] At the same time, the Black majority grew ever larger as annual slave importations nearly doubled between 1726 and 1738, from 1,751 to approximately 2,500.[54] In part as a response to the infuriating Spanish policy, the English established Georgia in 1732 to create a buffer zone between South Carolina and Florida. The establishment of Georgia accompanied a

most telling decision to ban slavery. The decision spoke to both the generally hapless state of the English and the mass southern exodus of English slaves. Realizing the inevitability of slaves fleeing south, the ban was instituted because it was deemed simply not worth the trouble of reliving the flight of slaves all over again in Georgia.[55] William Stephens, the colonial secretary of Georgia, begrudgingly remarked that slaves "would march off when the pleased...under that strong temptation of the Spaniards."[56]

This decision indicates just how frequent runaways to St. Augustine had become. Seen in this light, the aim of the Stono rebellion, to get to Spanish Florida, was in fact not a novel idea at all. Not even a recent one, for it had existed for decades. The journey to Florida would have been common knowledge to South Carolina's slaves, one that so many of their own had attempted, albeit with varying degrees of success. Equally, planters would have also been intimately aware of the stream of runaways. After all, the pages of the *South Carolina Gazette* were teeming with advertisements seeking these slaves.[57] Moreover, the Anglo-Spanish feud in the southeast had stemmed directly from the dispute over fugitive policy. More than a simple nuisance, the Spanish policy was an immense source of frustration for the English. The establishment of Georgia shows that the British were adapting to an issue they now considered a fact of life in the southeast.

Nevertheless, the Spanish pressed forward still. King Philip V issued two watershed Royal *Cédulas* in 1733 that rocked the region. This moment is yet another that contextualizes the Stono rebellion. In his decrees, King Philip reiterated the Spanish offer for freedom to English fugitive slaves, prohibited any future compensation to the owners of fugitives, and instituted a four-year indenture requirement to the crown before granting freedom.[58] Spain had finally taken a definitive stance, which provided certainty and guidance on the issue to colonists in Florida. This act would be cited repeatedly after the Stono rebellion and would contribute to much of the hatred and disdain between the two nations. In a way, the decree simply formalized what had already been occurring in recent years, along with some additions, such as the four-year indenture. It was

eventually put into effect in 1738 when 69 fugitives from South Carolina, citing the decree, successfully petitioned for their freedom.[59]

Only a year before the Stono Rebellion another critical development took place in the Spanish fugitive slave policy. In 1738, approximately 2 miles north of St. Augustine, an all-black Fort, known as Pueblo de Gracea Real de Santa Terese de Mose (also known as Fort Mose or Fort Negro) was established. This dedicated fort for fugitive slaves, has tended to only receive a cursory glance from historians. Most analysis has focused on its role in acting as a first line of defence against the British colonies. This follows a narrative of magnanimous Spaniards throwing an extra crumb of freedom to beleaguered fugitives, with the true intent of having an outpost to secure themselves against the British. This narrative is reinforced with the gratitude demonstrated by the first Blacks at Fort Mose, who, upon being granted the fort, professed to be "the most cruel enemies of the English" and to "spill their last drop of blood in defense of the Great Crown of Spain and the Holy Faith."[60] Additionally, the Spanish name of the fort does roughly translate to "gift" or "grace from the king". Yet, this Spanish-centric benevolence narrative that pervades discussions of Fort Mose completely misses three critical points: what the Fort meant to *Blacks* rather than Spaniards, the agency of fugitive slaves from South Carolina, and the true cause of the fort's establishment.

For one, Fort Mose represented an exclusively Black space. The whole concept was new as well, given that it was the first legally sanctioned free Black community in North America. As such, a shared space and community in which Blacks were free would have been a radically different environment to former slaves who had experienced the harshest work on plantations in South Carolina.[60] Fort Mose was thus a refuge. Not only for physical security and respite, but for psychological well-being and peace of mind. Moreover, Blacks could now openly commune with each other without the fear and distress that came with communicating in a slave society. Language, music and culture could be shared openly. Religion could also be practiced, with less rigid oversight from

Spanish or English forces. This is notable given that Africans rarely "accepted Christianity wholesale."[60] A variety of beliefs and practices ranging from magic, to new conceptions of a supreme being, to expressive religious behaviour could be practiced openly and with greater freedom.[63] Families, reunited from South Carolina, could live together again in circumstances that they would have likely never imagined. It goes without saying that there were instrumental motives for Spain in establishing the fort.[60] Still, the Fort also meant a great deal to Blacks.

Fort Mose also offered great agency. First, their role as defenders of the city would have resonated powerfully with newly freed Blacks. Where they were once simply being sent out on raids, they were now entrusted with protecting St. Augustine. This was a distinctly elevated role from South Carolina, but also from the conditions fugitives at St. Augustine had felt since 1687.[60] Second, the role of dress would have had an impact as well. They would be wearing some rudimentary type of uniform at Fort Mose. Being clothed constituted an improved status. It would have given Blacks new meaning and purpose they had not felt before. Finally, an issue that has virtually been completely ignored by historians, Blacks at Fort Mose would have been armed. Wielding a weapon, which represents nothing less than the power of self-defence and the assurance of physical security, would surely have been a transformative experience. The fear of stinging strikes of the lash had made way for the confidence that came with the weight of a rifle slung over one's shoulder. Many slaves would have repeatedly seen overseers or planters with weapons holstered, the constant and ever present threat of violence never far away. In a near complete role reversal, Blacks at Fort Mose now held in their own hands the very weapons they had feared for so long. For all these reasons, Fort Mose offered extraordinary agency to Blacks.

Lastly, the benevolence narrative which surrounds Fort Mose overlooks the true cause of the fort's establishment. Five decades of slaves had been willing to take the risk to journey from South Carolina, and this migration pattern had forced Spain to develop a

policy in response to it.[60] Had slaves not so consistently made this journey, there would not have been any fort. Ultimately, this was their fort and runaways were the true source of its establishment. Their acts had given rise to a situation Spain had never faced before, rather than being an act of benevolence, it was simply a reaction to the determined and instigating force of decades of runaways to St. Augustine. If Fort Mose belonged to anyone, it belonged to runaway slaves from South Carolina. In 1739, the year of the rebellion, the southeast was marred with instability and extremely high tensions between the Spanish and English. Early in the year, the South Carolina Assembly established a committee to respond to the "encouragement lately given by the Spaniards for the Desertion of Negroes from this Government to the Garrison at St. Augustine."[60] In addition, a variety of efforts were energetically being pursued by the Assembly to stem both local slave unrest as well as the flow of slaves to St. Augustine by land and sea.[61] However, disaster struck when, soon after a wave of smallpox, a yellow fever epidemic broke out in the late summer that ravaged the colony. The epidemic left the colony in a "deplorable state"; shutting down the legislature, killing half a dozen a day, halting printing at the *Gazette* for an entire month, while also claiming the lives of several notable officials, including the chief justice.[62] With the colony and planters severely weakened and distressed, a window of opportunity was opening up.

Amongst the turmoil of that year, Spanish mischief was also afoot. William Stephens, colonial secretary of Georgia, scribbled in his diary on July 29, 1739 that a person who claimed to be a Jewish priest "had been skulking in Town [Savannah]" during that evening.[63] The mysterious individual was promptly hauled before the courts and quizzed on his business and country of origin.[74] After claiming to be from Germany, there was a feeling that "his Complexion [was] not agreeing with that Climate."[63] Then, after sifting through his belongings, "he confessed himself born in Old Spain" and "there was sufficient reason for suspecting strongly that he was no better than a Spy."[63] The spy was then taken into custody and put in jail. Stephens' eye-opening entry speaks to the

climate of paranoia, tension and scepticism of that year. That the individual's face could be the only reliable source of determining his origin demonstrates mistrust, fear and doubt. Though the exact business of the shadowy individual was unclear, he was most certainly a spy acquiring intelligence for Spain and was potentially seeking to foment rebellion as well. The Spanish continued in their efforts to undermine British colonial administration during this period. Indeed, Spanish spies were neither a rare occurrence nor a new one. According to an unknown account, possibly written by General James Oglethorpe, "several Spaniards upon diverse Pretences have for some time past been strolling about Carolina."[63] Spies were sent by the Spanish strongholds in the region, and anecdotal evidence such as this, while murky, indicates that this was a noteworthy phenomenon for British observers. Unfortunately, this account does not specify exactly what the "pretences" of the spies were, nor when they first appeared or in what numbers. Still, it does reveal that the Spanish policy had now morphed into an extensive operation. Actively recruiting slaves and sending clandestine emissaries north was a far cry from refusing to return slaves, issuing bold *Cédulas*, and conducting proxy raids. It is possible that this strategy was pursued by Spain not only to spread the word of Florida as a safe haven (though this hardly needed advertising), but also to simply add to the anxiety and sense of unease already so prevalent in South Carolina. In any event, espionage was clearly a distinct part of the policy that demonstrated the lengths to which Spain was willing to go in order to destabilize England in the southeast.

By the 1730s, the Spanish had grown more confident in the region. That same July, another dubious encounter occurred. A man named Don Piedro of the Spanish navy led a launch of "twenty or thirty men" to Charles Town with the alleged goal of delivering a letter to General Oglethorpe.[64] Yet officials in Charles Town were bewildered at Piedro, who had overshot Oglethorpe's residence at Frederica, Georgia by 120 nautical miles. Surely, Piedro "could not possibly be ignorant" to this fact, remarked a report.[65] Most worryingly of all, upon his return Piedro was "seen at Time to put into every one of our

Inlets on the Coast."[65] Spanish espionage was occurring both by land and sea and growing bolder by the minute. It is possible that Piedro and his launch had sought to simply steal slaves directly from Charles Town. This new boldness speaks to Spains's growing sense of confidence in the southeast by the 1730s. Moreover, the anxiety on the British front was palpable. After years of raiding, runaways, provocative declarations, and now, spying, Anglo-Spanish relations reached a breaking point. Meanwhile, England was preparing for war with the Spanish, in what would be dubbed the War of Jenkins Ear. In fact, news of the war being declared reached South Carolina the weekend of September 8th. It is here, as tensions reached a fever pitch, that the Stono rebellion broke out.

Immediately, a flood of anger washed over the colony. The British, with their worst fears realized, were incensed and put the blame squarely on Spain. William Stephens recalled the mysterious man discovered that July, explaining the "it fully appeared, that securing that Spaniard some Time ago was not upon a groundless Suspicion, for it is more than probably, that he had been employed a pretty while, in corruption the Negroes of Carolina."[65] Stephens was certain that the enslaved people would not have rebelled "had they not depended on St. Augustine for a Place of Reception". He added "that the Spaniards had a hand in promoting them to this particular Action there was but little Room to doubt."[65]

Lt. Gov. Bull, who produced the only first-hand account of the rebellion, explicitly cited the 1733 Cédula and described a "rupture" in relations with the Spanish.[66] Moreover, he underscored the imperial significance of the event, directly referring to the potential for war.[67] In his private correspondence, one resident of Charles Town hoped for "effectual methods for the taking of St. Augustine."[68] In response, General Oglethorpe launched a partly successful siege on St. Augustine and the Black-governed Spanish edifice Fort Mose while also adopting a host of preventative measures.[69] Yet the

damage was done. After a 52-year geopolitical struggle in the southeast centered on the question of fugitive slaves, relations had indeed "ruptured".

"Jus Gentium": Runaway Slaves, the Stono Rebellion and International Law

International law in the late 17th and early 18th centuries was by no means a clear and simple matter. Indeed, attempting to apply then established precepts of international law to the southeastern fugitive slave phenomena is a problematic endeavour. First, the period between 1687 and 1739 was an amorphous time for international legal scholars. Thinkers were still coming to terms with Hobbes' *Leviathan* (1651), while the field of international law was still emerging and expanding. Hugo Grotius, Samuel Pufendorf, Richard Zouche, Samuel Rachel, Corenlis Bynkershoek and Christian Wolff, among others, were driving the field forward with varying interpretations on the all-important questions of what the law of nations and nature should be. Yet, the emerging nature of the field also meant that the international legal framework was unclear. Before Emerich de Vattel's opus *"Le droit des gens"* (law of nature and nations) and William Blackstone's *Commentaries on the Laws of England*, expertly consolidated the work of their contemporaries, in 1758 and 1765, respectively, there was hardly an authority or comprehensive source for international law. This forces those searching for answers to look to the foremost legal theorists and jurists for guidance on the subject. Due to the relatively limited scope of this essay, only select work from Christian Wolff and Samuel Pufendorf will be examined. In addition, international law had several sources such as treaties, informal agreements, and conventions all with varying degrees of enforcement. These issues will be discussed in order to further determine the international legal dimensions of both the Spanish fugitive slave policy and the Stono rebellion.

Christian Wolff (1676-1756) was indeed a foremost legal theorist and most certainly a product of the Enlightenment.[70] In publishing his *Jus Gentium Methodo Scientifica Pertractatum* (The Law of Nations Treated According to the Scientific Method) in 1743, he attempted to "create a connected system out of the scattered fragments available" in

international legal theory.[71] Wolff's work, which is similar but distinct from Pufendorf, offers several passages that illuminate the international legal implications of the waves of migration from 1687 through to the Stono rebellion. Of particular interest are his descriptions of returning and confiscating slaves as well as his writing on seizing slaves to satisfy claims, the use of deceit during warfare, and capturing and carrying slaves through peaceful territory. Overall, however, applying the law that Wolff provides to the facts of the events in the southeast produces an unclear and at times contradictory international legal explanation.

On the duty to return property after peace is established, Wolff explained that "if there has been an agreement in a treaty of peace that all things are to be restored to the position in which they were before the war, moveable property is not included under things to be restored."[72] Wolff's provision clearly refers to slavery.[73] However it raises further questions; what if the slaves escaped on their own accord, as in the southeast? Notably, what provision applied outside the time of war? Wolff was silent on these questions. Still, by carving out a specific exemption on the duty to return slaves after war Wolff lent a certain dose of credence to the actions of the Spanish. This is further clarified by his statement that "if nothing has been expressly determined concerning the restitution of certain movable property, the contracting parties are understood not to have thought of it."[73] According to Wolffian international law, there was basis for refusing to return captured slaves after war. It is certainly possible, that among all the intermittent warfare, Spain felt they were right in doing so.

On confiscation, Wolff explained, "moveable property of an enemy in one's own territory could be confiscated, within the limit of his debt and the penalty, by one who is waging a just war."[73] Wolff qualified this by writing "beyond the limit of the debt, within which is also included what is due as a penalty, captured property is to be restored at the end of the war."[73] This interpretation ties closely to the fugitive slave question. Confiscating slaves who entered Florida of their own volition, could easily

have complied with Wolffian standards. Given Wolff's vagueness, the Spanish would simply have had to claim that they were waging a just war. This could potentially be done outside of the periods of formal war which took place in the southeast, by claiming that Spain was in a perpetual "just" struggle with England. Though he set a limit, Wolff allowed states to determine themselves what an appropriate penalty was, thereby effectively removing any limit on the provision.

Wolff also wrote on seizing property to satisfy just claims. His interpretation supported England's grievances and responses under international law. Discussing the "Methods of settling controversies of nations", and critically not the rules of war, Wolff wrote that any nation was entitled to take away any goods of the citizens of another state if "it cannot obtain its property, or that of its citizens, from another nations which detains it."[73] This would have justified not only English claims, but also the raids led by Palmer and Oglethorpe on St. Augustine. However, another clause of Wolff's passage could have been interpreted as sanctioning Spain's actions of withholding and even carrying away slaves. Wolff's basis for justifying seizure to satisfy a claim was expansive. In addition to simply retrieving stolen property, it included "anything which is due to [the aggrieved nation] in any other way" and an enemy nation "refus[ing] to do justice to its citizens or nation" as reasons to seize an enemy's property. This highly retributive provision could have been interpreted as granting Spain the ability to steal English slaves, based on the expansive grounds Wolff provided. Essentially, the English could have aggrieved Spain in "any other way" outside of wartime and Wolffian international legal theory would have permitted Spain to carry away English slaves as retaliation. Taken together with Wolff's provision on capturing slaves during wartime, it is possible to have justified Spain's actions throughout the execution of its fugitive slave policy.

On the use of deceit during warfare, which links closely to Spanish spying, Wolff justified it fully and even encouraged it. Not only was "deceit allowable in war", but, "if

things to which the belligerent has a right…can be obtained by deceit for securing, which would otherwise be need of force, one must use deceit."[73] Here the only hurdle for Spain would have been to establish a right to English slaves, which could potentially have been established under the seizure provision mentioned above. Given that preparations for the War of Jenkins Ear had commenced in the summer of 1739, Spain's furtiveness was not only complying with international law but was also in harmony with its very spirit of promoting deceit in place of force. Even further, Spain may have felt it had a duty under Wolffian law to use deceit in place of force.

There is a final provision of interest that Wolff provides, which closely relates to fugitive slaves before the establishment of Georgia in 1732: carrying property through peaceful or neutral territory. Wolff writes, "it is not allowable to capture enemies or the property of enemies in peaceful territory."[73] Here, the status of Georgia before 1732 is relevant, as a large portion of fugitives had fled prior to 1732. Before the establishment of Georgia, the area was loosely under the control of the Spanish, but only in the most nominal sense. It was effectively a sort of no-man's land. Could the English have cited this in order to demonstrate Spain was carrying slaves though neutral territory and thereby violating international law? It is possible. Furthermore, it is important to determine who was doing the carrying or stealing. Was it the case, as under the somewhat perverse interpretation offered by the Council of Indies, that slaves were stealing themselves? Was this not a contradiction in law? Yes and no. Under domestic English slave law, despite having no legal personality, slaves could most certainly be defendants in criminal actions.[73] At once, they were a non-being in the eyes of a law yet could still be held liable to a crime (such as theft or escape). On the other hand, domestic law in Spain leaned closer to granting slaves legal personality through liberal manumission policies, peculiums, and a right to legally enforce agreements with masters.[73] If it was the case – legally speaking – that slaves were stealing themselves, then international law, as described by Wolff, would have been silent on the issue.

Given that no state was involved in the theft of the enslaved, Spain could not be held liable. Spain was simply benefitting from a vacuum in international legal theory. In Wolff's eyes, the domestic criminal legal system would have been a more appropriate forum for this sort of a grievance.

Samuel Pufendorf in *"Of the Law of Nature and Nations"* (1703) made a similar intervention into the theory of international law in this period. Where Wolff believed both in the idea of a law of nations, as well as a body of positive law, or treaties, to bind states together, Pufendorf did not. Pufendorf believed that dividing natural law and law of nations was wrong, because, in his view, they were essentially the same. This meant that there was no voluntary or positive law of nations. Essentially, the natural law of nations took precedence over any obligations states had under written treaties or agreements.

Under Pufendorf's conception of international law, there was both a much wider ability to steal the property of other nations during war and a wider range on how much could be taken. Pufendorf explains that in addition to recouping the expenses of the war, nations were entitled to "anything else, which he thinks it necessary to secure further to himself."[73] In addition, the duty to return property is virtually non-existent in Pufendorf's conception. He explains that the ownership of stolen property during war continues "until the old Proprietor, and whenever he is strong enough, may justly struggle to recover it."[73] The onus thus remains on those who lose property to successfully retrieve it. It is worth noting that Pufendorf's view of property in this provision is general. It does not explicitly refer to moveable property, and thus slaves, but rather captures a wider array of things that can be conceived as property. In this way Pufendorf is less precise than Wolff. In relation to the Stono rebellion and the Spanish fugitive slave policy, Pufendorf's views seem to potentially legitimize the acts of Spain, at least during times of war. Again, it is difficult to determine how exactly international law would have applied because there is a large and ever present element of subjectivity.

For instance, according to international law, was Spain at war when it declared so? Or could it be in war by virtue of a declaration of another state? Or, was there an acceptable international standard of being at war that be applied fairly and objectively? It is important to note these questions because whether or not Spain and England were at war determined what provisions of international law applied. Yet, it is clear that international law in the 17th and 18th century offered little in the way of clarification. In many ways, it offered just the opposite.

The next source of international law worth investigating is the Treaty of Utrecht (1713). This was the most recent treaty that bound and regulated relations between England and Spain prior to the Stono rebellion. The treaty dealt with the importation rights of slaves, as Spain granted Britain a 30 year *Asiento*. This designated monopoly allowed the British South Sea Company to supply 4800 slaves annually to designated ports in Spanish America. In exchange, the Spanish crown received £34,000 a year and the right to inspect cargo.[73] Though the treaty did not deal with the specific issue of fugitive slaves, it did provide that there "should be a Christian and Universal Peace between the two countries."[73] The question to be asked is; to what extent this "Universal or Christian peace" apply to the issue of runaway slaves in the North American southeast? In one sense, this peace could have been maintained despite the runaways that arrived at St. Augustine. As the vast majority escaped South Carolina on their own accord, there was no violence as such. Moreover, did creating favorable conditions to lure slaves constitute a breach of a "universal and Christian peace"? Was it not Christian to harbor and protect slaves from danger? Again, it is difficult to say with precision and certainty. A "Christian peace" was more of a mutual understanding of acceptable norms of behavior rather than a concrete rule. Its enforcement was virtually impossible and it was binding only in the loosest sense: that is, to the extent that states desired to abide by its principles.

The analysis thus far reveals that ambiguity in international law during the 17th and 18th centuries was more than just prevalent, but rather, was inherent. The fundamental problem was that there lacked anything close to a global agreement that could regulate different jurisdictions. Instead, a patchwork of treaties and agreements formed the body of international law. Events that occurred in this legal space, like the southeastern runaway phenomena, were thus governed by ambiguous international rules, if indeed they were governed at all.

If there was one international legal document, however, that could be considered to have global application and recognition, it was the Treaty of Westphalia of 1648. Rather than an actual treaty, the Treaty of Westphalia, which brought the 30 Years War to a close, was in fact a combination of treaties and agreements: notably, the Osnabruck and Munster treaties of 1648.[16] Heralded as the birth of the sovereign state, it enshrined the principles of formal state sovereignty and non-interference.[73] If 17th and 18th century international law could be separated from any geographic context and distilled down to its most basic form, these two principles represented the core. It must be said it is a blunt way of examining the issue at play but it does provide some insight.

Under the Westphalian model of the state, the Spanish policy in the southeast was both lawful and unlawful. Raids and frequent spaying would have been deemed a gross violation of national sovereignty and non-interference. Raids conducted by fugitive slaves and Natives would be more complex, as these parties could be considered non-state actors or third parties. However, when it came to the royal proclamations or refusing to return slaves, Spain's actions could have been considered lawful from a Westphalian perspective; Spain was ultimately not carrying out any positive interference or actions that harmed England. In fact, they were doing just the opposite. Receiving slaves was a passive act. It did not violate the Westphalian principles that prohibited positive acts of encroachment. As for Spain having a hand in the Stono rebellion, it would be hard to assign blame under principles of state sovereignty. Westphalian

principles indicate that the rebellion was predominantly a domestic matter, not one in the purview of state sovereignty. In sum, international law failed to offer a clear picture of the events in the southeast and the Stono rebellion. Despite this, the differences in domestic law offer considerably more insight.

"Stono Lives": Conclusion

The grim reality facing those who seek answers in the pages of history is that there remains much that cannot be found: documents are lost or destroyed, words not written, voices silenced, and people killed. Understanding the Stono rebellion is no different. There would have been much that occurred in the planning and recruitment in the weeks and days leading up to September 9th, 1739. Discussions between "Cato" or "Jemmy", and those he attempted to persuade to join him would have been filled with a treasure trove of information on exactly why the Stono rebels did what they did. Yet those words are forever lost. Still, re-opening this chapter in American history and examining it through an international lens reveals certain things.

First, analyzing the Spanish fugitive slave policy and the southeastern imperial contest provides greater context for the rebellion. The actions taken by the Spanish, the English responses, and the waves of migration establish an important backdrop. It indicates that Spanish fugitive slave policy could have been a potential root of the rebellion. In addition to dire circumstances in South Carolina, external factors could have played a role. Second, the international lens reveals that international law served as an unclear guide for the actions of Spain and England. This may have contributed to policies developing in a somewhat idiosyncratic way. Moreover, it demonstrated that what was occurring between the two powers was effectively uncharted territory. Third, a comparative analysis of domestic law in Spanish Florida and English South Carolina reveals that an environment may have been created which both facilitated and encouraged revolt. These elements can contribute to a further understanding of the

rebellion in different ways, as well as re-considering its significance as simply a domestic flashpoint.

In conclusion, a final thought comes to mind that is worth mentioning. What does it mean that questions are still being asked of the Stono rebellion 275 years later? Though not a simple or straightforward question to answer, one can offer, at the very least, some speculative thoughts. Clearly, the significance and importance of the event are a source of many contemporary questions. Indeed, the impact on Black life in South Carolina was transformed after the event and many details remain unknown.[74] Why exactly did the rebels pause at Jacksonburough Ferry? How was the revolt planned? How educated and organized was "Cato"? How much did the Spanish question factor in the decision to revolt? Was the rebellion specifically timed to occur on Sunday, the day of rest? These are all legitimate questions and it seems only normal that answers are still required. Yet, there seems to remain a deeper significance behind the fact that questions are still being asked about the Stono rebellion all these years later. One that goes deeper than the pursuit for an accurate historical record or the complete compilation of facts. One that touches a common cord which links the here and now to the then and there. Questions are still being asked because it still matters to us today. Their oppression matters because oppression still exists. How they summoned their bravery and courage, still matters because humans still seek it. And their actions still matter because despite being ensnared in the most hellish of trials, they acted on their deeply imbued and unbreakable humanity.

Yet for the Stono rebellion to be more than just a story of bravery, courage and humanity nestled in the larger and unspeakably oppressive tale of American slavery, more questions must be asked. For history to truly be a conversation with the past, the discussion on the rebellion must continue. New approaches conceived and new questions considered. Until then, one thing seems clear.

Stono lives.

Notes

[1] Smith, *Documenting and Interpreting a Southern Slave Revolt,* 56

[2] Wax, *The Great Risque We Run*, 138

[3] Ibid 137-140. Wax explains that the policy of placing a duty on the importation of slaves was inspired by a desire to equal out the demographics, or at the very least slow the rapid rise of Blacks. English expressed the need to "incourage the importation of white people, the Blacks bearing at present too great a proportion to the number of Whites." The bill to impose duties received assent on April 5, 1740 and taxed incoming slaves at a rate of £100 per head, a rate ten times higher than the regular assessment and intended as a prohibition.

[4] Peter H. Wood provides highly useful graphs that provide for a better demographic understanding of South Carolina, as well as its slave trade. These can be found in the appendix.

[5] Smith, *Documenting and Interpreting a Southern Slave Revolt,* xiii.

[6] Journal of William Stephens. In an entry dated September 13th, 1739 Stephens explains that "Towards Noon an express arrived, with Letters of the 10th, from the Government at Charles-Town...confirming the War being actually declared."

[7] Smith, 63.

[8] Pearson, *A Countryside Full of Flames,* 32. Pearson explains that the relevance of the decapitations of Mr. Gibbs and Mr. Bathurst should not be overlooked. More than just violent rage, it represented an "inversion of the brutal power relations they were themselves embedded in." He goes on to write that: "Often an integral part to the punishment that colonial authorities inflicted on slaves found guilty of serious offences, beheading was performed as a public spectacle. Appropriating this form of punishment for themselves, the rebels inverted patterns of discipline used by the authorities for their own purposes." Pearson also explains the relevance of beheadings in western African societies, from where the rebels hailed.

[9] There are conflicting accounts over who exactly the leader of the group was. Of the few primary sources, one account penned by an unknown author (thought by some to be James Oglethorpe, Governor of Georgia) cites "Jemmy" as the leader of the revolt. While George Cato, a descendant of the slave leader, provided an oral history account in the 1930s, assuring that the leader in fact a well read and educated slave named "Cato". See: *An Account of the Negro Insurrection in South Carolina.* Moreover, as Mark Smith points out, despite being barely literate and attempting to remember details from an event that occurred 200 years prior, Cato provides the only non-white account from the rebellion and that often, oral histories can be considered reliable. Moreover, Cato's account is corroborated with other sources. Regardless, it would have taken a certain degree of coordination and planning to carry out a revolt of this scale. The importance of communication renders it quite plausible that the leader was educated to a certain degree.

[10] *Account of the Negro Insurrection*, 234.

[11] Ibid.

[12] Wood, *Black Majority*, 315. It is also useful to highlight the division among slaves at Stono. After the revolt, 30 slaves were rewarded during a public ceremony for their "great service in opposing the rebellious Negroes". Some had hidden their masters, while others had refused to take part in the revolt or aided in killing rebels. Rewards included clothes and in the case of Thomas Elliot's slave, named July, freedom. Smith notes that "expressions of solidarity and community among slaves across the low country was fragile". See: *Documenting and Interpreting Stono,* 98; Morgan, *Slave Counterpoint,* 470.

[13] Smith, 63.

[14] Wood, 317.

[15] Ibid. 316.

16. Thornton, 1112. Thornton explains that military dancing was a part of African war culture. It was seen as a form of drilling or training. Thornton explains that "dancing was a form of training to quicken reflexes and develop parrying skills," though it was somewhat less common after 1680.

17. Smith, xiii.

18. Ibid.

19. *A Ranger's Report of Travels with General Oglethorpe,* 222.

20. Wood, 317.

21. *Detailed Reports on the Salzburger Emigrants Who Settled in America.* The account notes that : "A man brought the news that the Negroes or Moorish slaves are not yet pacified but are roaming around in gangs in the Carolina forests and the ten of them had come as far as the border of this country just two days ago"

22. *South-Carolina Gazette,* Dec. 27, 1742.

23. Report of the Committee Appointed to Enquire, 84.

24. Ibid.

25. Landers, Spanish Sanctuary, 297.

26. Wasserman, *A People's History of Florida*, 64. Wasserman writes that In September of 1686, 140 Spaniards, Blacks and natives raided and plundered the Governor's home in South Carolina, stealing 12 slaves in the process. Carolinian Governor Joseph Mourton then demanded that the slaves be returned, but was denied by Governor Quiroga due to a lack of an order from the King of Spain. Later, in March 1687, 153 Spaniards, natives and mulattos burned and plundered seven homes in the Carolinian frontier as retribution for a piratical assault on Spanish Florida.

27. Diego Quiroga to king, February 24, 1688, Archivo General de Indias, Seville (hereinafter AGI), 54-5-12/44, in Irene A. Wright, "Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Grace Real de Santa Teresa de Mose, Florida," Journal of Negro History, IX (April 1924), 150. An English account names the male slaves: Conano, Jesse, Jacque, Gran Domingo, Cambo, Mingo (suspected of killing an Englishman), Dicque, and Robi, and adds that the child was three years old. See, *Black Majority*, 50.

28. TePaske, *Florida and its Borderlands*, 3. Notably, enslaved people were also allowed to marry by Governor Quiroga. The women worked as domestics, ultimately for the governor himself. According to Jane Landers, the fact that governor paid the eslaved for their labor, indicated an ambiguity about their legal condition.

29. Ibid.

30. Lander, Spanish Sanctuary, 298. As per an agreement the Carolinian accepted the proposal of 160 pesos each for ten slaves. This was to be paid in 18 months as the Governor lacked the necessary funds. As per John J. TePaske, "Quiroga solicited the money from New Spain, but when it arrived he immediately diverted it to his soldiers for salaries and rations. When the English returned to collect, Quiroga's money was gone. See "The Fugitive Slave: Intercolonial Rivalry and Spanish Slave Policy, 1687-1764", 3. For the agreement see: Archivo General de Indias (hereinafter AGI), Santo Domingo, 54-5-12. Los oficiales reales de la Florida al rey, March 8, 1689, in *Journal of Negro History* 9 (April 1924): 154-64.

31. Royal decree, November 7, 1693, AGI 58-1-2/74, John B. Stetson Collection, P. K. Yonge Library of Florida History, University of Florida, Gainesville. Translated by Twyman, Bruce Edward. *The Black Seminole Legacy and Northern American Politics, 1693-1845.* Washington: Howard University Press, 1999, 36.

32. Ibid.

[33.] Landers, Spanish Sanctuary, 297. Despite offering a superb analysis, Landers overlooks the role of religion in attracting eslaved people from Charles Town. Moreover, the journey from Charles Town was long, arduous and rife with dangers. For a runaway slave, the tension would have been ever greater. Especially the early migrants who laid the path for others.

[34.] By land it was some 275 miles of swamps, poor roads and slave patrols. For those who ventured by boat, as did the first 11 in 1687, a 228 nautical mile journey was ahead.

[35.] Thornton, *African Dimensions of the Stono Rebellion.* In an exhaustive and meticulous account, Thornton demonstrates the Kongolese roots of Charles Town slaves, as well as those who likely revolted at Stono in 1739. He emphasizes that the deep and proud Catholic heritage of Kongolese slaves would have played an important role in drawing Charles Town slaves to St. Augustine.

[36.] Riordan, *Finding Freedom in Florida,* 26.

[37.] Berlin, *Many Thousands Gone*, 72. Raiders included runaway slaves and local Indians (often Yamasee)

[38.] Ibid.

[39.] Wax, We Run, 137.

[40] Ibid.

[41.] Landers, 298.

[42.] TePaske, 5

[43.] Ibid. Also See: Archivo General de Indias, Santo Domingo, Legajo 2530. Consulta del Consejo de las Indias, April 12, 1731.

[44.] TePaske, 4.

[45.] Ibid.

[46.] Landers, 299. Landers also writes that "The council acknowledged that the residents feared the English and their Indian allies might invade to recover their slaves by force of arms…and that the Spanish policy might lure great numbers of runaways to Florida who only simulated a desire to convert, and that the British who were dependent upon their slaves had just cause for complaint. See Council of the Indies to the King, April 12 1731, AGI, 86-5-21/33, Wright, "Dispatches of Spanish Officials," 166-172.

[47.] June 13, 1728, Records in the British Public Record Office Relating to South Carolina, 1663-1782.Transcripts, vol. XIII, 61-67.

[48] Ibid. Though Middleton explains that the Yamasee raiders were compensated, whether they actually were is unclear. In, *Spanish Sanctuary,* Jane Landers explains that though Governor Benavides suggested to the Council of Indies that raiders be paid for scalps returned, the Council ultimately rejected the proposal.

[49.] TePaske, 6.

[50] Ibid.

[51.] Landers, 299.

[52.] TePaske, 5.

[53.] Wood, *Black majority*, 239-268.

[54.] Wax, 137. For a detailed overview of population growth in South Carolina during this period please see Appendix C., taken from Wood, *Black Majority,* 152.

[55.] Riordan, 30. Also see Wasserman, *A People's History of Florida*, 91: "The Earl of Egmont noted if slavery had been established in Georgia at the onset of the colony 'there would not be 50 out of 500 [slaves] remaining in two months time, for they would fly to the Spaniards'.

[56.] Wasserman, 91.

[57.] Black majority, 240-247.

[58.] Royal decree, October 4, 1733, AGI 58-1-24/256, SC, in Landers, *Spanish Sanctuary,* 300. Landers explains that this cédula was the first to require an indenture. Though it was not as long as many required in the English colonies. As well, the king forbade the sale of fugitives to private citizens, but despite the prohibition, some runaways continued to be re-enslaved in St. Augustine.

[59.] Landers, 300. The expectations of St. Augustine are made clear by the fugitives who arrived with "axes, hoes, and blankets" Phillip D. Morgan explains that "African groups revealed a determination to cope with their new environment". Runaways fully expected to be at St. Augustine for the long haul. See, *Slave Counterpoint*, 450.
"Dispatches of Spanish Officials," 175.

[60.] Wood, *Black Majority,* 310.

[61.] Ibid. Wood writes: "two boats of eight men each were employed to patrol the southern coastal passage for the next nine months. To cut off Negroes by land, large bounties were recommended for slaves taken up in the all-white colony of Georgia. Men, women, and children under twelve were to bring £40, £25 and £10 respectively, if brought back from beyond the Savannah river. An adult scalp "with two Ears" would command £20."

[62.] Wood, *Black Majority,* 313. Beginning in late summer, the wave of yellow fever reached its climax in September, the month of the rebellion. Schools were closed down and several notable officials were killed. Namely, the chief justice, the judge of the Vice-Admiralty Court, the surveyor of customs, the clerk of the Assembly, and the clerk of the Court of Admiralty. For more on the epidemic see: Yates Snowden, *History of South Carolina,* (Chicago and New York, 1920), vol 1, 231.

[63.] *An Account of The Negro Insurrection*, 233.

[64] Journal of William Stephens, 378.

[65.] Ibid.

[66.] *Records in the British Public Record Office Relating to South Carolina.*

[67.] Lt. Gov. Sir William Bull to the Board of Trade. Explained: "in regard to the desertion of our Negroes, who are encouraged to it by a Certain Proclamation published by the King of Spain's Order at St- Augustine...Since which Several parties have deserted and are there openly received and protected, many attempts of others have been discovered and prevented" "If such an attempt is made in time of peace what might be expected if an Enemy Should appear upon our Frontier with a design to Invade us?" "which we have great reason to expect upon the first Notice of a Rupture, being fully informed by Several hands of the great Preperations made Sometime ago at the Havana, which according to late accounts lye ready waiting only for Orders to put that Design in Execution."

[68.] *The Letterbook of Robert Pringle.* Pringle writes: "I hope our government will order Effectual methods for the taking of St-Augustine from the Spaniard which is now become a great Detriment to this province by the Encouragement and Protection given by them to our Negroes that Run away there. An Insurrection has been made of late here in the Country by some Negroes in order their Going there."

[69.] Account of Negro Insurrection. The measures that Oglethorpe took included assigning a troop of rangers to patrol through Georgia, placing men in garrison at Palichocolas (the only place where horses could cross the Savannah river for 100miles), publishing a proclamation ordering all constables to pursue and seize all Negroes with a reward for any taken. Finally, he desperately "hoped these measures [would] prevent any Negroes from getting down to the Spaniards." 233; Oglethorpe also declared that "all Negroes which have deserted from South Carolina, which shall be taken in Florida during the said Expedition, shall be delivered up to their respective owners, on paying a Sterling per head to the Captors". See: St. Augustine Expedition of 1740, 18.; The English King also specifically targeted Black fugitives of Florida, instructing Oglethorpe to, "spare no personal labor nor danger towards freeing Carolina of a place from whence their Negroes were encouraged to massacre their

masters and were openly harbored after such attempts." See Twyman, 42; Despite the apparent gusto of Oglethorpe and the British, it appeared that the siege did not go as well as planned. Laurence S. Rowland explains that Oglethorpe faced criticism from fellow officials and mismanaged the operation. See: *The History of Beaufort County, South Carolina: 1514-1861,* 144; Though the fort was taken by Oglethorpe in May of 1740, a surprise attack was launched by former inhabitants (Blacks) during the night on June 25th to reclaim the fort.

[70.] For a short summary of Wolff and his work, see: Nussbaum, *A Concise History of the Law of Nations,* 148-155.

[71.] A Catalogue of the Law Collection at New York University by New York University. Law Library, 506.

[72.] Watson, *Slave Law in the Americas,* 71-73.

[73.] Ibid, 43-53. Watson describes a "legal transplant" that occurred from Roman law and Spanish slave law in the Americas, he is particularly adroit at stickhandling the complexities of this legal transformation and its relation to slaves in the Americas.

[74.] Wood, *Black Majority,* 308.

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Appendix

A. Record of Annual Slave Imports, 1706-1739

TABLE III

Record of Annual Slave Imports, 1706–1739
as It Appears in Gentleman's Magazine of 1755 (XXV, 344)

YEARS	NEGR.	VESSELS	YEARS	NEGR.	VESSELS
1706	24	68		4,504	1,919
a 1707	22	66	1724	604	122
1708	53	81	1725	439	134
b 1709	107	70	e 1726	1,728	146
1710	131	92	1727	1,794	126
1711	170	81	1728	1,201	141
1712	76	82	1729	1,499	157
1713	159	99	1730	941	165
1714	419	121	1731	1,514	184
c 1715	81	133	1732	1,199	182
c 1716	67	162	1733	2,792	222
d 1717	573	127	1734	1,651	209
1718	529	114	1735	2,907	248
1719	541	137	1736	3,097	229
1720	601	129	1737	2,246	239
1721	165	121	1738	2,415	195
1722	323	120	1739	1,702	225
1723	463°	116			
	4,504	1,919		32,233	4,843

[a] The trade of this province to 1708 was only in exporting provisions to the sugar islands, from whence they had their supply of *European* goods, &c. and there were not above 200 negroes in the province, although now there is above 50,000.

About this time they began to make tar, pitch, and turpentine.

[b] At this time they began to make and export rice.

[c] Time of the great *Indian* war, when many inhabitants left the prov.
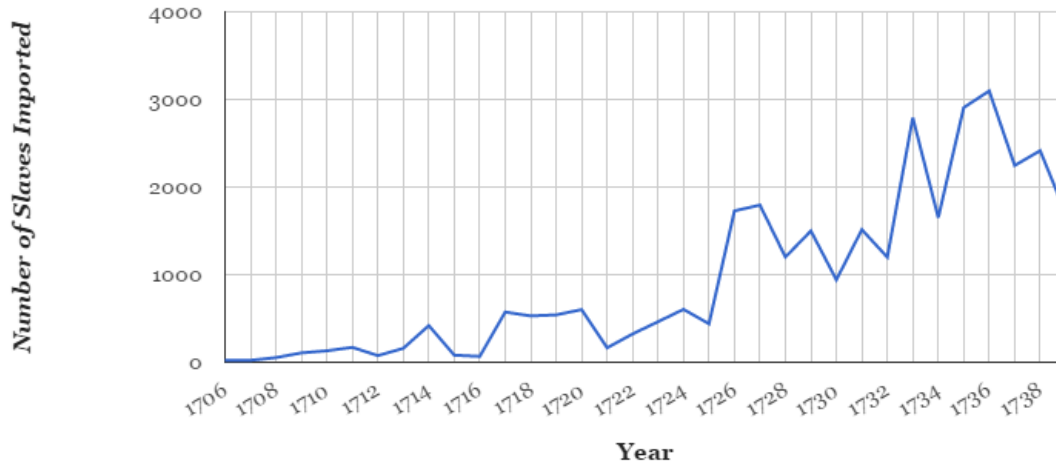
[d] Before this time the trade was chiefly carried on in small coasting vessels, who made three or four voyages *per ann.* but after this in large ships to *Europe*, and smaller vessels to *America*.

[e] About this time two new ports of entry, &c. for shipping was allowed, viz. *Port Royal*, to the southward, and *George Town*, to the northward, each about 60 miles from *Charles Town*, and the number of negroes or vessels in those parts are not in this account.

° Donnan (*Documents*, IV, 255) reprints the annual totals, 1706–24, which were given in the *Report of the Committee of the Commons House of Assembly of the Province of South Carolina on the State of the Paper Currency of the said Province* (London, 1737) and were repeated in McCrady, *Proprietary Government*, p. 723. They are identical to those in Table III, except for the difference—apparently an ancient copying error—for 1723, where 436 is given. There is no way to know which figure is correct. (Obviously, the total of "200 negroes" given by the English author of note a above falls short by a factor of 20.)
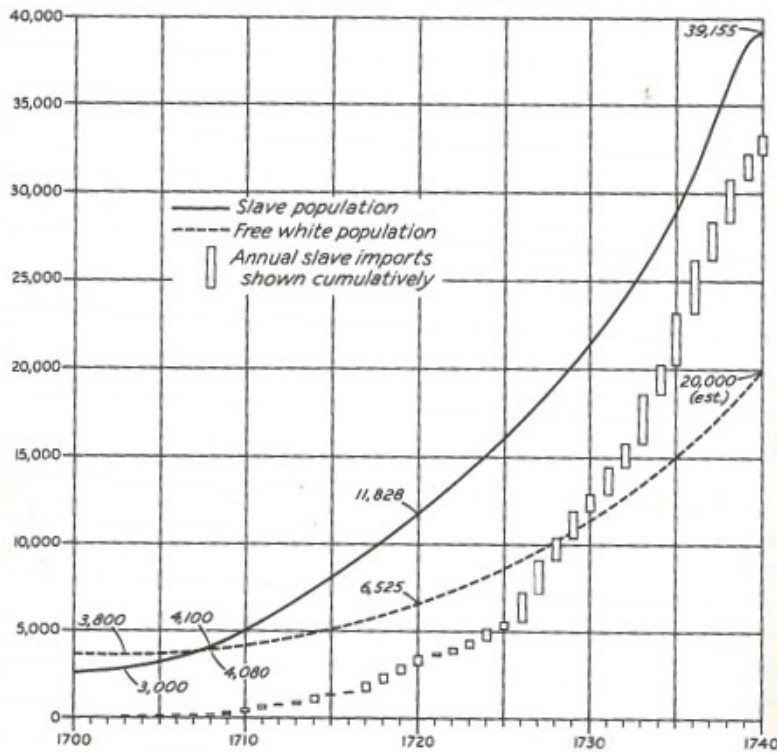
B.

Annual Slave Imports to South Carolina, 1706-1739

Number of Slaves Imported (y-axis: 0, 1000, 2000, 3000, 4000)

Year (x-axis: 1706, 1708, 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734, 1736, 1738)

C. Population Trends in Colonial South Carolina 1700-1740

152   The Changing Frontier

TABLE IV
Population Trends
in Colonial South Carolina, 1700–1740

Slave population
Free white population
Annual slave imports shown cumulatively

39,155

20,000 (est.)

11,828

6,525

3,800   4,100

3,000   4,080

D. Map of St. Augustine and Fort Mose
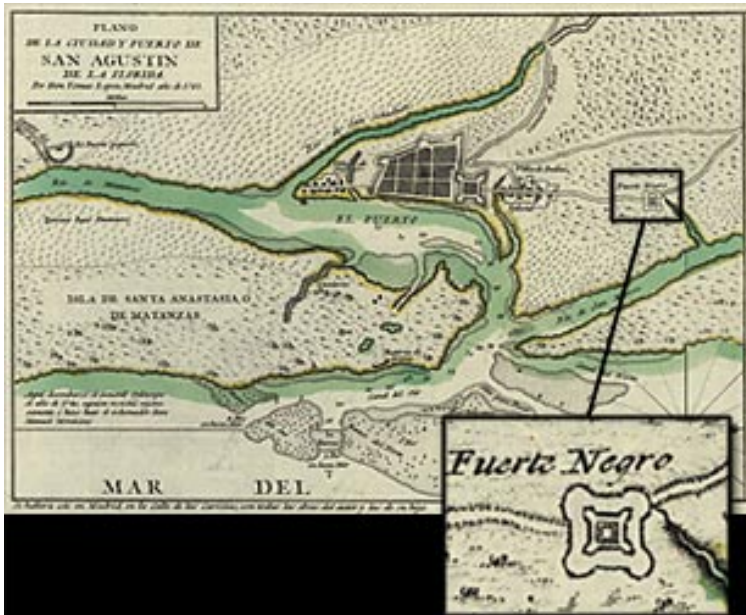
E. Population per Parish
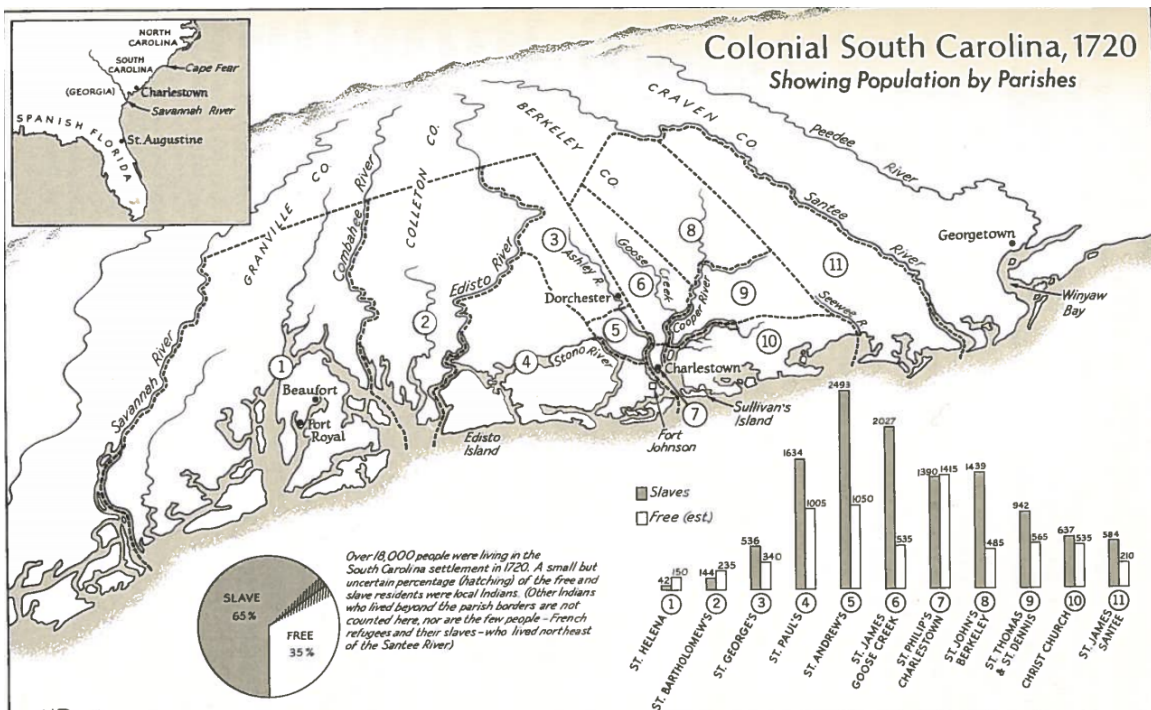
F. Map of Ashley River and Stono River area

Patriarchy and Passion: Modern Female Identity and the Shortcomings of the Sexual Revolution
Jessica Banner

During the second-wave feminist movement of the 1960s and 1970s, American women began to establish a voice in literature, politics and sexual expression, outside the realm of traditional female roles that extended into the public sphere. The works of female authors were elevated in a tide of support from the emerging feminist movement, and served as an indication of a developing female sexual identity in mainstream culture. These feminists called for political reform to create equality for women outside of the domestic sphere. While, the scope of this essay will focus primarily on the 1960s and 1970s, it will include female authors such as Virginia Woolf and Sylvia Plath whose work was published in earlier decades, yet reemerged alongside second-wave feminist authors as their themes resonated with women in those later decades. Framed within the context of female portrayal in literature and print culture during these decades, the extent to which second-wave feminist movements that aimed to enact a "sexual revolution" can be considered a success will be evaluated. This essay will analyze how several factors contributed to the growth and development of a new female sexual identity and a "sexual revolution," including the growth of a female literary voice, political activity in pursuit of women's equity, and fears that feminism threatened the patriarchal familial structure and traditional sex roles. It is evident, however, that female literary repression, slow-moving political change and the well-established patriarchal institutions of family limited the success of feminists and indicate that claims of a revolutionary redrawing of gender roles were not widely successful.

In order to illustrate the indicative effect female authors and the portrayal of women in literature during the 1960s and 1970s had as a marker of the shortcomings of

second wave feminist movement, the political context of the era must be established. In the 1960s, women's equality outside of the home was an important topic of political discourse. Hugh Davis Graham emphasizes the importance of the *Equal Pay Act* of 1963.[1] that attempted to provide equality for women in the public sphere alongside attempts to provide equality in the bedroom as well. The push to create liberties for the new "American Woman,"[2] combined with the creation of a commission on the status of women in 1966,[3] pressured the patriarchal government and legislative body to apply principles of equal pay and employment opportunities. The Presidential Commission on the Status of Women (PCSW) published a final report entitled "American Women" in October 1963, recommending legislative action. The report was critical of inequalities faced by American woman in society, but concluded that traditional female roles were critical to the structure of society.[4] The report stated that constitutional equality between the genders was essential, and encouraged Congress to pass legislation to include women under the Fourteenth Amendment's equal protection clause.[5] However, the report did not endorse a constitutional amendment at the time, despite the fact that members of congress privately stated that they would support an equal rights bill.[6] Although these political decisions were historically interpreted as acts of progress, the PCSW's recommendations fostered minimally tangible progress. As woman were increasingly depicted in literature as independent, the social reality appeared determined to confine them within the domestic sphere.

Challenges to the emergence of female authors and independent representations of women in literature were not limited to the political sphere. Betty Friedan – whose work on feminism is problematic, and harshly critiqued by modern scholars – asserted that middle-class women should be free to have jobs, but only so long as these jobs were focused on the home.[7] By contemporaries and modern scholars alike, Friedan is both considered a seminal feminist author, and criticized for the limitation of her feminism to socially mobile, middle-class women. It is essential to consider Friedan and her

contributions to the female literary voices of the 1960s and 1970s. As such, she defined women within three categories, "the true housewife type," "the career woman" and "the balanced homemaker";[8] noting that 51% of women remained in the category of the "true housewife"[9] at the end of the 1960s. Friedan highlights the potential for female identity, unbound from traditional (patriarchal) society to negatively impact future generations with its emphasized female sexuality. She asserts that female sexuality can be seen in its "sick and dangerous obsolescence"[10] in the acting-out of children who have sexually permissive mothers. Friedan goes on to ask, "Is it that feeling of personal identity, of fulfillment, they seek in sex something that sex alone cannot give?"[11] Her harsh criticism of an unlimited female sexual identity highlights the strong current of repression that diminished the impact of second-wave feminists, which sought to reinforce traditional notions of the 'submissive female' in literature, as well as in society. Although the discourse of the "sexual revolution" allowed women to more freely represent themselves as sexual beings in print, it also led to repressive counteraction that sought to reinstate women within the domestic sphere.

The emergence of the birth control pill is often heralded as an indicator of sexual revolutionary progress, enabling women to have control of their bodies by preventing the conception of unwanted fetuses and reinforcing the idea of sex for female pleasure. In the context of the post-Second-World-War baby boom and population increase, the role of women was considered less important, as their reproductive role was considerably diminished by overpopulation. The de-emphasis on women as reproducers allowed the feminists of the 1960s and 1970s to push for altered social conditions that relaxed oppressive institutional restraints that were no longer justifiable,[12] and opened opportunities for public discussions about female sexuality. Although female sexual experiences became a topic that defined these decades, in terms of liberation and revolution it is evident that bringing female identity to the table allowed critics like

Friedan to reinforce the importance of women as wives and mothers, who should not be represented as equal to their male counterparts in the public sphere.

In light of this increase in social and political discussion of conceptions of women outside their traditional roles, feminists made significant efforts in the 1960s to bring female authors to the forefront of American literature. The desire to have an accurate representation of the modern woman – a woman with autonomy, who was not imprisoned by her domestic obligations – in literature was strengthened by the dissatisfaction of these feminists with the established patriarchal society. The increasing presence of a female identity in mainstream literature, that existed in opposition to the traditional figure of the submissive wife and mother, was achieved by the publication of a growing number of female authors. This increase was aided primarily by the introduction of the paperback book[13] and the growing popularity of women's magazines such as *Ms*.[14] In her work, Janet Badia correlates the growth in popularity of female authors to the 1960s feminist movement. Badia notes that this growth was perceived by the male literary establishment as "cancerous"[15] and had significant negative implications for marital relations and, by proxy, the future of the America.[16] Literary contemporaries understood the appeal of female authors to a wider female audience in a brand of low, soap-opera-quality literature. By equating female authorship to a genre characterized by trivial romantic drama, the quality of work produced by female authors was attacked. Their male counterparts considered the work of female authors less intellectually stimulating than works written by men. The male literary establishment responded to these female authors in two ways that undermined the success and legitimacy of female literary voices. The first response among male writers was to depict overly sexualized women in erotic paperbacks and magazines. The second was to position these female authors as threats to heterosexual marriage and as a danger to the health of American families. In so doing, the literary establishment pushed back against

second-wave feminist calls for individualized notions of female sexuality that represented women as sexual beings outside the bounds of the domestic world.

The sexualization of the female image in publications like Hugh Hefner's *Playboy* magazine perpetuated stereotypes of women as submissive sexual objects. Historian Edward J. Bardon describes the problematic portrayal of women in literature: "Literature affects our sexual identity and behavior by presenting us with ideas and models to identify with. Language conditions the way we conceptualize ourselves and others."[17] Bardon goes back to the Bible to identify the source of instilled inferiority of women in western culture, citing Eve's creation from Adam's rib as the moment when women's inferior status was established.[18] In fact, during the 1960s and 1970s violence between the sexes increased as a result of sexual liberation.[19] This friction and violence between the sexes stemmed from the reactionary fears of anti-feminists who contrived the concept of a "war against boys."[20] A cartoon by Bill Keane (Appendix Document One) depicts a young girl proclaiming, "when I grow up I don't want to be ANYTHING! I'm just going to be a mommy and a grandma"[21] to a young boy wearing a fireman's helmet. Keane's portrayal of conventional gender roles highlights the claims of male reactionaries who feared that sexual equality for women would leave men at a disadvantage and, as such, feared the development of non-traditional female sexual identities. Bardon and Keane's work highlights the entrenched ideals of the era, which required literature to portray the ideal, submissive woman. In the face of second-wave feminism and changing female representations of women, anti-feminists feared that equality for women would upset the foundations of society, and restrained calls for a "sexual revolution" at every turn.

During this period, male authors dominated the field of sexual and medical manuals that were designed to assist women in preparation for motherhood and sex – within marriage. The literary genre of the marriage manual is important to examine, asserts Kate Millet, who points out that these texts were not as factual as they appeared

to be.[22] They illustrated common superstitions and male beliefs on topics such as pregnancy and female sexual experiences, and recommended treatments that could not be medically substantiated.[23] Furthermore, they reinforced the ideas of female passivity and male supremacy that were woven into the literary fabric of American culture. The depiction of, and insistence on maintaining, traditional gender roles in American literature indicated a reactionary movement in response to second-wave feminism. The active resistance of many institutional bodies to changes in the traditional conception of female sexuality indicates the strength of the barriers faced by the feminist movement, and helps explain why it was not completely successful in the public sphere. This resistance illuminates the limited success of second-wave feminists and their "sexual revolution" to redefine female representation in literature to include women whose sexual desires were not restricted to dominant-male and submissive-female sex.

One of the primary ways that the male literary establishment diminished female authors, such as Sylvia Plath, Virginia Woolf and Hilda Doolittle, was in characterizations of these women as mentally ill or "dissatisfied, family hating shrews."[24] By focusing on their personal problems, critics overshadowed these authors' work and degraded their credibility through ad-hominem attacks. Historian Lydia Blanchard, in her analysis of the traditional response to Plath and Woolf's work, addresses the reaction of 1960s academics, who filtered both authors' respective work through the lens of their mental illnesses to create a discourse and "psychological sentence of the female gender."[25] By aligning two of the most popular twentieth-century female literary voices and the entirety of their works with degeneration, it is clear that their work was credited to be nothing more than the sum of their authors' mental illness. Feminist efforts to promote female authors were unsuccessful and revolutionary attempts to redefine the social characterization of women were manipulated and reduced to the ravings of mad women who could not compete with their male contemporaries.

Additionally, scholars have analyzed the contents of Plath, Woolf and Doolittle's work to understand the resurgence in popularity they experienced in the sixties and seventies. The feminist movement paved the way for the publication of Plath's novel and poetry collections. Her work is traditionally viewed as having been warmly received by the newly emerging "dissatisfied young women"[26] that traditional historians claim popularized the women's movements of the era. Critics of the second-wave feminist movement characterize the women involved with it as being discontented, young, privileged, and nothing more than hysterical.[27] The association of female authors with second-wave feminist action created a categorization of these authors as untalented and overwrought females[28] who created a "cult" of low-quality literature that threatened the male-dominated literary establishment, and by association, the conception of gender roles in American society.

In response to the limitation of female voices and sexual expression in her lifetime, Woolf wrote that the future "world should be a better novel than the old novel. The novelist will have more interesting people to describe – people who have had a chance to develop their humor, their gifts, their tastes; real people, not people cramped and squashing into featureless masses."[29] Woolf's view of a limited patriarchal society resonated with the educated university women of the sixties and seventies, who applied Woolf's ideas to the limitations they faced. Gertrude Reif Hughes highlights the similar way in which Hilda Doolittle challenged "patriarchal privilege"[30] in her work, emphasizing how she "fashion[ed] it to protest oppressive practices and revise the mentalities that sponsor them."[31] The use of satire in Doolittle's work emphasized the role of women as passive recipients of semen and addresses the "medical discourse" that reinforced the second-rate nature of female sexual experiences and the irrelevance of the female orgasm for conception.[32] Medical texts that placed women within this confined domestic space underlined the primary challenge of feminists in the 1960s and 1970s to alter the patriarchal political structure and make space for a female sexual identity.

In contrast to the resurgence of female American authors, lesbian pulp fiction novels entrapped female sexuality and manipulated it in a way that focused on pleasing voyeuristic male readers.[33] Historian Yvonne Keller breaks down the genre of lesbian pulp fiction into sub-categories; the most popular of those – approximately 85%[34] – were "viral adventures"[35] designed to stimulate male enjoyment of female sex and reinforce gender norms. Keller emphasizes the intrusion of the male gaze into the female-only spaces that filled the pages of lesbian pulp fiction.[36] This intrusion of male viewing on an inherently female space reflected the way in which female sexual identity was appropriated by male mainstream culture. This appropriation fulfilled male sexual needs by objectifying female bodies, making the voices of female authors and the portrayal of women in literature (of all forms) second rate in the face of perceived male superiority.

The emergence of a narrative that emphasized the independent, sexual nature of the female, which had been stifled since the Victorian age, was encouraged by second-wave feminism. However, the success of these feminists was limited by a broad-brush approach that centered on women in the educated middle class. The arrival of women in large numbers on college campuses served to improve conditions for just a privileged few.[37] Carol Ehrlich and Gerda Lerner critique the limited nature of the feminist movement, as it did not offer much to lesbians, Trans women, women of colour or older women. Erlich asserts that the patriarchy was too deeply rooted in the foundations of society to allow change outside of the white middle class.[38] Lerner suggests that historians refocus their gaze on the specific movements, organizations and individuals who gave rise to the broad concept of feminism, to create a more refined and specific historical perspective. Although both Ehrlich and Lerner identify important shortcomings of the second-wave feminist movement, their interpretations are limited. The feminist movement gained a portion of its momentum from sociological and psychological experiments, and surveys that gleaned data from a widespread community of women and attempted to proportionally represent the broad spectrum of women in

America.[39] What is evident in the works of Ehrlich and Lerner is that the problematic approach that was taken by Betty Friedan in the 1960s is still in play – to a lesser extent.

In the 1960s there was a dramatic rise in the explicit nature of topics covered in popular media. There were two and a half times as many sexual references in 1960 as there were in 1950, an increase from 509 to 1,341 in the sources studied.[40] These findings substantiate the claims of historians who emphasize the impact of "sexual revolution". Although the widespread claims of "sexual revolution" are tied to the explosion of sexualized media and the developing language of desire that evolved in the 1960s and 1970s, revolutionary social change did not occur. The world of women at home underwent dramatic changes as a result of the discourse of radical feminists, but the association between the female sex and domesticity were not revolutionized to the extent that feminists of the time intended.

In conclusion, it is evident that American literary culture underwent significant change brought about by the dialogue on women in the media, and in political and social spheres of society. Although claims by traditional historians of a radical sexual revolution are unfounded, the growth of a female literary voice, and the push for changes in politics, specifically regarding gender equality and fears that feminism would alter the family and traditional American sexual roles, all highlight a changing mentality of women in the home and men in society. Although sex and sexuality began to change for middle-class women of the sixties and seventies, second wave feminism was an insular movement that challenged, but did not radically change patriarchal concepts of the female sex. However, sexual inequality was so politically and socially entrenched that increasing public discourse on the subject, and radical challenges to traditional gender epistemology could not bring about revolutionary change that women had hoped for.

Notes

1. Hugh D. Graham, "American Women's History During the 1970s." *OAH Magazine of History* 3, no. 3 (1988): 24

2. Graham, "American Women's History During the 1970s," 26.

3. John F. Kennedy. *Executive Order 10980: The President's Commission on the Status of Women.* Washington DC: Gerhard Peters and John T. Woolley, 1961.

4. Graham, "American Women's History During the 1970s," 27

5. Ibid. 27

6. Lerner, Gerda. "Women's Rights and American Feminism." *The American Scholar* 40, no. 2 (1971): 235

7. Betty Friedan. "The Sexual Sell." In *Women in American History Since 1880*, edited by Nancy J. Rosenbloom, (Malden, MA: Wiley-Blackwell, 2010): 163.

8. Betty Friedan. *The Feminine Mystique.* New York: W. W. Norton and Company, 1963, 164.

9. Ibid. 164.

10. Ibid.

11. Ibid. 261

12. Lerner, "Women's Rights and American Feminism," 248.

13. Janet Badia. *Sylvia Plath and the Mythology of Women Readers.* (University of Massachusetts Press, 2011): 40.

14. Francine Klagsbrun, "Reconsidering Sylvia Plath." *Ms. The New Magazine for Women*, 1973, 1.

15. Badia, *Sylvia Plath and the Mythology of Women Readers,* 47.

16. Ibid. 47.

17. Edward J Bardon, *The Sexual Arena and Women's Liberation.* Chicago: Nelson-Hall, 1978, 45.

18. Ibid. 46.

19. Theodore Dalrymple. "All Sex, All The Time." In *Modern Sex: Liberation and Its Discontent*, ed. Myron Magnet. Chicago: Ivan R. Dee, 2001, 62.

20. Harry Stein. "Feminists and their Enemies." In *Modern Sex: Liberation and Its Discontents*, ed. Myron Magnet. Chicago: Ivan R. Dee, 2001, 149.

21. Bill Keane. "When I Grow Up." Family Circus Cartoon, 1973. 6.

22. Bardon, *The Sexual Arena and Women's Liberation,* 48.

23. Ibid. 48-49.

24. Janet Badia, "'Dissatisfied, Family-Hating Shrews': Women Readers and Sylvia Plath's Literary Reception." *Literature Interpretation Theory,* 19, no. 8 (2008): 187-213

25. Lydia Blanchard. "Virginia Woolf and Her Critics: "On the Discrimination of Feminisms"." *Studies in the Novel* 17, no. 1 (1985): 96.

26. Badia, *Sylvia Plath and the Mythology of Women Readers,* 56

27. Badia, *Sylvia Plath and the Mythology of Women Readers,* 56; Hysteria was the first mental disorder attributable to women, reclassified by Freud as an exclusively female disease. It was discredited in the 1980s and no longer serves as an accurate medical diagnosis.

28. Ibid

29. Blanchard, "Virginia Woolf and Her Critics: "On the Discrimination of Feminisms,"" 103.

30. Gertrude R. Hughes, "Making it Really New: Hilda Doolittle, Gwendolyn Brooks, and the Feminist Potential of Modern Poetry." *American Quarterly* 42, no. 3 (1990): 376.

31. Ibid. 376.

32. Ibid.

[33.] Yvonne Keller, "Lesbian Pulp Novels and US Lesbian Identity." In *American Sexual Histories*, ed. Elizabeth Reis, 270-85. Malden, MA: Wiley-Blackwell, 2012, 272.
[34.] Ibid. 279.
[35.] Ibid.
[36.] Ibid. 273.
[37.] Ehrlich, "The Women's Liberation Movement in the 1970's." *Off Our Backs* 10, no. 2 (1980): 24
[38.] Ibid.
[39.] Ibid.
[40.] Ibid. 24; Alfred Kinsey interviewed 5,940 women and found that American wives –particularly those of the middle class, after ten or fifteen years of marriage– reported greater sexual desire than their husbands could satisfy, finding that one in four women by the age of forty had engaged in extramarital activities. (Ehrlich, 25)

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The Struggle of Memory Against Forgetting: East German Exceptionalism

Elias Kuhn von Burgsdorff

Introduction

"In the people's democracies, a battle is being waged over the human spirit. Man must be made to understand, for then he will accept. Who are the enemies of the new system? The people who do not understand."[1] - Czeslaw Milosz, *The Captive Mind* (1953).

In post-war East Central Europe, why was there a battle being waged over the "human spirit"; what did the subjects of the "people's democracies" need to "understand" for them to "accept" communist rule; what does the Polish poet Czeslaw Milosz disclose in this passage? This paper seeks to explore these questions by analysing the character of consent and dissent in communist East Central Europe, centring the discussion on the special case of the German Democratic Republic (GDR).

Communism is ultimately based on a system of ideas; Milosz identified Stalinism as a "logocracy": the rule of—or government by—words. This insight explains why the intellectual elite, the class enemy, has in fact always been consequential in the "workers' and peasants' states."[2] In East Central Europe, succeeding generations of intellectuals were at the forefront of first building and then demolishing the communist regimes. Since communism was ultimately grounded in ideas, the abandonment of these ideas by intellectuals-turned-dissidents was a critical factor in the regime's demise. The GDR was an exception. Intellectuals in East Germany engaged in the building of communism, but at no time did they raise the hammer against the regime. The resolute identification of intellectuals with the Socialist Unity Party (SED) is what this paper considers to be

East Germany's "exceptionalism." This research explores why East German intellectuals remained, by and large, loyal to the communist regime, and why even the existing opposition groups did not turn to dissidence.

East German exceptionalism has its roots in the "foundational myth" of the GDR. In order to legitimise its existence and authoritarian rule, the SED fashioned the GDR to be an anti-fascist state—a concept that was based upon the myth that East Germany belonged to the "victors of history."[3] The powerful legacy of Nazism overshadowed any reference to the past—organised forgetting was welcomed in East Germany.[4] Communism, therefore, in its anti-fascist clothing, meant redemption from the sins of the past. If we consider the GDR's foundational myth in the context of the introductory passage by Milosz, it can be said that East Germans found it relatively easier than other subjects in East Central Europe to "understand" and were thus more willing to "accept," communist rule.[5] Notably, it was the intellectuals in particular who understood. The intellectuals' firm acceptance and perpetuation of the GDR's foundational myth prevented East German society from producing an abiding intellectual challenge to the regime's moral legitimacy. The silence of dissidence in East Germany is ultimately owed to the fact that there was no legitimate national discourse that could be mobilised against the SED regime.[6]

The first section of this paper explains East Germany's exceptionalism within the context of communist East Central Europe and establishes a relationship between morality, legitimacy, and dissidence. The second section examines the ideological consensus between East German intellectuals and the communist regime. This discussion suggests that two factors ultimately established and sustained this consensus: the foundational myth of the GDR and the negative demarcation of capitalist West Germany. The third section considers the uprising on 17 June 1953 and the implications of the intellectuals' identification with the communist regime. The June uprising was a watershed in the history of the GDR, but, notably, it failed to establish itself in the

collective memory of East Germans as a national symbol of opposition to the regime. Finally, this paper analyses the continuities of the dilemma of opposition in East Germany and discusses why intellectuals did not turn from "revisionism" to "dissidence"—even when the regime gasped its final breath in the fateful fall of 1989.[7]

East German Exceptionalism in Context

Robin Okey's *The Demise of Communist East Europe: 1989 in Context* provides a useful conceptual framework in which to discuss East German exceptionalism, namely the silence of East German dissidence.[8] Okey contextualises the revolutions of 1989 within the historical continuities—and discontinuities—that permeated the communist regimes in East Central Europe. He argues, "communism passed through various phases, falling eventually as a result of a cumulative exhaustion of its credibility."[9] Okey's critical observation is that the strength of Marxist ideology was in combining economic, social, political, and, least emphasised but perhaps most important, moral elements in a singularly powerful synthesis. Between the foundation and collapse of the communist regimes, each of these elements was tested, one by one. According to Okey, by the end of the 1970s, "the moral idealism and ideological utility of Marxism as a blueprint for a superior form of democracy had been drained."[10] However,

> like a star that has ceased to give off light, an extinct [Leninist] movement-regime may go on existing for a long while without a revolutionary raison d'être […][exercising] power in order to exercise power."[11]

Essentially, Okey maintains that the story of communist East Central Europe is one of successive erosion of legitimacy—moral, political, and economic—and the ultimate withdrawal of acquiescence.[12]

The first great breach in communist legitimacy was the exposure of the communist claim to represent the "superior morality of a new and better world."[13] Nikita Khrushchev revealed the truth when he denunciated Stalin's crimes in his Secret Speech in 1956. Through its crude violation of basic norms of humanity and decency, Stalinism

not only reinforced negative assumptions about communism bequeathed through faith, class, family, or patriotism, but it greatly damaged communists' future chances of turning a system based on force into one based on conviction.[14] It is, therefore, interesting to observe that the one communist regime in East Central Europe for which 1956 did not represent a watershed—East Germany—was also the regime where intellectuals never shifted from revisionism to dissidence. The year 1956 in East Germany did not have the historical resonance for future generations of dissidents that it had for counterparts in Poland and Hungary, or even in Czechoslovakia. East German society failed to produce an abiding intellectual challenge to the Stalinist regime and its claim to represent a "superior morality of a new and better world."[15]

Introducing Okey's conceptual framework serves three critical purposes. First, it demonstrates East German exceptionalism within communist East Central Europe. Second, it emphasises the importance of analysing opposition to the regime over time, i.e., as a cumulative process with a beginning and an end. Third, Okey establishes a coherent relationship between morality, legitimacy, and dissidence. These themes will be considered throughout this paper.

The Foundational Myth and the Other Germany

The defeat of Nazi Germany in 1945 was total—it marked one of deepest caesuras ever experienced by a modern nation. This was the zero hour (*Stunde Null*) in which all historical continuities were shattered, and renewal was the unanimous imperative of the day. The division of Germany between west and east was cemented in May 1949 when the Allied-occupied zones declared the Federal Republic of Germany (FRG or West Germany), which was followed five months later by the creation of the German Democratic Republic from the Soviet-occupied zone. The fundamental problem for both German post-war states was how to separate themselves from their Nazi past. Identity had to be built on a delicate balance of continuity and discontinuity. Whereas West Germany increasingly moved toward the pole of continuity, East Germany opted for a

radical break and socialist utopia.[16] In order to legitimise its existence and authoritarian rule, the Socialist Unity Party fashioned the GDR as an anti-fascist state.[17]

The SED emerged under conditions of defeat and military occupation, and hence never achieved genuine popular support. Nevertheless, the regime did succeed in obtaining the "outward compliance" of the population.[18] In East German parlance, May 1945 was referred to not as "defeat," as in the West, but as "liberation."[19] This can be understood in how the anti-fascist identity of the GDR was tied to yet another myth: that East Germany belonged to the "victors of history." The general secretaries of the GDR never tired of repeating this formulation. In 1960, Walter Ulbricht emphasised "the great and strong community which has radically uprooted fascism."[20] His successor, Erich Honnecker, reminded his audience in a speech in May 1975 of the historical meaning of the end of the Nazi regime: "This thirtieth anniversary after liberation sees us all […] as the victors of history."[21] This grandiose formulation summons the Marxist theory of the objective laws in history, according to which socialism was bound to win over capitalism. Claus Gysi, a leading communist in the early years of the SED, expressed this conviction in an interview in 1950:

> We predicted that whoever voted for Hindenburg would choose Hitler. That was correct. We predicted that whoever voted for Hitler would vote for the War. That was also correct. Now we return to the collapse of fascism at the end of the War. And we are on the side of the victors. Or in other words, we belong to the victors of history, point one. Point two: We must of course reeducate the people.[22]

No matter how bleak the situation in East Germany was, the notion of the "victors of history" projected a clear and persuasive message: the Party was armed with a scientific world-view and would triumph in the end. In order for the SED regime to legitimise its unpopular rule, it had to "reeducate the people", i.e., man had to "understand" in order to "accept."[23] To this end, the regime mobilised the enthusiastic support of the left-wing intelligentsia.

The foundational myth of the GDR—radical break, anti-fascism, and utopia—secured an ideological consensus between the regime and intellectuals. Renowned returning exiles, such as Bertold Brecht and Stefan Heym, were of considerable importance in establishing a degree of legitimacy for the anti-fascist state.[24] Accordingly, the SED handled its intellectuals with great care; if they remained loyal, intellectuals in East Germany could be treated to salaries that exceeded a worker's fifty-fold.[25] That being said, the unshakable bond between the regime and its possible opposition was primarily ideological, not monetary. Christa Wolf, a leading intellectual in East Germany, touched upon the core problem of regime opposition in her country:

> This has to do with the fascist past and the partition of Germany. As very young people who had grown up under fascism, we suffered from guilt feelings. [The communists] helped us out of this. These were antifascists […] who had returned from concentration camps, prisons, and emigration and, more than in the Federal Republic, dominated the political life in the GDR. We felt a strong inhibition to oppose people who had sat in concentration camps during the Nazi period.[26]

East German intellectuals shared a basic consensus and loyalty to the communist regime that was modified by successive generations, but which was never given up. It is important to note that in the GDR, it was possible for intellectuals to choose the East in full knowledge of both East and West.[27] Hans Mayer, who fled East Germany in 1963, maintained that, "the bad end does not refute a—possibly—good beginning."[28] Such a belief in the "good beginning" was idealised by a great many East German intellectuals up until the "bad end" in 1989—and beyond it. Heiner Mueller, an influential East German dramatist, accepts the criticism that the "critical solidarity" displayed by the intellectuals vis-à-vis the regime "fed the illusion that a reform of the system was possible." But he adds: "The problem was, in my view, the lack of an alternative."[29] Mueller raises a crucial point: the division of Germany prevented an alternative to the communist regime.

The loyalty of the East German intellectuals to the SED regime was based not only on the positive acceptance of the foundational myth but also on the negative demarcation of the other German state.[30] In intellectual discourse, the dualism of capitalism and socialism came to signify the two halves of Germany. This polarity created the paradoxical situation in which there was no alternative to the communist regime because it already existed in the form of the capitalist West. A capitalist alternative was taboo for most East German intellectuals, as it revoked the "radical break" with the German past.[31] More tangible, however, was the feeling that the GDR was their state, one devoted to a moral vision and not just the cold proceduralism of market capitalism and representative democracy.[32] The socialist-capitalist dualism ultimately proved immune to revision, for it was fused with the problem of the "national question."[33] Within this scheme, the only alternative was that of a revolutionary renewal or a retreat to capitalism.[34] A critic of the East German regime, Ludwig Mehlhorn, recalled in 1990 that "the opposition was operating on the basis of this [anti-fascist] consensus for the simple reason that you could not abolish what you wanted to reform."[35] This could have been said just as well about the East German intelligentsia in the 1950s.

The 17 June 1953 "Revolution" and Collective Memory

On 17 June 1953, East Central Europe witnessed the first popular uprising against communist rule after Stalin's death. The spontaneous protests that began in Berlin and which, in just one day, spread across all major cities and industrial centres in East Germany marked a watershed in the history of the GDR. In historiographical discourse, the events of 17 June were marred by controversy until the 1990s, due to the limited access to archival information. Among recent revisionist histories, one of the most comprehensive works is Gary Bruce's *Resistance with the People*, in which he states:

> The uprising demonstrated a fundamental lack of trust in the system of government which was, no doubt, partially related to economic difficulties […]. However, the

history of repression in the GDR […] was crucial in transforming opposition to government economic policies into fundamental resistance to the political system.[36]

17 June 1953 was a "popular revolutionary upheaval" that seriously questioned the legitimacy of the SED regime.[37] In light of this, it is all the more striking that 17 June never materialised in East German collective memory as a national symbol of opposition towards the regime.

The leadership of the SED denounced the popular protests on 17 June as an attempted coup instigated by fascists and Western imperialists.[38] Public perception of the uprising was highly politicised from the start and tied with the question of the existence and survival of the GDR state. As Soviet tanks rolled into Berlin, the majority of the intellectuals stood firmly on the side of the Party. For instance, Bertold Brecht sent a letter to Walter Ulbricht on the day of the uprising, reading, "At this moment, I feel a need to assure you of my solidarity [*Verbundenheit*] with the Socialist Unity Party of Germany."[39] Through a mixture of incentives and terror, the Ulbricht regime (1949-1973) kept what intellectual opposition there was divided.[40] Standing on the shoulders of the Red Army—and ideologically on those of History—the communist regime crushed the uprising in a matter of days. Then, with the consent of the intelligentsia, the SED logocracy moved to write the history of 17 June.

In response to the turbulent events in the summer of 1953, the SED and the Soviets drew the conclusion that the GDR had to be "internally founded" to ensure that a repetition of the disturbances would not be possible.[41] Once the immediate political implications of the uprising had been obstructed by the presence of military force, the regime reduced the protest to its economic motivations. It was then possible for the unrest to adopt the appearance of an issue that had been resolved and eliminated by subsequent material improvements. With no political alternatives, the masses fell back into passivity and economism. The actual content of the protests—which, once the movement had gained momentum, demanded the overthrow of the government, free

elections, and an expression of national sentiment—had not only been repressed by public censorship, but had also lost its salience in private memory.[42] The lingering traces of persecution and taboo, along with the continuity of the SED regime, ensured that the official state legend of 17 June remained intact, fixed, and unnameable to revision.[43]

Lutz Niethammer conducted an evaluation of life-history interviews, which his research team recorded in a number of industrial centres in the GDR in 1987.[44] Within these discussions, they asked the question: Where were you on 17 June, what were you doing on that day? From the answers that were received it becomes clear that the experiences of that time restricted future perceptions and spheres of action. Because of the uprising's failure and consequent stigmatisation by the Ulbricht and Honecker regimes, it became necessary for East Germans to distance themselves from what had transpired. Hence, the vast majority of those who lived through 17 June 1953 put their experience at a distance, "relegating it to the niche of uninvolved knowledge."[45] Notably, it was not the participants in or witnesses to the events of 17 June who continued to mould and shape the image of its tradition in the GDR, but rather the opponents of those events, the SED functionaries.[46]

Niethammer concludes that it is highly unlikely that the fragmented memory of 17 June constituted any kind of motivating background for the protest culture that developed in East Germany in the autumn of 1989, because that culture of opposition was initiated and carried out largely by a new generation who had neither direct nor indirect memory of the primal conflict in the GDR.[47] The final observation in Niethammer's analysis of the life-histories is especially evocative, in which he states, "17 June was stamped by the conflux of different pasts. It bore the joint imprint of an old society without any future and a new society—under construction—without any traditions."[48] At this point, East German society failed to produce an abiding intellectual challenge to the Stalinist regime and its singular narrative. The year 1953 in East Germany did not have the historical resonance for future generations of dissidents that

1956 and 1968 would have for counterparts in Poland, Hungary, and Czechoslovakia, respectively.[49] By the 1970s, the story of 17 June was hardly known—even to the new generation of intellectuals.[50] For thirty-six years, the GDR was able to dampen and contain social conflict; there was no repetition of 17 June 1953 until the demise of the GDR in 1989.

Continuities: The Silence of Dissidence

In the early 1980s, opposition movements emerged in East Germany that were strongly critical of the SED regime.[51] For the younger generation of intellectuals, peace and human rights became the platform of dissent against those in power. It is revealing, however, that these younger intellectuals did not revoke their basic loyalty to the regime. In general, opposition movements in communist East Central Europe were faced with two choices: to either accept the normative principles of the regime and try to make the latter live up to its ideals, or else to invoke standards of individual rights that are inherent in every form of free expression and action, but that cannot be accepted by the regime unless it rescinds its constitutive principles.[52] The first choice became known as "revisionism", the second as "dissidence." The new generation of East German intellectuals remained first and foremost revisionist, in that they sought to transform communism on its own grounds—"socialism with a human face," as the reformers of the Prague Spring called it.[53] Until the very end, East German intellectuals remained by and large committed to the communist project.

In East Central Europe, any alternative to communist regimes—with their disregard for civil liberties and national self-determination— strove to replicate the model of the constitutional regimes of the West. This popular aspiration for the West is what finally brought down the GDR in the fall of 1989, when the mass of protesters began to shout, "we are one people", rather than "we are the people." The intellectuals, on the other hand, remained firm in their desire to restructure the GDR. Such reform entailed the civic principle of participational, grassroots democracy (*Basis-Demokratie*),

which was incompatible with the adoption of the established political institutions of West Germany.[54] Their revisionism, however, led to an unintentional collusion with the SED regime, which effectively sidelined the intellectuals from the events of 1989. A striking example is the "For Our Country" declaration. Shortly after the opening of the Berlin Wall on 9 November, leading regime critics initiated a declaration that evoked the "anti-fascist and humanist" foundational myth in order to rescue the sovereignty of East Germany from the West; the SED leadership endorsed the declaration.[55] The foundational myth of the GDR established a consensus between regime and intelligentsia when communism was built, and remarkably, this consensus remained intact when communism fell.

Nonetheless, the resolute identification of intellectuals with the communist regime cannot be understood purely as a positive "anti-fascist" commitment. In the essay "Intellectuals, Nationalism, and the Exit from Communism," Christian Joppke makes a simple, yet pressing, observation: demands for liberty and human and civil rights are always raised by—or in the name of—a bounded collectivity. In East Central Europe, this collectivity has been the nation.[56] However, in the GDR, the language of nationalism could not be used. One oppositionist later recalled that "the so-called "national question" was neither negatively nor positively discussed; it was taboo."[57] Another regime critic of the 1980s, Edgar Dusdahl, explains what this "taboo" meant for opposition in East Germany:

> We always had a broken relationship [with] the concept of nation. In contrast to the opposition movements in Eastern Europe, we could not ground our opposition in the nation, but had to resort to socialist ideology instead. Therefore we were not "against" but "for" socialism [...]. One could almost believe that we became the Fifth Column of the Communist Party (SED).[58]

The dilemma of opposition was that, without national discourse, no genuine dissidence to communism was possible. Even if oppositionists limited themselves to the "anti-political" defence of human rights, such as the Initiative for Peace and Human Rights,

they still had to define the bounded collectivity on whose behalf this defence was made. Naturally, this collectivity was comprised of East Germans, or rather, "GDR citizens." The latter term—GDR citizens—is revealing, as it indicates that one is East German only by virtue of the regime's socialist self-definition, that is, in the very act of opposition, the dissenter reaffirmed the existence of the GDR. Hence, resistance in East Germany was inherently paradoxical.[59] For East German intellectuals in the 1980s, as in the 1950s, there was no alternative to communist rule.

Conclusion

Milosz called Stalinism a logocracy: the rule of—or government by—words.[60] Hence, to consolidate their rule, the communist regimes in East Central Europe needed to "make all other modes of thought impossible", as George Orwell observed.[61] In this regard, the SED regime was particularly successful. The myth upon which the communist regime was founded—radical break, anti-fascism, and utopia—could not be exposed as long as intellectuals had no other option than subscribing to this myth. Paradoxically, there existed no alternative to the communist regime, because it was already manifest in the form of the capitalist West. The intellectuals' consequent acceptance and perpetuation of the GDR's foundational myth prevented East German society from producing an abiding intellectual challenge to the regime's moral legitimacy.[62] For instance, 17 June 1953 represented a watershed in the history of the GDR, but it failed to connect in the people's collective memory as a national symbol of opposition against the regime. Thus, if communism was organised forgetting, the opposition to it was necessarily, in Milan Kundera's unforgettable phrase, a "struggle of memory against forgetting."[63] Ultimately, East German intellectuals lost the "struggle of memory against forgetting," as there existed no legitimate national discourse that could be mobilised against the communist regime.

Notes

[1.] *The Captive Mind* is considered among the most influential and enduring accounts of the attraction of intellectuals to Stalinism and, more generally, of the appeal of authority and authoritarianism to the intelligentsia. Czeslaw Milosz, *The Captive Mind* (New York: Penguin Books, 2001), p. 191.

[2.] This paper defines as intellectuals "all those who create, distribute, and apply culture, i.e. the symbolic world of man, including art, science, and religion." Christian Joppke, "Intellectuals, Nationalism, and the Exist from Communism: The Case of East Germany," *Comparative Studies in Society and History,* vol. 37 (1995): p. 213.

[3.] Feiwel Kupferberg, *The Rise and Fall of the German Democratic Republic* (London: Transaction Publishers, 2002), p. 52.

[4.] Joppke, "Intellectuals, Nationalism, and the Exit," p. 216.

[5.] This is not to deny that "anti-fascism" provided a legitimation for all communist regimes established in East Central Europe after World War Two. But East Germany's "anti-fascism" was more permeant and constitutive of the regime than elsewhere because it was tied to the GDR's self-delimitation from previous and contemporaneous German regimes.

[6.] "National discourse" is understood here as the use of national symbolism and rhetoric to express demands for individual rights and collective self-determination. Christian Joppke invokes a similar argument, but one that is predominantly conceptual. This paper supplements Joppke's thesis with a structural analysis on the impact of the foundational myth, before opening an entirely novel discussion on collective memory. These two lines of argumentation—foundational myth and collective memory—are analogous because for dissidents to express demands for individual rights and collective self-determination, the effectiveness of their use of symbolism and rhetoric is defined by the fruits of memory. Joppke, "Intellectuals, Nationalism, and the Exit," p. 215.

[7.] "Revisionism" is within-system opposition that seeks to transform communism on its own grounds—"socialism with a human face," as the reformers of the Prague Spring called it. "Dissidence" abandoned the utopian premises of socialism and invokes standards of individual rights and liberties that are denied by communist regimes. Joppke, "Intellectuals, Nationalism, and the Exit," p. 215.

[8.] Okey's work is among the most prudent conceptual analyses to have emerged on the causes of the communist collapse in East Central Europe.

[9.] Robin Okey, *The Demise of Communist East Europe: 1989 in Context* (London: Hodder Arnold, 2004) p. 9.

[10.] By the late 1970s the communist system was hanging by two threads—internally, on its success in delivering the economic goods; externally, on the international structures of the Cold War. Ibid, p. 23.

[11.] Christian Joppke, "Revisionism, Dissidence, Nationalism: Opposition in Leninist Regimes," *British Journal of Sociology*, vol. 45 (1994): p. 546.

[12.] Okey, *Demise of Communist*, p. 3, 186.

[13.] Ibid, p. 14.

[14.] Okey suggests the Stalinism bequeathed communist regimes a kind of original sin that might be overlooked, even forgotten in subsequent periods, but which told powerfully against them in the events of 1989. Ibid, p. 14.

[15.] Ibid, p. 14

[16.] West Germany understood itself as the legal successor to the German Reich of 1871 with the mission to restore and rebuild the democratic foundation of the Weimar Republic. In East Germany, programmatic continuity was limited to the "progressive" strands in German history and culture that the GDR claimed to inherit. Joppke, "Intellectuals, Nationalism, and the Exit," p. 221.

[17.] This meant that the task of confronting the past was not, as in West Germany, left to the moral discretion of the individual, but was elevated to the central program of state and society. Ibid, p. 221.

[18.] Mary Fulbrook, *Anatomy of a Dictatorship: Inside the GDR 1948-1989* (New York: Oxford University Press, 1995), p. 286.

[19.] Joppke, "Intellectuals, Nationalism, and the Exit," p. 222.

[20.] In a speech in Moscow in 1964 Ulbricht stated that "those who ally themselves with the Soviet Union and the other socialist countries find themselves on the proven ground of the victors of history." Kupferberg, *Rise and Fall*, p. 52.

[21.] Ibid, p. 52.

[22.] Ibid, p. 54.

[23.] Milosz, *Captive Mind*, p. 191.

[24.] Kupferberg, *Rise and Fall*, p. 68.

[25.] By January 1952, over 14,000 "individual contracts" of up to 20,000 marks monthly had been concluded with "members of the intelligentsia." The average monthly wage in the GDR at that time was 308 marks. John Connelly, "Ulbricht and the Intellectuals," *Contemporary European History*, vol. 6 (1997): p. 337.

[26.] From an interview in 1990. Joppke, "Intellectuals, Nationalism, and the Exit," p. 223.

[27.] Hirschman provides a useful conceptual analysis on the role of emigration from the GDR. Albert O. Hirschman, "Exit, Voice, and the Fate of the German Democratic Republic: An Essay in Conceptual History," *World Politics*, vol. 45 (1993).

[28.] Joppke, "Intellectuals, Nationalism, and the Exit," p. 223.

[29.] Ibid, p. 224.

[30.] While not reducing the important role that anti-fascism played, John Connelly correctly observes that anti-fascism had a largely mythical character: from the an early date the East German state began to integrate former Nazis, and by the mid-1950s almost a third of the members of the SED had been members of Nazi organisation. Moreover, there are clear inconsistencies in the formula of communist opposition to fascism, e.g. the Hitler-Stalin pact, or the persecution of many anti-fascists who deviated from the party line. Connelly, "Ulbricht and the Intellectuals", p. 330.

[31.] Marxist "fascism theory" depicted fascism as the logical culmination of capitalism. Joppke, "Intellectuals, Nationalism, and the Exit," p. 226.

[32.] Martin Sabrow, "Dictatorship as Discourse: Cultural Perspectives on SED Legitimacy," in *Dictatorship as Experience: Towards a Socio-Cultural History of the GDR*, ed. Konrad H. Jarausch, (Oxford: Berghan Books, 2006), p. 196.

[33.] The "national question" will be discussed in the final section of this paper.

[34.] However, it is important to note that East German intellectuals could at least retreat to capitalism by emigrating to West Germany, as opposed to other East Central European dissenters. Connelly argues that the East German leadership formed an intelligentsia in the negative sense, and here it had special advantages: the open border permitted discontented "bourgeois" elements to emigrate freely for over fifteen years. Connelly, "Ulbricht and the Intellectuals", p. 352.

[35.] Joppke, "Intellectuals, Nationalism, and the Exit," p. 228.

[36.] Gary Bruce, *Resistance with the People* (Lanham: Rowman & Littlefield, 2003), p. 176.

[37.] The deputy head of the Volkspolizei listed the following as the most common demands of demonstrators throughout the GDR: (1) reduction of the work norms, (2) reduction in prices of state store wares, (3) removal of agricultural quotas, (4) release of prisoners, (5) free elections, (6) against the SED, (7) resignation of the government, (8) removal of zonal boundaries. Ibid, p. 199.

[38.] Lutz Niethammer, "Where Were You on 17 June? A Niche in Memory," in *Memory and Totalitarianism*, ed. Luisa Passerini, (London: Transaction Publishers, 2005), p. 45.

39. Brecht was a "Marxist who stood loyally on the ground of the workers' and peasants' state." Connelly, "Ulbricht and the Intellectuals", p. 349.

40. Connelly, "Ulbricht and the Intellectuals", p. 352.

41. Bruce, *Resistance with the People*, p. 177.

42. Mario Kessler and Thomas Klein, "Repression and Tolerance as Methods of Rule in Communist Societies," in *Dictatorship as Experience: Towards a Socio-Cultural History of the GDR*, ed. Konrad H. Jarausch, (Oxford: Berghan Books, 2006), p. 114.

43. The official state history of 17 June called it an attempted coup instigated by fascists and Western imperialists, who manipulated a few discontented workers. Niethammer, "Where Were You on 17 June?" p. 45.

44. Ibid, p. 48.

45. Ibid, p. 68.

46. Ibid, p. 55.

47. Ibid, p. 68.

48. Ibid, p. 69.

49. As mentioned earlier, neither would the year 1956, in which Khrushchev delivered his Secret Speech condemning Stalin's crimes, have historical resonance in East German society.

50. Connelly, "Ulbricht and the Intellectuals", p. 329.

51. East Germany's most important opposition group in the 1980s was the Initiative for Peace and Human Rights, which was modelled on the Czech Charter 77.

52. Joppke, "Revisionism, Dissidence, Nationalism," p. 548.

53. The transition from revisionism to dissidence as the main form of opposition can also be read as the "progressive disenchantment of intellectuals with the appeals of communism." Ibid, p. 547.

54. Joppke, "Intellectuals, Nationalism, and the Exit," p. 230.

55. Fulbrook, *Anatomy of a Dictatorship,* p. 252.

56. The great upheavals against communist rule in East Central Europe—the Hungarian Revolution in 1956, the Prague Spring in 1968, and the Polish Solidarity movement from 1980 to 1981—were all founded on civic nationalism. Dissidence was premised on a new perspective on communism as a quasi-colonial imposition by a foreign power that denied national collectivities the right of self-determination. The readiness of dissident intellectuals in Czechoslovakia, Poland, and Hungary to link their individualistic concepts of rights and anti-politics to the popular language of nationalism assured them a leading role in the mass movements that toppled the communist regimes. Joppke, "Intellectuals, Nationalism, and the Exit," p. 216.

57. Ibid, p. 228.

58. Ibid, p. 229.

59. Ibid, p. 229.

60. "Because Communism recognizes that rule over men's minds is the key to rule over an entire country, the word is the cornerstone of this system." Milosz, *Captive Mind*, p. 161.

61. Joppke, "Revisionism, Dissidence, Nationalism," p. 556.

62. Dissidence is inherently moral. The political division between left and right is replaced by the moral division between right and wrong. As Vaclav Havel famously expressed, dissident politics is "living in truth." This has profound implications, essentially exposing the "lie" on which the regime is founded. In East Germany, the lie of the foundational myth, the lie of the revolutionary upheaval on 17 June 1953, and a great many other lies that ensured the communist regime its moral legitimacy, were never exposed by East German intellectuals—not even on the deathbed of the GDR in 1989. Vaclav Havel, "The Power of the Powerless," in V. Havel et. al. *The Power of the Powerless* (New York: Sharpe, 1990), p. 7.

63. Joppke, "Revisionism, Dissidence, Nationalism," p. 556.

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Plural Authorship of *The Book of John Mandeville* and the Scribal Cultural Ethos

Taylor Gray Moore

Composed in the middle of the fourteenth century, the *Book of John Mandeville* proved a widely popular text for centuries to follow.[1] The book presents itself as an autobiographical account of Sir John Mandeville, an English knight, documenting his travels across the world. It exists today in dozens of divergent manuscript variants and between them can be read in all of the major European languages.[2] In the nineteenth century the book was discovered to be a composite text compiled by an unknown individual, while the eponymous Mandeville was determined to be non-existent. The work was subsequently vilified by the scholarly community as a malicious fraud.[3]

I consider this a mis-characterization that has proved difficult to conquer as a result of the understanding of the authorial creator that was born out of early modern print culture. The scribal manuscript context of the Book of John Mandeville can be described, and thus normalized, by Matthew Fisher's concept of "derivative textuality". He defines this as follows:

> Derivative texts are the product of a particular and elaborate methodology, in which composition cannot be neatly or trivially divided from quotation and translation. Derivative texts are complex tissues of quotations and translations, assembled into a narratively continuous and textually coherent whole. [...] These texts, neither compilations nor translations, but rather assemblages, do not fit neatly with conventional definitions of composition and creation.[4]

The *Book of John Mandeville* is an extreme, but not aberrant, example of the variant nature of medieval scribal culture. As Bernard Cerquiglini puts it, "scribal culture does not produce variants; it is variance."[5] By examining the *Book of John Mandeville,* much can be found that informs us about the ethics and practices of scribal culture in general.

Within the various manuscript versions of the work we have today one is able to access a cross-section of the worldviews that existed at the time.

Medieval scribal culture understood the written text very differently to how contemporary print culture does and any examination of written material from a scribal period must be conducted with an awareness of this. Texts in scribal culture are also intimately connected to their materiality and the human labour that produced them. Each individual manuscript is therefore unique, which contrasts with the modern expectation of a single, standardized text. This expectation has often led to attempts to impose, retrospectively, a standard text on medieval works.[6] The Ellesmere Manuscript of *The Canterbury Tales* for example has become the designated standard text of that work.[7] This is how we are now able to approach Chaucer's *magnum opus*, as well as other significant texts from the medieval period, as single, uniform texts akin to print-era works.

While this approach might be helpful for modern literary critics or booksellers, it fails to recognize the nature of how the texts would have been received, and interacted with, by their intended audience. At worst, the imposition of a modern version compiled from diverse manuscript versions results in an edition of the work that did not exist prior to the 20th century.[8] This is problematic for interpretation and criticism, particularly because the wider readership may not be aware of the modern origin of the edition's text.

Scribal culture also operated within assumptions on authorship that radically differ from those of the present. Medieval scribal culture operated within a process that would be better described as an ongoing dialogue than as a single act of creation.[9] There was general consistency in basic assumptions held by medieval scholars in the treatment of the subject of the author, dividing the process of textual creation between the roles of *scriptor*, *compilator*, *commentator* and *auctor*.[10] These roles were defined, separate, but equal—or at least more equal than is often assumed by modern scholars. Their

relationship was seen as a question of proportion rather than hierarchy, and the common assumption of modern scholarship that these roles were unequal in a way similar to print culture realities has been known to cause further problems in translation and interpretation.[11]

Within the framework described above, scribal intervention was common procedure. As a practice it was generally accepted, and even encouraged. It was not uncommon for texts to contain an exhortation for future agents to amend any errors or omissions they may find within.[12] We also see texts offering prayers to future copiers of the work, for example at the end of the Defective version of the *Book of John Mandeville*. In the last paragraph of that text we read, "Y praye to alle these that redith this book other hureth hit y-rad [hear it read], that they wolde pray for me, and Y shal pray for hem."[13] This shows the much more personal and mutually inclusive relationship between author, audience and process that existed.[14] Any audience was presumed to be part of the same network of textual creation and replication. The license to correct the contents of a copied text also extended to the correction of the narrative voice, if the nature of that voice was deemed problematic. Such corrections frequently occur in *The Book of John Mandeville*.

An alternative method of approaching a scribal text is to consider many or all manuscript forms of a work as equal nodes in a network. This is inspired by, though not exactly the same as, Deleuze and Guattari's Rhizome theory of literature. Iain Macleod Higgins also understood *The Book of John Mandeville* through a similar methodology.[15] This theory recognizes a book as something that "exists only through the outside and on the outside," which allows one to take into account the physical nature of the medieval manuscript. A book is seen as "an assemblage [...] in connection with other assemblages," which accommodates the interconnected nature of scribal composite textuality and authorship. This theory was developed as a response to post-modern

methods of creation such as Burroughs's cut-up method.[16] Here I am repurposing it for application in studying the textual network of scribal culture. This can be done with little modification. I am particularly interested in the idea of the "radice-system". According to Gilles Deleuze and Felix Guattari:

> The radice-system, or fascicular root, is the second figure of the book, to which our modernity   pays willing allegiance. This time, the principal root has aborted, or its tip has been destroyed; an   immediate, indefinite multiplicity of secondary roots grafts onto it and undergoes a flourishing   development.[17] We can understand the *Book of John Mandeville*—and, by extension, the entire scribal culture it is part of—as related to this concept of the "radice-system".

This concept was originally used in consideration of a conscious act of creation rather than the sum of a totalistic sociocultural system. However, little modification is required to analyze a multiplicity of closely related texts created over wide regions of time and space.[18] Individual texts, in the sense that they are composite formations, can be considered as multiplicities as well. This way, we may consider the *Book of John Mandeville*, in all its variant forms, as a microcosm of the wider society under whose rules it exist and operated. In a similar way to the fascicular root described by Deleuze and Guattari as common in the origin of post-modern texts, the original authorial act of *The Book of John Mandeville*, as well as the entirety of the scribal textual process, has been lost to the sands of time.

In consideration of the full spectrum of text we see all possible entry points to a work and thus come to a better understanding of what it might have been to a medieval audience, as well as what it might be for us. We should also appreciate that the network these manuscripts form can be read as a cross section of the wider network of scribal culture. We must take into account the unavoidability of, often significant, input from agents outside of what we are accustomed to consider *authorial.* The shifting perception

of our definition of author effects what the modern analyst considers worthy of consideration. Indeed in manuscript culture there is no mark on the parchment that is without meaning, without significance.[19]

With this perspective in mind, I will compare two versions of *The Book of John Mandeville*: the Cotton and Defective texts. I chose these texts because they are two of the most prominent Middle English texts of *The Book of John Mandeville,* and are part of Higgins's seminal study.[20] My primary focus will be on the exordium and epilogue sections, as these represent the richest loci of scribal intervention and so offer the best case study of variance and scribal agency.[21] I will also consider manuscripts beyond these two but from the perspective of secondary sources, primarily Higgins.

Both of these texts were written in Middle English around the year 1400. The Defective version tends to strive for brevity, whereas the Cotton version, considered to be more faithful to the original French, tends towards greater elaboration.[22] I have also found that the Cotton version has a greater religious emphasis compared to the Defective, while the Defective puts greater emphasis on the figure of Mandeville. Some manuscripts are even more extreme in emphasizing religious purpose over the individual author, such as the Vulgate manuscript, which removes the entirety of the prologue following the description of the Holy Land.[23] Generally, different versions of *The Book of John Mandeville* will choose to focus either more on "wonders" and the fascination of the foreign, or on spiritual and pious subjects. This tension between manuscript versions is illustrative of a general tension between spiritual and temporal matters that existed in medieval Europe.

The Defective version begins with a short preface introducing the narratorial John Mandeville, then continues to introduce the subject of the Holy Land and the divinity of Christ. This order is reversed in the Cotton Version. The Holy Land is described first, and the introduction of the narratorial figure occurs at the very end of the chapter. The

discussion of Christ and the Holy Land is greatly extended.

More or less every element discussed in the preface is discussed in greater detail in the Cotton. We can compare, for example, a passage on the birth of Christ and the Virgin Mary:

Defective

> In the which londe [land] hit liked Hym to take flessh and blood of the Virgyn Marie and to honoure that lond with His blessed foot. And ther He wolde do many miracles and preche and teche the feyth [faith] and the lawe of us Cristyn [Christian] men as to His dere [dear] children.[24]

Cotton

> […] in the which lond it lykede [pleased] Him to take flesch and blood of the virgyne Marie to envyrone that holy lond with His blessede feet. And there He wolde of His blessedness enoumbre [due to his blessed nature enveloped] Him in the seyd blessed and gloriouse virgine Marie and become man and worche [complete] many myracles and preche [preach] and teche [teach] the feyth [faith] and the lawe of Crystene men vnto [unto] his children.[25]

The Cotton manuscript puts greater emphasis on the Virgin Mary compared to the Defective manuscript. The Cotton tends to always include more adjectives, for example to add praise to figures such as Christ and the Virgin Mary. This is one thing that suggests a more religious orientation for this text, as the scribe has taken care to make sure they are always praised extensively. For example, the Cotton manuscript refers to the Virgin Mary as "blessed and gloriouse," when the Defective lacks the sentence entirely.[26]

Adjectives are also added to the description of the Holy Land. The use of multiple adjectives draws attention to a certain subject and clarifies the narration attitude taken towards it. So, the use of multiple positive adjectives to describe a holy place or figure emphasizes that subject's holiness. The Cotton also includes more details of Christ's suffering compared to the Defective. For example, the exordium of the Cotton version states that the Holy Land is "blessed and halewed of the precyous body and blood of oure lord Ihesu Christ,"[27] whereas the Defective states that it "is y-blessed and y-halwed

and sacred of the precious blode of Oure lord Jhesu Crist."[28] The Cotton version also adds the word "body," extending the reference beyond "blode" to include the "body" as well. This adds emphasis to Christ's physical, human form. This may point to an affinity with affective piety on the part of the Cotton scribe. This was a spiritual attitude common in late medieval theology that emphasized meditation upon the subject of Christ's wounds and suffering, as well as the Virgin Mary's. Although one could perhaps interpret any focus on Christ's physical suffering, which is present in both texts, as a sign of affective piety, the Cotton manuscript encourages it.

The Defective manuscript also depersonalizes the preface. This text refers to John Mandeville in the third-person, as opposed to the Cotton's choice of the first-person. This is part of a general tendency within some manuscripts to deemphasize the voice of Mandeville in favour of a more composite scribal voice. He is made less the presenter and more the subject of the book. He has become part of the interest. This was increasingly the case as time passed as he became more well know as an individual.[29] A particularly extreme example is the Irish Gaelic manuscript of Fingin O'Mahoney. He includes a long introduction explicitly in his own voice, presenting himself by name as the scribe:

> [...] and whosoever would fain know the best way to wend from every country to Jerusalem [...] Fingin, son of Diamait Mór Húa Mathgamna will tell it. For 'tis he that put this book out of English and Latin and Greek and Hebrew into Gaelic to shew the ways [...][30]

This illustrates the complex relationship between the authorial voice and scribal voice that exist in a scribal manuscript. Both of these contribute importantly to the final, composite, narratorial voice, or rather voices.[31] The composite, assembled nature that the Mandeville voice possesses to begin with is an example of this. O'Mahoney puts his own achievement of translating the information on a level of at least equal importance to Mandeville's.[32] We can draw from this, perhaps, that the act of passing along

information second-hand, textual form was as significant, or more significant, than the passing along of first-hand experience is in scribal culture. The act of copying the text engages the copier in the process of information replication and it's repurposing. The original *auctor* was only ever one link in this chain.

Another example of this phenomenon can be found in the German Von Diemeringen manuscript. The scribe includes himself in the text here as well, giving himself import "as valuable as Sir John's."[33] The exordium includes a passage reading "I, Otto von Diemeringen, Canon of Metz, have turned this book from Latin and French into German to the delight of Germans who especially want to learn about foreign things."[34] This passage also exemplifies the tendency to emphasize travel, presenting the work as primarily, or exclusively, about "foreign things". Presumably this is done under the assumption that this is what its audience will care most about.

The texts also attempt to invest a degree of authority on Mandeville. These attempts provide a window into medieval assumptions about what is authoritative. The Cotton manuscript includes, for example, at the end of the exordium, a paragraph outlining a—factually dubious—history of the book's translation, which is attributed to the authorial Mandeville himself.

> And yee schulle vndirstonde [shall understand] that I haue put this boke out of latyn in to frensch and translated it ayen [again] out of frensch into Englyssch, that euery man of my nacioun may vnderstonde it. But lordes and knyghtes and othere noble and worthi men that conne not [do not know] latyn but litylle and han [have] ben beyonde the see knowen and vnderstonden yif I seye trouthe or non. And yif I err in deuisynge [devising] for forgetynge or elles that thei mowe [more] redresse it and amende it. For thinges passed out of longe tyme from a mannes mynde or from his syght turnen sone in to forgetynge [soon are forgotten] because that mynde of man ne may not ben comprehended ne withholden for the freeltee [frailty] of mankynde.[35]

The text states that Sir John originally wrote the work in Latin, the language of authority, giving greater credence to the book by virtue of having been written originally in that language, and by extension showing Mandeville as educated by showing that he

understood it. It also serves to position the work as an educative, charitable work. This is because the narrator claims to have translated it so "that euery man of my nacioun may vnderstonde it." The use of "nacioun" may also suggest a certain proto-nationalist sentiment.

Many versions also invoke papal approval to imbue authority to the text by including in the epilogue an episode of the pontiff approving it personally. The journey to the Pope is not present in all manuscript versions, but it is included in both the Cotton and the Defective versions.

Defective

And for as moche as many man troweth noght but that they se with her owen eye other that they may conseyve with her kyndely witte, therfore Y maked my way in my tornyng homwarde to Rome to showe my book to the holy fader, the pope, and telle to hym mervayles whoch Y hadde y-seye in diverse contrees, so that he, with his wise consayl wolde examine hit with diverse peple that beth in Rome. For ther beth in Rome evermore men dwellynge of diverse nacions of the worlde. And a litel tyme after, when he and his conseil hadde examined hit al thorgh, he sayde me for certayn that all was soath that was therynne [all was truth that was therein]. For he sayde he hadde a book uppon Latyn that conteyned that and moch more, after which book the mappa mundi ys y-maked, which book he shewed to me. And therfore the holi fader, the pope, hath ratefied and confermed my book in alle poyntes.[36]

Cotton

And yee schulle vndirstonde yif it lyke you that at myn hom comynge [at the time of my homecoming] I cam to Rome and schewed my lif to oure holy fadir the Pope and was assoylled [absolved] of all that lay in my conscience of many a duerse greuous poynt [many a grievous punishment] as many mosten nedes that [might need that have] ben in company dwellyng among so many a dyeurse folk of dyuerse secte and of beleeve as I haue ben. And amonges alle I schewed hym this treys that I had made after informacoun of men that knewen of things that I had not seen myself as fer as God wolde yeue me grace; and besoughte his holy fadirhode that my boke myghte ben examyned and corrected be avys of his wyse and discreet conseille, be the whche my boke was preeued for trewe; in so moche that thei schewed me a boke that my boke was examynde by that comprehended fulle moche more be an hundred part, be the whiche the *Mappa Mundi* was made after. And so my boke, alle be it that many men ne list not to yeue credence to nothing but to that that thei seen with hire eye, ne be the auctour ne the persone neuer so trewe, is affirmed and preued be oure holy fader in maner and forme as I haue seyd.[37]

In the Cotton manuscript, Sir John goes to Rome in order to confess, which is a necessary consequence of spending so much time "dwellyng among so many a dyuerse folk." He presumes that the exposure to so many "dyuerse secte and [...] beleeve" has put him in a spiritually perilous state. In the Defective, on the other hand, Sir John goes to Rome because of the "diverse peple that beth in Rome," which allows him to test the reliability of his manuscript against their knowledge.[38] The diversity is spoken of as a positive attribute, which is the inverse of the Cotton Mandeville's[39] reasoning, in which the diversity of people forced him to confess in order to purify himself. Yet virtually the same terms are used in both manuscripts, even though what is being referenced is judged in radically different ways. This shows the vital importance of the scribal agent in forming the ultimate meaning of a text.

The notion that real experience may be confirmed by textual authority is odd to a modern reader. There is even the suggestion that Mandeville's testimony may be "corrected" against the text contained in the Vatican. This shows the degree to which textual authority is valued over personal experience. The episode in Rome has the effect of positioning Mandeville's book as being in agreement with preexisting textual authority. This written authority is doubly reinforced by coupling it with papal approval. It is fair to say that the combination of the two is nearly unsurpassable as a source of credibility in medieval Europe. Even the credence of the *Mappa Mundi,* the visual representation of the world, is described as ultimately of textual rather than experiential authority.

The Cotton account of Mandeville's motivation to go to Rome also serves to emphasize his identity as a faithful Christian. A pious scribe might see this as important considering the long period of time that Mandeville has spent isolated from the Christian community. The scribe evidently feels it is important to re-emphasize that this is a Christian text, one with ultimately pious ends. The Defective manuscript instead chooses

to position itself, again, as interested primarily in diversity.

The popularity of *The Book of John Mandeville* could not survive the era which created and defined it. As assumptions about the world outside Europe shifted in the Age of Discovery, the book lost its relevance and credibility as a source of information. Similarly, the rise of the printing press ended the scribal milieu that fed the book's multitudinous diversity. By the Victorian era, the shift in attitudes was such that what once allowed for the book's great success laid the groundwork for its condemnation. However, since the middle of the 20th century, our understanding of the nature of text and our relationship to it has been shifting once again. Originating in postmodernist academia and fueled in no-small-part by the rise of the mass, and later social media, the last fifty years has seen another revolution in the understanding of textual ownership and the authorial identity. French Philosopher Michel Foucault, for example, argued that the role of the Author was a social role rather than a representation of an objective relationship to a work. Thus, perhaps, we are moving back towards an understanding that is again closer to that of Mandeville's original audience. Indeed, the idea of a work with an unknown origin which is edited, revised, reinterpreted and personalized by a vast number of individuals is not so foreign to the world of internet memes, social media and remixes, in which personalization and re-contextualization of already existing work is an increasingly popular mode of expression. We may very well be coming back to a world of composite authorship in which *The Book of John Mandeville* would be not at all out of place.

Notes

[1.] David C. Benson and Tamarra Koahnski, eds., "Introduction," in *The Book of John Mandeville* (Kalamazoo, Michigan: Medieval Institute Publications, 2007).

[2.] Iain Macleod Higgins, *Writing East: The "Travels" of Sir John Mandeville* (Philadelphia, Pennsylvania: University of Pennsylvania, 1997), 22-3.

[3.] Benson and Kohanski, "Introduction," in *The Book of John Mandeville.*

[4.] Matthew Fisher, *Scribal Authorship and the Writing of History of Medieval England* (Columbus, Ohio: Ohio State University, 2012), 7.

[5.] Fisher, Matthew, *Scribal Culture,* 265

[6.] Elizabeth J. Bryan, *Collaborative Meaning in Medieval Scribal Culture* (Michigan: University of Michigan, 1999), 8.

[7.] Higgins, *Writing East,* 19.

[8.] Ibid.

[9.] Bryan, *Collaborative Meaning*, 45.

[10.] Ibid, 19.

[11.] A.J. Minnis, *Medieval Theory of Authorship* (London: Scholar, 1984), 2.; Bryan, *Collaborative Meaning,* 47-9.

[12.] Fisher, *Scribal Culture,* 24.

[13.] Defective version in: Benson and Kohanski, *The Book of John Mandeville*, 2849-50.

[14.] Given the centrality of the process of manual creation in the final form that a text takes it seems fair to me to include the process itself as "authorial" when considering it from the vantage point of our notions of "author" as a controlling factor of textual content.

[15.] Higgins, *Writing East,* 19-20.

[16.] Ibid; Deleuze, Gilles and Felix Guattari, *A Thousand Plateaus*, trans. Brian Massumi (Minnesota: University of Minnesota, 1987), 4.

[17.] Deleuze and Guattari, *A Thousand Plateaus,* 5.

[18.] In the sense that it reflexively governs all actions and assumptions pertaining to the subject. The contemporary, author-based print culture could be considered similarly, or any overarching context that will inescapably govern how a work is understood by its audience.

[19.] Bryan, *Collaborative Meaning,* 58.

[20.] Higgins, *Writing East,* 20.

[21.] Ibid, 28; 239.

[22.] Ibid,19

[23.] Ibid,56.

[24.] Benson and Kohanski, *Defective version*, 13-16.

[25.] *Cotton version,* in: M.C. Seymour, ed., *Mandeville's Travels*. (London: Oxford University Press, 1967), 1.

[26.] This is in keeping with that manuscript's tendency towards brevity.

[27.] Seymour, *Cotton version*, 1.

[28.] Benson and Kohanski, *Defective version*, 13-14

[29.] Higgins, *Writing East,* 61.

[30.] Higgins, *Writing East,* 59.

[31.] Perhaps it is most correct to separate, entirely, the voice of a medieval scribal text from the individuals contributing to its creation.

[32.] Higgins, *Writing East,* 59.

33. Ibid*,* 60.
34. Higgins, *Writing East,* 60.
35. Seymour, *Cotton version*, 3-4.
36. Benson and Kohanski, *Defective version*, 2838-48.
37. Seymour, *Cotton version*, 228-9.
38. Higgins, *Writing East,* 257.

39. It seems appropriate, in situations like these, to speak of the Mandevilles of different manuscripts as completely different characters.

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Farewell, Slovakia: Ethnic Conflict in Czechoslovakia and its Role in the Dissolution of the State

Ana Herran

Introduction

During the constitutional crisis of 1992, both the citizens and politicians of Czechoslvakia expressed fear of ethnic conflict in the form of statements referring to the Yugoslav wars. The Czech Prime Minister, Václav Klaus, said in November 1992 that failure to dissolve the Czechoslovak state could result in a chaotic situation similar to the one then occurring in the Balkans.[1] The possibility of ethnic conflict could have justified the hasty decision to dissolve the Czechoslovak state on the basis of preventing such conflict from occurring. Yet the relations between Czechs and Slovaks within the common state had been peaceful and generally mutually supportive.[2] Indeed, the majority of the population opposed the split.[3] These facts, among others, suggest that ethnic conflict on its own could not have caused the dissolution of Czechoslovakia and question the role of ethnic conflict and ethnic nationalism in the dissolution of the state.

The view of the majority of the population is reflected in a statement by the Czechoslovak singer and performer of protest songs, Karel Kryl, who blamed the dissolution of his native country on politicians from the post-Communist elite, their love of power, and their vast ignorance.[4] While it is true that these politicians could not have invented the historical differences that characterized the relations between Czechs and Slovaks, they could, and did exploit these historical tensions in order to secure their power.

Two Nations: the Origins of Ethnic Conflict

1. Language and Nation

The idea of Czechs and Slovaks forming a single Czechoslovak nation developed at the end of the eighteenth century, due in part to the two people's linguistic closeness.[5] This idea, known as Czechoslovakism, was largely accepted by Protestants in Slovakia, who used a Slovakized variety of literary Czech called *bibličtina* as their literary language.[6] By contrast, the Czechoslovakism project was less welcomed by Catholic Slovaks, since they used a codified variety of Western Slovak known as *Hattalovčina*, which was not as close as *bibličtina* to standard Czech.[7]

Language played an essential role in determining identity for both Czechs and Slovaks. The importance of language in nationalism is reflected in an ambiguous definition given by the Slovak politician Milan Štefánik of Czechs as being "Slovaks who spoke Czech", while Slovaks were "Czechs who spoke Slovak."[8] Scholars agree that since the idea of Slovak as a distinct language gave rise to Slovak national consciousness and Slovak nationalism, the Slovak language was the cornerstone of the Slovak nation-building process.[9] It could then be said that the linguistic closeness of Czechs and Slovaks both united and divided the two nations; while it fostered cooperation between the two groups, the idea of Czechoslovakism negated Slovakia's uniqueness and, in some cases, its existence as a different nation.[10]

The desire to defend the national language originated through the relationship of both groups with their respective foreign rulers throughout history. The Czech and Slovak nations had developed separately under very different conditions, thus by the time of the creation of the First Republic, the two constituent nations varied greatly from each other, not only linguistically, but also, and more importantly, culturally, politically, and economically.[11] These differences are the reasons why Czechs and Slovaks had different motivations for joining together in the Czechoslovak state.

2. The Czechoslovak State

The only incidence of a common Czech and Slovak political entity, before the creation of Czechoslovakia, dates back to the ninth century. The Great Moravian Empire, was the first independent Slovak state, as the land of modern day Slovakia had been part of Hungary since the year 1000. In contrast, the Czechs had had a more recent political experience with the Kingdom of Bohemia, which had enjoyed independence until the seventeenth century, when it was summarily defeated and incorporated into Austria.[12] For the Slovaks, the absence of a historical claim to nationhood, in addition to the lack of an elite oriented toward the nationalist cause, resulted in a very weak consciousness of Slovak nationalism.[13] The scarcity of Slovak elites was due to the policies of Magyarization, which aimed to transform Hungary into a culturally and ethnically homogenous Magyar state by assimilating all of Hungary's minorities.[14] These policies undermined Slovak culture to the point that, as the historian Robert Seton-Watson noted, the Slovak nation could have disappeared, had Austria-Hungary not been defeated in 1918.[15] Nevertheless, it was under this context of Magyar assimilation that the first visions of Slovak nationalism emerged. These visions did not aim at Slovak independence or at union with the Czechs, but at autonomy within a multi-ethnic Hungary.[16]

The Czechs, who had experienced less cultural repression under Austrian rule than the Slovaks under Hungarian rule, had a more developed national consciousness. Their National Revival of the nineteenth century had allowed the emergence of independent Czech-language institutions, including the reopening of a Czech-language university.[17] The ethnic German predominance in Austria had threatened aspects of Czech identity, particularly religion. For this reason, Czechs tended to associate Catholicism with the oppressive Habsburg monarchy and became critical of the Catholic Church.[18] German culture, however, also made an impact on Czech culture. As the

Germanist professor Steffen Höhne notes, Western European, and particularly German ideas, influenced Czech culture. This influence led to the development of an original Slavic nation with Western European features.[19] As a consequence of this influence, Czecho-Slovak relations reflected the development of important cultural differences, leading to the perception held by Czechs of Slovaks being "eastern" and less developed peasants. [20]

It is important to note, however, that a Czech plan for autonomy prevailed over the idea of union between Czechs and Slovaks in an independent state. In fact, before 1917, neither Czechs nor Slovaks had considered options other than autonomy within a federal reorganization of Austria-Hungary.[21] According to the historian Frédéric Wehrlé, the lack of awareness by the general Czech public regarding Slovaks was such that even by 1918 some Czechs still confused Slovaks with Slovenes.[22] Thus, cultural differences between Czechs and Slovaks prevailed over linguistic similarity before the creation of the First Czechoslovak Republic.

3. The Czechoslovak Nation

The two constituent nations of the Czechoslovak Republic also had different motivations for the creation of the common state. In 1917, Czech statesmen searched for an ally in the Slovaks with the hope that a Czechoslovak state would counterbalance the influence of the German minority in the Czech lands. The Slovaks, for their part, saw the common state as the only possibility to protect their culture from foreign assimilation.[23] The motivations of the two nations could be seen as conflicting, for, while the central government in Prague aimed to integrate the Slovak "branch" of the Czechoslovak nation, the Slovaks demanded autonomy within the state. From the perspective of the Prague government, this autonomy could not be granted, since it would increase ethnic tensions with the German and Hungarian minorities.[24]

The Slovaks began to perceive the centralist government as a replacement of Hungarian rule. The Slovak Catholics, in particular, were concerned with the new regime and Czech anti-clericalism.[25] Andrej Hlinka, the Slovak Catholic priest and politician who had supported Slovakia's union with the Czechs, advocated for recognition of the Slovak nation and for its own administration and parliament, as stipulated in the Pittsburgh agreement of 1918, but the central government refused.[26] Hlinka's concern with anti-clericalism was based on the collaboration between the Czech administrators sent to Slovakia and the Slovak Protestants. These Czech administrators and teachers had been sent to Slovakia to replace the Magyarized Slovak intelligentsia, but their arrival was perceived by the Catholics as an invasion and a lack of respect for the religiousness of the Slovak nation.[27] Bishops in Bohemia observed that the attitudes of the Czech administrators had undermined Slovak popular support for the government in Prague.[28]

The failure of Czechoslovakism is evident in the case of education. In fact, the Czechoslovak school system was an important legacy of the First Republic in the further development of the Slovak language. Even though these schools promoted Czechoslovakism, the language of instruction varied according to the region. This meant that students in Slovakia learned to read and write in *Hattalovčina*, while the Czechs learned Czech. The written language spread through education and helped to establish linguistic difference in Slovakia.[29] Therefore, despite the attempt to unify the culture, the school system contributed to the failure of Czechoslovak project.

4. Betrayal and Redemption

Czech historian Zdeněk Urban described Czecho-Slovak relations in periods of friendliness and periods of hostility.[30] Following this account, the period between 1938 and 1944 can be seen as one of hostility, and probably one of the darkest times in the history of Czech and Slovak relations.

On September 29, 1938, Neville Chamberlain, Édouard Daladier, Adolf Hitler, and Benito Mussolini signed the Munich Agreement, which required Czechoslovakia to cede the Sudetenland to Germany within ten days. The Czechoslovak government accepted the "diktat" the day after. This event marked the end of the First Republic.[31] Weakened by the treaty, the Czechoslovak state was forced to accord concessions to the Slovaks. Slovakia gained autonomy after the Žilina Agreement was signed and the name of the country was changed to "Czecho-Slovakia."[32] This hyphenated version of the name had existed since 1918 and had not completely disappeared, but the unhyphenated version had prevailed during the First Republic.[33]

On March 13, 1939, the Slovak signed a defensive treaty with Nazi Germany. Slovakia was to announced its independence from Czecho-Slovakia and become a satellite of the Third Reich. The next day, the Slovak Diet declared independence. At the same time, former Czechoslovak President Emil Hácha accepted German occupation of the Czech lands and their subsequent transformation into a German protectorate.[34] The events that preceded the establishment of the Second Republic were characterized by the radicalization of Slovak nationalism, including anti-Czech demonstrations and anti-Czech propaganda.[35] Slovakia's autonomy and the creation of the independent Slovak state were perceived by Czechs and even by some Slovaks as a betrayal of democracy and of Czechoslovakia, due to the nature of the regime that governed the state and its association with Nazi Germany.[36] Moreover, the idea of betrayal and radical Slovak separatism were later exploited by the Communist regime in order to purge the party of prominent Slovaks.[37] In terms of the legacy of the Slovak state, the Czechs and the Slovaks had different perceptions. For the Slovaks, the semi-independent state had proved that they were capable of political organization and basic identity.[38] The Czechs, in particular those in exile, declared that the Slovak state had not had any sort of

autonomy or independent political organization since it had been under German control.[39]

The Slovak National Uprising of 1944 was an armed insurrection organized by the Slovak resistance during the Second World War that aimed to overthrow the collaborationist government. The uprising was led by units of the Slovak armed forces that declared themselves part of the Czechoslovak army and who were commanded by the Czechoslovak government in exile.[40] This episode was thus described by the supporters of Czechoslovakia as the will of the Slovak people to reunite with the Czechs.[41] There were indeed groups of Slovaks who were willing to reunify with the Czechs, but this time in a non-centralized state. The Košice Government Program of 1945 presented an ambiguous promise to recognize Slovakia's unique identity, yet the constitution adopted in 1948 conceded to the Slovaks a very limited governmental structure, despite recognizing Czechs and Slovaks as different nations.[42]

5. Federalization

The question of federalization was not revisited again until 1968. The federalization law, adopted that year, gave the Slovaks equal representation, but this was limited to those institutions that had very limited power under the Communist regime, such as the Constitutional Court.[43] Moreover, after normalization, the laws of 1968 were weakened by further constitutions.[44] Nevertheless, the new structure of the state and its institutions left an important legacy: the Chambers of Nations. Each nation had a chamber with seventy-five deputies and the approval of a majority in each chamber was needed in order to declare a decision as valid. The existence of these bodies is essential to the understanding of the parliamentary crisis of 1992, which will be discussed further on.[45]

II. Two States

Czechs are silly and have no emotion.
They are unable to understand you,

And will even joke about serious issues.

You will see, without them you will feel better.

Farewell, Slovakia! You will feel better.

You have the High Tatras, we have the low Říp

You are aiming high like a fast arrow

Farewell, Slovakia! You will feel better.

Soon, we will no longer be there.

We will become a mere evil illusion.

We will disappear like a remnant that someone stubbed out

No sorrow, no hatred.

We will conquer Europe separately. Kiss me one last time.

Farewell, Slovakia! You will feel better.[46]

With the fall of Communism in 1989, the issue of Slovakia's status within the common state reappeared. Dissatisfaction over the structure of the state, in addition to the vast economic inequality, might have justified the emergence of Slovak nationalism.[47] However, the impact of ethnic nationalism immediately following the Velvet Revolution was minimal. In fact, the popularity of Slovak separatist groups declined because the citizens were more concerned with social issues, such as unemployment, rather than with purely nationalistic issues.[48]

Political scientist Sharon Wolchik argues that, had there existed in 1992 an institutional mechanism that facilitated the cooperation between both nations, those who opposed the breakup in either nation could have had a political impact over the decision of the split.[49] The lack of such an instrument, however, cannot be explained in terms of ethnic nationalism. Indeed, until 1990, there had been Slovak anti-Communist activists who affiliated themselves with a Prague-founded citizen's pro-democracy movement, rather than with a Bratislava-based one. This was the case of the Slovak branches of the

Prague-established movement Civic Forum (OF). A similar citizen-led undertaking also emerged in Bratislava. This movement, called Public Against Violence (VPN), maintained that it spoke on behalf of the whole of Slovakia. Yet, the OF branches in Central and Eastern Slovakia argued that VPN was a phenomenon of only Western Slovakia, and they criticized VPN's overarching claim to represent the interests of the entire Slovak public.[50]

In a meeting on November 29, 1989, the central committees of Civic Forum and Public Against Violence agreed to recognise each other as the sovereign representative of their respective republics, meaning that all the citizens' movements in Slovakia, including the local branches of OF, were to reorient towards Bratislava.[51] This decision to split the movements along national lines facilitated the emergence of different party systems in each republic.[52] However, even after this decision was made, factions of OF and VPN continued to cooperate in some regions of Slovakia. For example, in the town of Komárno, in South-Western Slovakia, a coordinating committee was formed by, among others, local branches of OF and VPN. The collaboration between these groups within the *Coordinating Committee of Civic Forum and Public Against Violence,* as it was called, continued into 1990.[53]

The existence of these committees and groups illustrates that collaboration across republican lines was possible and that the division of civic movements could have been avoided. It also demonstrates the impact of regionalism within each republic and how this regionalism preceded ethnic nationalism. One example of prevailing regionalism was the emergence of demands for the restoration of Moravia's territorial integrity and for a reconfiguration of the federation that would make Moravia a constituent republic.[54] These demands had their origin in the principle that citizens should be able to decide on issues that affect their region. Activists in Moravia denounced the "Pragocentrist" behaviour of Civic Forum's coordinating committee and the lack of representation for their region in the movement. Eastern Slovakia denounced Bratislava's claim to speak

on behalf of the entire republic.[55] By November 1990, Eastern Slovakia also proposed a new model for the federation: a quadripartite federation, in which this region would form a constitutional republic alongside the rest of Slovakia, Moravia, and Bohemia.[56]

It is important to mention that, unlike Eastern Slovakia, Moravia had a history of self-government, but lost this status during the first years of Communist rule. The demands for restoration could thus be perceived as an opposition to the centralist policies of the totalitarian regime.[57.] It is also important to remember, that unlike Slovakia, Moravia had a sense of belonging to a common Czech nation since the eleventh century, and that the consciousness of common Czech identity had not been questioned until Communist rule was instated.[58]

Despite the division of the anti-Communist movements along republican lines, all major movements in both republics agreed that the national question needed a solution and that such an answer could be achieved with an "authentic federation." However, the first major parliamentary conflict occurred before the negotiations over the national question had even begun. On January 23, 1990, the Czechoslovak president Václav Havel proposed to remove the adjective "socialist" from the name of the country and revert to the name *Czechoslovak Republic,*[59] which had been used between 1920 and 1938.[60] Some Slovak delegates in the Federal Assembly objected to this proposal, arguing that *Czechoslovak* implied the existence of a Czechoslovak nation and thus denied Slovakia's identity, citing as an example the fact that Slovak politicians, such as Alexander Dubček, were known abroad as "Czech" leaders.[61] The Slovaks suggested that a hyphen be added between the words *Czecho* and *Slovak,*[62] a proposal that was rejected by the Czechs because of the association of the hyphenated version with the Second Republic and the Munich Diktat.[63] Initially, the Federal Assembly adopted both names: the hyphenated version was to be used by the Slovaks and the non-hyphenated form by the Czechs.[64] However, the controversy did not abate. The adoption of the two

names was followed by several popular protests, including one in Bratislava in March 1990, during which the frustrated protesters argued that they might as well rename the country the "Czechoczech" Federative Republic, since it was the Czechs who always seemed to decide everything.[65] The Federal Assembly finally agreed on "Czech and Slovak Federative Republic", following three months of debate.[66]

The "Hyphen War" indicated that the agreement on an authentic federation would prove more challenging than predicted, for the legacies of mistrust between the two nations would have a significant impact on the negotiations.[67] The debate marked a turning point, after which the main focus of the discussions became the national question, rather than other issues that had previously been shown more attention.[68]

With these developments, nationalism in both republics became more radical. In 1991, during the celebration of the founding of Czechoslovakia, demonstrators in Bratislava threw eggs at President Havel.[69] This event and other demonstrations of Slovak nationalism, including the "anti-Hungarian" language law of 1990, were widely noted by the Czech press and helped to spread in the Czech lands the perception of Slovak nationalism as undemocratic and replete with "fascist" tendencies.[70] Some Czech representatives even described their Slovak counterparts as fanatical nationalists with irrational demands.[71] Miroslav Macek, a Czech member of the Federal Assembly, declared that the debate over the name of the country was only a pretext to later pursue more radical demands.[72] A popular Czech joke at the time summarizes the attitude of the Czechs towards the demands of the Slovaks:

What will they call the political system of Europe in 2001?

The United States of Europe and Slovakia [73]

This joke also reflects the aspiration of "returning to Europe", which had been one of the primary goals of the post-Communist government since 1989. However, the totalitarian and anti-democratic aspects of the political developments in Slovakia, as well as the latter's resistance to economic reforms, might have compromised or delayed

Czechoslovakia's European integration, as the politics and economy of Slovakia would not conform to Western standards.[74] A Czech newspaper even wrote in 1992 that European integration could be achieved through separation, whereas the continuance of the common state would lead both nations "into the Balkans."[75]

1. Farewell, Slovakia!

Debates at the Federal Assembly continued until March 1992, when the Slovak parliament rejected a compromise treaty on the constitution. The talks were postponed until after the June elections.[76] The results of these elections had no overt nationalistic character because the winning parties had defended the maintenance of the common state throughout the campaign. The problem remained that the Czech and Slovak ideas of common state at this point were incompatible.[77]

The Civic Democratic Party (ODS), the winning party in the Czech Republic, was led by Václav Klaus and defended the idea of a functioning federation with a strong central power that would continue the economic reforms underway. As the finance minister in 1990, Klaus was responsible for the ongoing economic reforms, and his party's victory in the 1992 elections was partly due to the successful economic growth of the Czech lands.[78] The issue with Klaus' policies was that they did not take into account Slovakia's economic differences, a fact that further undermined Czech-Slovak relations.[79]

The Slovak economy had, for example, been more dependent on Soviet oil and raw materials than had the Czech economy. With the fall of Communism and the establishment of Klaus' federal reforms, Slovakia's economy found itself in a rapidly deteriorating condition marked by the growth of unemployment, inflation, and declining living standards.[80] The economic reforms were thus perceived by the Slovaks as yet another imposition by the Czechs, whereas the latter interpreted Slovakia's refusal to

adjust to the economic policies as a sign that Slovaks preferred a left-oriented economy.[81]

In Slovakia, the winning party was the Movement for a Democratic Slovakia (HZDS), led by Vladimír Mečiar. This party defended the idea of a decentralized confederation in which Slovakia would have legislative autonomy over its own specific interests, including its domestic economic reform. Klaus found the idea unacceptable.[82] From the beginning of the negotiations, Klaus declared that if an agreement on the form of the federation could not be reached, the state would then be split into two countries.[83] By the second round of discussions, the parties were already discussing the possibility of a referendum on dividing the state. Interestingly, Klaus suggested that the referendum should take place only in Slovakia, which could have turned Slovakia into the seceded nation.[84] The following rounds of talks resulted in failure, since each party expected the other to abandon its demands. Finally, on August 26, 1992, Mečiar and Klaus explicitly declared that the only possible agreement would necessitate the division of Czechoslovakia. The independent Czech and Slovak Republics were officially set to be born on January 1, 1993. The negotiations that followed concerned the dismantling of the state and, on November 25, 1992, the Federal Assembly passed the constitutional law on the dissolution of Czechoslovakia.[85]

In this way, Mečiar and Klaus ended the common state without consulting the population. Klaus noted that the June elections had been a referendum, even though both parties had campaigned for some sort of form of common state.[86] Mečiar declared that he had proposed a referendum, but that his proposition had been rejected, so that Slovakia was "forced" into independence by the Czechs.[87]

2. An Emotional Federation

Despite the majority of the Czechoslovak population opposing the breakup of the common state, only 20 percent of Czechs and 30 percent of Slovaks regretted the breakup by 1995.[88] A majority in both nations perceived European integration as a

means of protecting national identity, and considered the conclusion of the Cold War as indicative of the end of the threats that once justified Czechoslovakia's existence.[89] Thus, despite the nostalgia that some Czechs and Slovaks experienced and continue to feel, the idea of reunification has not been considered.[90] A student interviewed in Bratislava in 2013 mentioned that what remains most important is the "emotional" federation that Czechs and Slovaks share. The federation is based not so much on the former political union, but on the linguistic closeness, common history, and even popular culture of the two states.[91] This "emotional federation" is evidenced by the two-thirds of all international students in the Czech Republic who are Slovak. Among the many reasons for selecting the Czech Republic, these students cite the good relations between the two countries and the similarities in culture and language.[92]

Yet, language is considered by a majority of the population as the most important aspect of ethnic identity, especially in Slovakia, where it marks the difference between Slovaks and the Hungarian minority.[93] Language also indicates regional differences within the republics. One example of this was the Moravian criticism of the Czech language reforms of 1993, which some Moravians perceived as being "imposed" by Prague and having nothing in common with the dialect spoken in Moravia, where the "best" spoken Czech could be found.[94] Regionalism is expressed in various ways and is present in Slovakia, where the differences between the East and the West are strong.[95] A young Slovak professor shrewdly noted that, just as Prague marginalized Bratislava within Czechoslovakia, so Bratislava marginalizes the Eastern region of the country nowadays.[96]

Conclusion

Ethnic conflict played an important, though not unilateral, role in the fragmentation of Czechoslovakia. Rather than directly break up the state, it provided the political leaders of both groups with advantageous conditions to secure their power.

Ethnic conflict between Czechs and Slovaks existed since the establishment of the First Republic in 1918 and had been exploited by political leaders then, too, such as the Communist who had used the issue of Slovak nationalism to purge the party of reformists. However, there is evidence that after the Velvet Revolution, nationalism was no longer a central issue and that the Czechs and Slovaks were willing to work together. By exploiting the differences between the two, political leaders managed not only to secure their power in their respective independent republics, but also to blame the other leaders for the split of the state.

Nevertheless, despite parts of the population still resenting the split and the ambition of the political leaders of 1992, the dissolution of Czechoslovakia illustrates a comprehensive example of peaceful resolution of ethnic conflict and good relations between the resulting countries. While the case of Czechoslovakia is distinct, certain aspects of the deliberations surrounding the dissolution of the state could be considered by negotiators in resolving future ethnic conflicts.

Notes

[1.] Václav Klaus quoted in Abby Innes, *Czechoslovakia*: *the Short Goodbye* (London: Yale University Press, 2001), 4.
[2.] Michal Štefanský, "The Fall of Communism and an Independent Slovakia" in *Slovakia in History*, edited by, Mikuláš Teich, Dušan Kováč and Martin D. Brown (New York: Cambridge University Press, 2011), 368.
[3.] Carol Skalnik Leff, *The Czech and Slovak Republics: Nation versus State* (Boulder, Colorado: Westview Press, 1996), 136.
[4.] "Karel Kryl-Democracy and the Life of a Protest Singer." *Palacký University Olomouc, Department of Musicology*. October 01, 2009. http://www.scribd.com/doc/ 20483467/Karel-Kryl- Democracy-and-The-Life-of-A-Protest-Singer; Pokorný, Jan, et al. *Mollové tóny Karla Kryla* (Directed by Jiří Moc. 1992. Prague: Česká Televize, 1993). Translated by Nikola Kopecká.
[5.] Dušan Kováč, "Slovakia, the Slovaks and their History" in *Slovakia in History*, edited by Mikuláš Teich, Dušan Kováč and Martin D. Brown (New York: Cambridge University Press, 2011), 4.
[6.] Czech language had been standardized in the 16th century based in the language of the Bible of Kralice; Tibor Pichler, "The Idea of Slovak Language-based Nationalism" in *Language, values, and the*

Slovak nation, edited by Tibor Pichler and Jana Gašparíková (Washington, D.C.: Council for Research in Values and Philosophy. 1994), 38.

[7.] Marianna Oravcová. "Ethnic and Cultural Dimension of National Emancipation" In *Language, values, and the Slovak nation,* 10.

[8.] Alexander Maxwell, *Choosing Slovakia: Slavic Hungary, the Czechoslovak language and Accidental Nationalism* (London: Tauris Academic Studies, 2009), 169.

[9.] Pichler, 39; Maxwell, 185*;* Kováč, 7.

[10.] Maxwell, 171.

[11.] Carol Skalnik Leff, *National Conflict in Czechoslovakia* (Princeton, New Jersey: Princeton University Press, 1988), 7.

[12.] Ibid.

[13.] Innes, 2; Maxwell, 35; Wehrlé, Frédéric. *Le divorce tchéco-slovaque : vie et mort de la Tchécoslovaquie, 1918-1992* (Paris : Ed. l'Harmattan, 1994), 28.

[14.] The adjective *Magyar* is used to refer to ethnic Hungarians, while Hungarian refers to any inhabitant of the Kingdom of Hungary, regardless of ethnicity; Maxwell, 35.

[15.] Robert William Seton-Watson quoted by Wehrlé, 30.

[16.] Maxwell, 34.

[17.] Innes, 3; Carol Skalnik Leff, *National Conflict in Czechoslovakia,* 26.

[18.] Wehrlé, 43.

[19.] Steffen Höhne, "Nachdenken über kulturelle Zugehörigkeit: Neobohemistische Traditionen und nationale Desintegration in der Kafka-Zeit" in *Kafka und Prag: Literatur-, kultur-, sozial- und sprachhistorische Kontexte*, edited by Peter Becher, Steffen Höhne and Marek Nekula (Vienna: Böhlau, 2012), 43.

[20.] Maxwell, 181.

[21.] Wehrlé, 49.

[22.] Ibid, 50.

[23.] Wehrlé, 55; Innes, 6.

[24.] Innes, 15.

[25.] Wehrlé, 56.

[26.] Innes, 6.

[27.] La Civiltà Cattolica. 19.3. 1921. P 565. Quoted in Milan S. Ďurica, "Die Slowakei in der Märzkrise 1939" in *Die Slowakei als mitteleuropäisches Problem in Geschichte und Gegenwart*, edited by Collegium Carolinum (Munich: R. Lerche, 1965), 157.

[28.] Ibid.

[29.] Maxwell, 138.

[30.] Wehrlé, 51.

[31.] Valerián Bystrický, "Slovakia from the Munich Agreement to the Declaration of Independence" in *Slovakia in History*, 158.

[32] Ibid, 171.

[33.] Martin Votruba, "Czecho-Slovakia or Czechoslovakia." Slovak Studies Program University of Pittsburgh. http://www.pitt.edu/~votruba/qsonhist/spellczechoslovakia.html.

[34.] Wehrlé, 57.

[35.] Innes, 12.

[36.] Innes, 14.

[37.] Innes, 24.

[38.] Carol Skalnik Leff, *National Conflict in Czechoslovakia* (Princeton, New Jersey: Princeton University Press, 1988), 90.

[39.] Wehrlé, 59.

[40.] Vilém Prečam, "The Slovak National Uprising: the most dramatic moment in the nations' History" in *Slovakia in History*, 206.

[41.] Ibid.

[42.] Ibid *; Loi Constitutionnelle du 9 mai 1948 : Constitution de la République Tchécoslovaque* in Stanislas J. Kirschbaum, *Slovaques et Tchèques: Essai sur un nouvel aperçu de leur histoire politique* (Lausanne : Editions L'âge de l'homme, 1987), 187.

[43.] Innes, 28 ; Wehrlé, 69.

[44.] Innes, 30.

[45.] The Constitution of the Czechoslovak Socialist Republic. (Prague: Orbis Press Agency, 1987), 71.

[46.] Miroslav Paleček and Michael Janík, *Sbohem Slovensko*. Prague: BEVOX, 1992. Online media. Translated by Nikola Kopecká.

[47.] Petr Kopecký, "From Velvet Revolution to Velvet Split" *in Irreconcilable differences?: Explaining Czechoslovakia's Dissolution* (Lanham, Md.: Rowman & Littlefield, 2000), 80.

[48.] Innes, 48.

[49.] Sharon Wolchik. "The Impact of institutional factors" in *Irreconcilable differences?: Explaining Czechoslovakia's Dissolution* (Lanham, Md.: Rowman & Littlefield, 2000), 98.

[50.] James Krapfl, *Revolution with a Human Face: Politics, Culture and Community in Czechoslovakia, 1989- 1992.* (Ithaca, NY: Cornell University Press, 2013), 121.

[51.] Ibid, 122.

[52.] Ibid, 113.

[53.] Ibid, 125.

[54.] Ibid, 138; Petr Daněk, "Moravian and Silesian Nationalities: a New Phenomenon in the Ethnic Map of the Czech Lands?" *GeoJournal* 30, no. 3 (1993): 253.

[55.] Krapfl, 140; Daněk, 254.

[56.] Krapfl, 140.

[57.] Daněk, 254.

[58.] Ibid, 250.

[59.] *Československá republika*.

[60.] Ladislav Holý, *The Little Czech and the Great Czech Nation*. (Cambridge: Cambridge: Cambridge University Press, 1996), 190; Krapfl, 148.

[61.] Carol Skalnik Leff, *The Czech and Slovak Republics: Nation versus State* (Boulder, Colorado: Westview Press, 1996), 130.

[62.] *Česko-slovenská federatívna republika* in Slovak.

[63.] Martin Votruba, "Czecho-Slovakia or Czechoslovakia"; Carol Skalnik Leff, *The Czech and Slovak Republics,* 130*;* Holý, 190.

[64.] *Československá federativní republika* in Czech; Krapfl, 148; Wehrlé, 123.

[65.] *Českočeská federativní republiká; Tenkrát 2 - Šance pro Slovensko*. Directed by Robert Sedláček. 2000. Prague: Radim Procházka, 2000. DVD.

[66.] *Česká a Slovenská Federativní Republika* in Czech (*Federatívna Republika* in Slovak). The name was adopted even though it contradicted the spelling rules of both languages regarding capitalization; Neil Bermel, *Language, Power and Social Process: Linguistic Authority, Language Ideology, and Metaphor: The Czech Orthography Wars*, (Berlin: Walter de Gruyter, 2007), 46.

[67.] Leff, *The Czech and Slovak Republics,* 131.

68. Krapfl, 148; Holý, 111.
69. Holý, 111.
70. Eric Stein, *Czecho/Slovakia: Ethnic Conflict, Constitutional Fissure, Negotiated Breakup*, (Ann Arbor: University of Michigan Press, 2000), 179; Holý, 111; Innes, 55.
71. Miroslav Macek, *Fragments from the Dividing of Czechoslovakia* in *Irreconcilable Differences? Explaining Czechoslovakia's Dissolution*, 242; Wehrlé, 263.
72. Macek, 242.
73. "Jokes of the Velvet Revolution (and before)," *Wayne State University*. Accessed May 20, 2014. http://www.la.wayne.edu/polisci /kdk/stuff/jokes.htm.
74. Leff, *The Czech and Slovak Republics,* 137; Holý, 204.
75. Holý, 107.
76. Innes, 135.
77. Ibid.
78. Innes, 140.
79. Innes, 140; Štefanský 366.
80. Innes, 177; Leff, *The Czech and Slovak Republics,* 142.
81. Innes, 156.
82. Leff, *The Czech and Slovak Republics,* 130.
83. Ibid; Innes, 179.
84. Innes, 174.
85. Innes, 208; Leff, *The Czech and Slovak Republics*, 138.
86. Innes, 2018.
87. Leff, *The Czech and Slovak Republics,* 243.
88. Ibid, 163.
89. Gabriel Bianchi and Barbara Lášticová, "Social Psychology research on identities in the Czech and Slovak Republics 1989-2001," (*Slovak Sociological Review* 34, no. 6, 2002), 11; Wehrlé, 273.
90. Francisco De Andrés, "Los Eslovacos: Estábamos orgullosos de ser de Checoslovaquia," (*ABC Internacional*, November 03, 2013), http://www.abc.es/internacional/20131103/ abci-testimonios-escision-eslovaquia-201311031831_4.html; Leff, 257.
91. Iveta Lavrincová, interviewed by Francisco De Andrés in "Los Eslovacos: Estábamos orgullosos de ser de Checoslovaquia."; Peter Barrer, "World Famous in Slovakia: Domestic Popular Music During and After Communist Party Rule," (*New Zealand Slavonic Journal* vol. 40, 2006): 75.
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93. Gabriel Bianchi and Barbara Lášticová, 6.
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