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letter from the editors

Dear Readers,

History is a source of knowledge, a window to the past, a template for the future, a prism through which we can better understand the present. Historical research encourages and challenges us to reflect upon ourselves and the world around us, and we are confronted each day with questions about the historical record we are creating. In an age in which global information is one click away, what are the historical narratives that we will remember? What will our historical legacy be?

This year's journal aims to tell stories from around the world, and we are proud to showcase essays that take us from the significance of tomb autobiographies in ancient Egypt to the importance of copyrighting in the music industry in turn-of-the-century Great Britain. While delving into each of these essays, we encourage readers to interrogate the discourse between eras and to examine the importance of crafting a historical record.

We would like to thank our staff of editors, the published authors, and all who submitted their work to the journal. In addition, we would like to acknowledge the History department for their support throughout the publication process. Please enjoy Volume 10 of *The Brown Journal of History*.

Sincerely,

Summerset Thompson '16

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Forced Sterilization and the Racial Politics of “Choice”*

Claire Shennan

After the Second World War and with increasing frequency in the 1960s and 1970s, sterilization procedures, often coerced or even forced, were performed on hundreds of thousands of women in the United States. These women were predominantly African Americans who received some form of welfare benefits from the government. As the increase of the federal government’s family planning funds coincided with the expansion of welfare rights to people of color, welfare policy became racialized and sexualized, and particularly black women were portrayed as promiscuous, lazy, and immoral. This racialization and sexualization of welfare both condoned and perpetuated the sterilization of welfare recipients, and ultimately gave rise to the National Welfare Rights Organization (NWRO) in 1967. As a national rights group made up of welfare recipients, primarily African American women, the NWRO addressed sterilization and a multitude of other issues that women on welfare faced, and it did so largely by addressing the circumstances which caused and perpetuated such difficulties.

The women of the NWRO attempted to recast the image of welfare recipients and argue against the underlying assumptions that allowed their poor treatment. Recognizing that it was mainly made up of women fighting for their rights, NWRO declared itself an inherently feminist group, and worked tirelessly to prove both to the broader society and to white middle-class feminists that its issues were women’s issues, and not simply a consequence of poverty. Tensions characterized the relationship between the NWRO and other women’s groups, however, and they largely revolved around the idea of “choice” and the rights that welfare recipients were due therein. To many welfare rights activists, the practice of involuntary sterilization highlighted the

* This paper was previously published in a slightly different form by *The University of Michigan Journal of History*. With permission from *The University of Michigan Journal of History*, it has been reprinted here.

view that reproductive rights could mean the right to a pregnancy just as much as the women's movement fought for the right to terminate one. This tension also extended to NWRO members' stance on issues of motherhood and work, which often contradicted those of the self-proclaimed liberated middle-class feminist movement. Although the NWRO was founded in response to the societal oppression of African American women receiving welfare, it was the very issues that made them identify themselves as a feminist group, including coerced sterilization, which divided them from the larger feminist movement.

In exploring this complex and in many respects chilling history of forced and coerced sterilization, I will address three inter-connected questions. First, how did the growth of the welfare state make forced sterilization of poor black women widely acceptable? Second, to what extent did the National Welfare Rights Organization emerge from the same forces that perpetuated the widespread adoption of these sterilization policies? And, third, where was the NWRO situated in the wider landscape of feminism and how did sterilization complicate those political dynamics? I will argue that the circumstances which perpetuated and condoned coerced sterilization were often the very same ones in response to which the National Welfare Rights Organization was founded. Additionally, these same circumstances convinced the NWRO to advocate for itself under a feminist mantle, and attempt to prove, through interactions with white feminists, that "choice" for women should be understood in the broadest sense.

In the decades following the end of the Second World War, millions of African Americans migrated from the southern part of the country to the northern cities, largely in response to the agricultural mechanization of the south.¹ Between 1940 and 1960, more than three million African Americans relocated, many of whom became unemployed and turned to welfare for sustenance.² Around that time, thanks in large part to the efforts of the Civil Rights Movement, African Americans throughout the country gained access to welfare benefits that had previously only been available to whites. The proportion of African Americans on Aid to Families with Dependent Children (AFDC) increased from 31% in 1950 to 48% in 1961, and the federal government shifted their attention from how much welfare people were receiving to who was receiving it.³

¹ Premilla Nadasen, "From Widow to 'Welfare Queen': Welfare and the Politics of Race," *Black Women, Gender + Families* 1, no. 2 (2007): 56, accessed November 20, 2015, <http://www.jstor.org/stable/10.5406>.

² *Ibid.*, 57.

³ Premilla Nadasen, "Expanding the Boundaries of the Women's Movement: Black Feminism and the Struggle for Welfare Rights," *Feminist Studies* 28, no. 2 (2002): 275, accessed November 20, 2015, <http://www.jstor.org/stable/3178742>.

African Americans' expanded access to welfare also coincided with the federal government's increased comfort supporting sterilization policies, as well as the allocation of federal funds to family planning.⁴ Thus, the ostensible benefits of access to welfare also meant the recipients' vulnerability to sterilization as a practice of the institutions from which African Americans had previously been excluded. In her book *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, Dorothy Roberts points out that "the demise of Jim Crow had ironically opened the doors of state institutions to Blacks, who took the place of poor whites as the main target of the eugenicist's scalpel."⁵ The rationalization of sterilization in the guise of family planning reflected the racialization and sexualization of the welfare system that occurred as a result of African American women's increased participation in the institution.

The growing numbers of African American women on welfare led both to increased scrutiny of welfare policies and welfare recipients, and to a largely race and gender based definition of the politics involved.⁶ As more black women signed up for aid in the late 1950s and early 1960s, the AFDC began to enforce harsher and more unfair policies.⁷ Suddenly, "recipients had to prove the soundness of their character, their destitution, and increasingly, their willingness but inability to work."⁸

Such stringent requirements were much of what the National Welfare Rights Organization responded to in its founding. Dissatisfied welfare recipients originally came together in small groups earlier in the 1960s, and these coalesced in 1967 to form the first national body representing AFDC recipients.⁹ The group would reach its peak in 1968 with about 30,000 members, all of whom were welfare recipients and largely women.¹⁰ Formed to protest and change welfare policies and the implications that such policies had for black women and their families, the NWRO would protest not only sterilization, but also the circumstances that allowed society to condone and perpetuate such a practice.

⁴ Randall Hansen and Desmond King, *Sterilized by the State: Eugenics, Race, and the Population Scare in Twentieth-Century North America* (Cambridge: Cambridge University Press, 2013), 237.

⁵ Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Vintage Books, 1997), 89.

⁶ Nadasen, "From Widow to 'Welfare Queen,'" 53.

⁷ Nadasen, "Expanding the Boundaries of the Women's Movement," 275.

⁸ Nadasen, "From Widow to 'Welfare Queen,'" 60.

⁹ Nadasen, "Expanding the Boundaries of the Women's Movement," 275-276.

¹⁰ *Ibid*, 276.

More than the actual increase in reliance on welfare, it was the representation of black women that led to both sterilization policies and much of the NWRO's work. The idea of black women on welfare soon became synonymous with promiscuity and laziness, as these women were often "characterized as not wanting to work, unable to properly raise their children, and engaging in deviant sexual and family behaviors."¹¹ Such perceptions only increased when politicians put forth the stereotype of the "black matriarchy," which asserted that black communities were organized along matriarchal lines, and that such female ascendancy had led to the "psychological castration of the black male."¹² This notion was popularized and legitimized by the release of Assistant Secretary of Labor Daniel Patrick Moynihan's report in 1965, entitled "The Negro Family: The Case for National Action," which identified the crumbling of the black family as the fault of its matriarch, who prevented black men from becoming breadwinners, and therefore prevented family stability in African American communities.¹³ The report, in obvious contradiction to the reality of the black woman's status, appears "replete with historical and semantic inaccuracies."¹⁴ But, however untenable, it had a huge impact on welfare policy-making, because it shifted the debate on poverty from structure and economics to culture and values.¹⁵ Endowing "poor Black women—the most subordinated members of society—with the power of a matriarch" proved particularly damaging for those black women who received welfare.¹⁶

The National Welfare Rights Organization attempted to recast precisely this multidimensional, albeit largely racist and sexist, image of the black woman. In an effort both to legitimize the aid that they received and to restructure the system that provided such aid, the group worked to refashion the portrayal of welfare recipients as worthy mothers engaged in socially significant work. Johnnie Tillmon, a single mother of six who turned to welfare after falling victim to several chronic illnesses, became the president of the group in 1973, and she desperately wanted to let people know "that welfare did not pay an adequate income, that most women on welfare did not have children just to get a bigger check, [and] that welfare recipients wanted job training so

¹¹ Nadasen, "From Widow to 'Welfare Queen,'" 58-59.

¹² Robert Staples, "The Myth of the Black Matriarchy," *The Black Scholar* 12, no.6 (1981): 26, accessed November 20, 2015, <http://www.jstor.org/stable/41066853>.

¹³ *Ibid.*, 30.; Nadasen, "From Widow to 'Welfare Queen,'" 59.

¹⁴ Staples, "The Myth of the Black Matriarchy," 26.

¹⁵ Nadasen, "From Widow to 'Welfare Queen,'" 59.

¹⁶ Roberts, *Killing the Black Body*, 16.

they could make a living wage.”¹⁷ The NWRO worked tirelessly to change the perceptions of black women on welfare and to redress the damaging effects that such perceptions led to, including sterilization.

Stereotypes of black women as lazy, harmful, and deviant often allowed state and federal governments to condone the sterilization of these women, in order to limit the amount of assistance that they received. By 1970, black women were being sterilized at over twice the rate of white women, and many of them were reliant on welfare, including federally subsidized clinics for their health care.¹⁸ In establishing the qualifications for sterilization, it was no mistake that “sexual behavior, race, and class background constituted major factors in the identification of the so-called feeble-minded.”¹⁹ In fact, the inability to hold a job and a history of welfare were enough to warrant sterilization.²⁰ The underlying argument was that more children trapped women and their families deeper in poverty, and that this situation had various negative effects on both the women and on society.²¹

In a piece on abortion written in 1970, Shirley Chisholm argued that, in fact, “the poor [were] more anxious about family planning than any other group,” but, as a result of their poverty, they severely lacked the resources and knowledge to make good decisions.²² For poor women of color, sterilization was sometimes the only option available, as access to contraceptives and abortions was much less widespread.²³ This procedure, into which women were frequently coerced or forced without a full explanation of the consequences, would not have been necessary if these other options

¹⁷ Stephen Tuck, “We Are Taking up Where the Movement of the 60s Left Off”: The Proliferation and Power of African American Protest during the 1970s,” *Journal of Contemporary History* 43, no. 4 (2008): 647, accessed November 21, 2015, <http://www.jstor.org/stable/40543227>; Deborah Gray White, *Too Heavy a Load: Black Women in Defense of Themselves, 1894-1994* (New York: W. W. Norton & Company, 1999), 224-225.

¹⁸ Jennifer Nelson, *Women of Color and the Reproductive Rights Movement* (New York: New York University Press, 2003), 67.

¹⁹ Johanna Schoen, *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare* (Chapel Hill: The University of North Carolina Press, 2005), 76.

²⁰ *Ibid.*, 91.

²¹ Robert Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (London: Macmillan Publishers, 2012), 148.

²² Shirley Chisholm, “Facing the Abortion Question,” in *Words of Fire: An Anthology of African American Feminist Thought*, ed. Beverly Guy-Sheffhall (New York: The New Press, 1995), 391.

²³ Loretta Ross, “African American Women and Abortion,” in *Abortion Wars: A Half Century of Struggle, 1950-2000*, ed. Rickie Solinger (Berkeley: University of California Press, 1998), 171.

had been available. In fact, “blacks in disproportionate numbers enthusiastically used the few birth control clinics across the country that were available to them,” often more than their white counterparts.²⁴

It was the welfare program’s racist and sexist tendencies, combined with its focus on sterilization as a primary form of contraception, that made poor black women so vulnerable to the procedure. It should also be noted that African American women were not the only victims of coerced and forced sterilization. Physicians all over the country pressured Native American, Mexican, and Puerto Rican women into consenting to sterilization, often exploiting their poor English language skills.²⁵ However, black women comprised the majority of the victims of sterilization policies in the Continental United States.

The sterilization of black women, which occurred across the country, was particularly prevalent in the South. In the 1960s and 1970s, many southern states tried to implement some type of punitive action for welfare recipients, including sterilization. Other punitive actions included the loss of welfare benefits, the loss of custody of children, the fining or imprisonment of the mother, and various combinations of these options.²⁶ These punishments, often distributed on a case-by-case and state-by-state basis, led to the sort of obsessive oversight against which the NWRO protested. Though the legislative implementation of such rules occurred in many states, Mississippi and North Carolina were two notable examples.

In terms of sterilization legislation, Mississippi was described as “the most persistent state in the nation in its efforts to ‘solve’ the problem of illegitimacy through punitive sterilization.”²⁷ In fact, the procedure was so common that it “became known colloquially as a Mississippi appendectomy.”²⁸ The Mississippi state government considered a number of legislative proposals on the topic, the most contentious of which was House Bill No. 180, introduced in 1964. This bill would have made it a felony for any person to become the parent of a second illegitimate child within the state.²⁹ Although it originally stipulated that the punishment for the act was three years in

²⁴ Roberts, *Killing the Black Body*, 81.; Ross, “African American Women and Abortion,” 161.

²⁵ Hansen and King, *Sterilized by the State*, 254.

²⁶ Julius Paul, “The Return of Punitive Sterilization Proposals: Current Attacks on Legitimacy and the AFDC Program,” *Law & Society Review* 3, no. 1 (1968): 78, accessed November 22, 2015, <http://www.jstor.org/stable/3052796>.

²⁷ *Ibid.*, 89.

²⁸ Self, *All in the Family*, 149-150.

²⁹ Paul, “The Return of Punitive Sterilization Proposals,” 89-90.

prison, the bill was amended to allow the offender to opt for sterilization instead of jail time.³⁰ However, under heavy national pressure, the state senate backed down, the sterilization clause was removed, and the penalties were greatly reduced.³¹ The Student Nonviolent Coordinating Committee (SNCC), one of the main civil rights organizations at the time, condemned the amendment in a pamphlet entitled "Genocide in Mississippi." In this, SNCC argued that the sterilization clause was "an attempt to reduce the number of Negroes in Mississippi either by destroying their capacity to reproduce, or by driving them from the state."³² Even though this individual amendment did not pass, the debate on House Bill No. 180 exemplified the circumstances poor black women faced in certain states, particularly in the South.

North Carolina was another state that took an increasingly aggressive approach toward sterilization. Deemed "the state which appears to be the most thorough and most determined in its pursuit of sterilization," North Carolina actually intensified its program in the two decades following the end of the Second World War.³³ In an attempt to pass a similar law to the one in Mississippi, North Carolina proposed that "giving birth to a second or subsequent illegitimate child would be grounds for a hearing before the State Eugenics Board, which could order sterilization."³⁴ While this law also did not pass, North Carolina explicitly and directly linked its sterilization program to welfare, unlike other states, raising questions of race and moral legitimacy. An *Ebony* article in 1973 suggests that "one doesn't need to know too much about involuntary sterilization in North Carolina to detect that racism is involved—and beyond mere racism, some unspeakable wish to control black population growth by force."³⁵

It was these attempts at population control through sterilization, directly connected to the experiences of black female welfare recipients, that brought the NWRO to establish itself as a distinctly feminist organization. The experience of two families affected by coerced sterilization would shape the NWRO's approach to the problem, increase the public's exposure to it, and demand a response from the feminist movement.

³⁰ *Ibid.*

³¹ *Ibid.*, 90.

³² Student Nonviolent Coordinating Committee, "Genocide in Mississippi," 1964.

³³ Jack Slater, "Sterilization: Newest Threat to the Poor," *Ebony*, October, 1973, 152.; Hansen and King, *Sterilized by the State*, 241.

³⁴ Paul, "The Return of Punitive Sterilization Proposals," 92.

³⁵ Slater, "Sterilization," 162.

Nial Ruth Cox was an eighteen-year-old unwed mother when she was coerced into sterilization in North Carolina. After the birth of her first child, a clinic worker explained to Cox that if she declined the sterilization, she would risk losing the welfare benefits that supported not only her, but also her mother and her ten siblings.³⁶ As explained by Johanna Schoen in *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare*, "it was Nial's nonmarital pregnancy and her mother's welfare dependency rather than Nial's intellectual capacities that earned her the label of 'feeble-minded'."³⁷ Cox's doctors also told her that the sterilization would "wear off."³⁸ After agreeing to the procedure in order to keep her family on welfare, Cox attempted to become pregnant again later in her life, only to discover the doctors' lie. In an article, Cox spoke out about her experience and the negative consequences it had on her self-esteem and self-worth. After learning that she could no longer have children, Cox explained that she felt "like half a woman. No man wants half a woman. A man is going to look for someone who can give him a child. I don't even look anymore."³⁹ Cox's heart-wrenching statement echoes one by Johnnie Tillmon in an article she wrote for *Ms. Magazine* in 1972. In articulating her position in society, Tillmon wrote, "I'm a woman. I'm a black woman. I'm a poor woman. I'm a fat woman. I'm a middle-aged woman. And I'm on welfare. In this country, if you're any one of those things you count less as a human being. If you're all those things, you don't count at all. Except as a statistic."⁴⁰ Both Cox and Tillmon's statements highlight the experience and identity of welfare recipients as both women and African Americans, as well as their struggle to be recognized as victims, by the society at first and then by the larger feminist movement.

In June of 1973, the sterilization of two teenage sisters, Minnie and Mary Alice Relf, in Montgomery, Alabama brought national attention to the full plight of welfare recipients in their exposure to the procedure. In this case, family planning nurses from Montgomery Community Action Committee paid a visit to the sisters, whose parents were welfare recipients. At the time, the girls' father, Lonnie Relf, a former field hand who had lost the ability to work because of an auto accident, was not home.⁴¹ The family lived on food stamps, \$25-a-month public housing, and \$156 a month in welfare

³⁶ Nelson, *Women of Color and the Reproductive Rights Movement*, 72.

³⁷ Schoen, *Choice and Coercion*, 76.

³⁸ Roberts, *Killing the Black Body*, 93.

³⁹ Slater, "Sterilization," 151.

⁴⁰ Johnnie Tillmon, "Welfare is a Women's Issue," *Ms. Magazine*, 1972.

⁴¹ Hansen and King, *Sterilized by the State*, 248.

checks.⁴² The nurses told Mrs. Relf that her daughters needed some shots and asked to take them to the hospital. The girls, who had received birth control shots called Depo-Provera previously, did not object. Mrs. Relf drew an "X" on a form, which she could neither read nor sign her name on, and later said that she had been unaware of the sterilization procedure described in the form, although the nurses claimed to have explained it.⁴³ Fourteen-year-old Minnie and twelve-year-old Mary Alice were taken to the hospital, kept overnight, and had their fallopian tubes cut.⁴⁴

In an *Ebony* article, the incident is described as "two young black girls [being] wheeled into a hospital operating room and rendered sexually sterile by tubal ligation because, somewhere in their neighborhood, somewhere on their block, so the authorities said, 'boys were hanging around'."⁴⁵ The forced sterilization led the Southern Poverty Law Center (SPLC) to sue the clinic that performed the procedure on behalf of the Relf family in *Relf v. Weinberger*, charging that the procedure had race-based motivations.⁴⁶ They also drew much attention to the fact that the younger Relf girl, Mary Alice, was mentally handicapped.⁴⁷ In a statement by the SPLC, the family's lawyer noted, "sterilization of the retarded had its precedent in Nazi Germany. This whole thing is a horrendous attack on privacy, innocence and the right of motherhood."⁴⁸

This comparison to the Nazi regime proved apt. In his 1974 decision, Judge Gerhard Gesell ruled that the use of federal funds for involuntary or coerced sterilizations was no longer allowed, and concluded that annually, under federally funded programs, "between 100,000 and 150,000 women, most of them poor and/or African American adults, were sterilized without giving their informed consent."⁴⁹ This number was actually very close to the results of the Nazi sterilization program in the 1930s.⁵⁰ However, Judge Gesell's decision could do nothing to reverse the situation of

⁴² B. Drummond Ayres Jr., "Sterilizing the Poor: Exploring Motives and Methods," *The New York Times*, July 8, 1973.

⁴³ Hansen and King, *Sterilized by the State*, 248-249.

⁴⁴ *Ibid.*

⁴⁵ Slater, "Sterilization," 150.

⁴⁶ Hansen and King, *Sterilized by the State*, 248-249.

⁴⁷ Ayres, "Sterilizing the Poor.," B. Drummond Ayres Jr., "Racism, Ethics and Rights at Issue in Sterilization Case," *The New York Times*, July 2, 1973.

⁴⁸ *Ibid.*

⁴⁹ Hansen and King, *Sterilized by the State*, 249.

⁵⁰ Roberts, *Killing the Black Body*, 93.

the Reif girls. When asked by reporters after the operation if she wanted to have children, Minnie Relf responded that, yes, she wanted “a little girl.”⁵¹

This case gained national attention and brought to the forefront more questions about welfare, race, and the rights of the victims of such atrocities. The New York Times described how the sterilization “not only raised old questions about racism and government involvement in the population fight, but also raised new questions about constitutional rights, medical ethics and welfare theories.”⁵² While *Relf v. Weinberger* “exposed the astounding extent of sterilization abuse,” it also directly connected such activity to welfare recipients, and even garnered attention from the feminist groups at the time.⁵³ Following the court decision, the National Organization for Women began to advocate an end to forced and coerced sterilizations, and Gloria Steinem is quoted for emphasizing that “the sterilization issue affects all of us . . . but especially women, and especially minority women.”⁵⁴ Although the publicity surrounding the Relf sisters put sterilization on the radar of a women’s movement fighting for reproductive rights, cooperation between the women’s movement and the National Welfare Rights Organization would prove largely ineffectual.

The individual experiences of women like Nial Ruth Cox, Johnnie Tillmon, and the Relf sisters represented the larger struggles of African American women on welfare, and the often dire consequences of those government policies; it was this impact on women that led NWRO to declare itself a feminist organization and to briefly attempt to join forces with the already-existing women’s movement. This was simply one instance in a much longer history, where African-American women had fought for decades to demonstrate the connections between race, class, and gender discrimination and injustice.⁵⁵ In an examination of the Black Movement and Women’s Liberation, it was noted that “we do not live in a democracy, but a complex hierarchy in which race, sex and class are all factors determining status and power.”⁵⁶ Black women often suffered from a society that was both sexist and racist, not to mention the class discrimination the members of the NWRO faced, and they articulated their double, and sometimes

⁵¹ Ayres, “Sterilizing the Poor.”

⁵² *Ibid.*

⁵³ Roberts, *Killing the Black Body*, 93.

⁵⁴ Slater, “Sterilization,” 152.

⁵⁵ Nadasen, “Expanding the Boundaries of the Women’s Movement,” 271.

⁵⁶ “The Black Movement and Women’s Liberation,” *The Black Scholar* 4, no. 6/7 (1973): 1, accessed November 19, 2015, <http://www.jstor.org/stable/41163790>.

triple, oppression to their white feminist counterparts.⁵⁷ In this particular instance, however, the African American women of the NWRO used the demand for welfare rights as a vehicle to address and alter feminist theory and action, appealing to the other women's movements as mothers, workers, political activists, sexual partners, and, ultimately, women.⁵⁸

Tillmon in particular worked hard to convince other women's groups that the NWRO was addressing women's issues as well as welfare issues. In her effort to do so, Tillmon linked the sexism of the household directly to the sexism of the welfare system, claiming that it was "like a super-sexist marriage. You trade in a man for the man. But you can't divorce him if he treats you bad. He can divorce you, of course, cut you off anytime he wants. . . you give up control of your own body. It's a condition of aid. You may even have to agree to get your tubes tied so you can never have more children just to avoid being cut off welfare."⁵⁹ In the same article, Tillmon notes that "as far as I'm concerned, the ladies of N.W.R.O. are the front-line troops of women's freedom. Both because we have so few illusions and because our issues are so important to all women—the right to a living wage for women's work, the right to life itself."⁶⁰ Tillmon's association of the politics of welfare with the sexist politics of the home and society, among other things, led her to advocate for welfare as a women's issue.

After women officially took control of the National Welfare Rights Organization in 1972, the group took more proactive measures on the topic of forced sterilization of women of color, attempting to connect this to the ongoing fight for reproductive rights, which was dominating the other feminist organizations' agendas. However, many black women argued that white feminists needed to "forge an inclusive reproductive rights agenda that synthesized anti-poverty politics, welfare rights, and access to reproductive and basic health care if they wanted to include women of color in their movement."⁶¹ Among other things, black female activists criticized the narrow focus on abortion in regards to reproductive rights, and felt that "the systematic, institutionalized denial of reproductive freedom [which] has uniquely marked Black women's history" was little acknowledged.⁶² Furthermore, the feminist focus on men

⁵⁷ Cathy Sedwick and Reba Williams, "Black Women and the Equal Rights Amendment," *The Black Scholar* 7, no. 10 (1976): 24, accessed November 16, 2015, <http://www.jstor.org/stable/41065957>.

⁵⁸ Nadasen, "Expanding the Boundaries of the Women's Movement," 272-274.

⁵⁹ Tillmon, "Welfare is a Women's Issue."

⁶⁰ *Ibid.*

⁶¹ Nelson, *Women of Color and the Reproductive Rights Movement*, 57.

⁶² Roberts, *Killing the Black Body*, 4.

and the role of gender as the source of reproductive oppression ignored the “importance of racism in shaping our understanding of reproductive liberty and the degree of ‘choice’ that women really have.”⁶³ This issue of “choice” would be the core of disagreements between the NWRO and other feminist groups, with coerced and forced sterilization playing a large role in that.

For instance, for many of the welfare recipients forced to accept sterilization in order to maintain federal aid, reproductive freedom meant the ability to have a pregnancy as much as the right to terminate one.⁶⁴ Welfare rights activists employed the rhetoric of choice in a distinctly different way from other feminists—they “demanded the right to choose to be mothers or enter the world of work outside the home; to date and have intimate relationships or to remain single; to have a child or not.”⁶⁵ Many of these basic requests in reference to choice went against the core platform the larger women’s movement was advocating.

The first issue that brought the two movements into conflict was the issue of motherhood. As noted above, the women of the NWRO believed that “every woman had an inalienable right to bear children or limit her childbearing if she chose to do so,” regardless of economic status.⁶⁶ Welfare rights activists argued for the need to support women’s roles as mothers, inherently clashing with other feminists’ views of motherhood as a source of oppression.⁶⁷ The NWRO also wanted motherhood to be valued properly, recognized as work, and even compensated accordingly; this contrasted with the agendas of other organized feminists fighting for the Equal Rights Amendment at the same time, which focused largely on equal rights outside the home.⁶⁸ While the latter demanded the right to be recognized as unequivocally equal to men, welfare rights activists “insisted on their right to the resources necessary to mother.”⁶⁹ This contradiction began with the simple idea of “choice” in reproductive liberty, and would expand to the role of a mother and motherhood in society, reaching even to the influence of the idea of work on women’s lives.

⁶³ *Ibid.*, 5.

⁶⁴ *Self, All in the Family*, 148.

⁶⁵ Nadasen, “Expanding the Boundaries of the Women’s Movement,” 277.

⁶⁶ Nelson, *Women of Color and the Reproductive Rights Movement*, 70.

⁶⁷ Nadasen, “Expanding the Boundaries of the Women’s Movement,” 278.

⁶⁸ *Ibid.*, 278-279.

⁶⁹ Eileen Boris, “When Work is Slavery,” *Social Justice* 25, no. 1 (1998): 37, accessed November 22, 2015, <http://www.jstor.org/stable/29767057>.

The women of the NWRO also questioned the feminist assertion that employment would lead to women's liberation; again, this reflected divergent perspectives on the concept of "choice." The feminist belief that work would lead to redemption overlooked the fact that forcing low-income women, many of whom were already in the labor market, to work was to ignore the socio-economic circumstances in which these women would likely have trouble earning enough to support their families.⁷⁰ In this way, NWRO members were caught between feminism and society, as they resisted the "liberal feminist paradigm that employment meant freedom," but also refused to accept the "male breadwinner ideal or trade union definitions of them as outside the laboring class."⁷¹ This not only made a livable minimum wage one of the NWRO's demands, but it also complicated the already existing feminist conceptions of what liberated women were and what they should want.

Perhaps the most poignant contrast between the women's movement and members of the NWRO relates to the issue of sterilization itself and the role choice played in that procedure. As feminists demanded more rights to be able to make their own reproductive decisions, some white women became pro-sterilization, presuming that it was voluntary.⁷² This was in response to the fact that it was, in a painfully ironic twist, nearly impossible for a white woman to find a doctor who would sterilize her.⁷³ For instance, many physicians applied the so-called the "120 rule," which stipulated that only if a woman's age, multiplied by the number of children she had, totaled 120 or more, would she be eligible.⁷⁴ Even then, the woman had to receive permission from two doctors and a psychiatrist.⁷⁵ As a result, some white reproductive activists were arguing for voluntary sterilization. The contradiction between this trend in the white feminist movement and the experiences of African Americans and other women of color caused even more tensions and further weakened cooperation between the two movements.

⁷⁰ Guida West, "Women in the Welfare Rights Movement: Reform or Revolution?," *Dialectical Anthropology* 15, no. 2/3 (1990): 147-148, accessed November 22, 2015, <http://www.jstor.org/stable/29790344>; Nadasen, "Expanding the Boundaries of the Women's Movement," 284.

⁷¹ Boris, "When Work is Slavery," 35.

⁷² Nelson, *Women of Color and the Reproductive Rights Movement*, 75-76.

⁷³ Roberts, *Killing the Black Body*, 95.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

Although both the white and middle-class women's movement and the black and poor women's National Welfare Rights Organization had similarities in their feminist goals and approaches, class and racial tensions eroded any alliances they might have had.⁷⁶ It was not that the feminist movement was largely racist or classist, but rather that such differences "exacerbated tensions over strategies and issues, even as recognition mounted that welfare was in fact a women's issue."⁷⁷ Their divergent views on work, family, independence, and, I would argue, choice, led to their failure in cooperation. Opposition to practices that linked reproduction to the provision of welfare benefits and resulted in the sterilization of hundreds of thousands of poor black women, lay at the heart of the NWRO's agenda. While this was explicitly – and indeed by its very definition – a feminist agenda, it also recognized the intersection of race, class, and gender. Recall Johnnie Tillmon's description of herself as being disadvantaged on multiple fronts: "I'm a woman. I'm a black woman. I'm a poor woman. . . In this country, if you're any one of those things, you count less as a human being. If you're all those things, you don't count at all."⁷⁸ The experience of welfare recipients who were coerced into sterilization is tragic in many ways, not the least of which is that their identity as women was in some sense overshadowed by the fact that they were black and poor. This ultimately undermined the ability of the NWRO to connect its concerns to those of the larger women's movement. It also, perhaps, demonstrated the failure on the part of the women's movement to "count" these victimized welfare recipients, and instead perpetuate their multidimensional discrimination.

⁷⁶ West, "Women in the Welfare Rights Movement," 143.

⁷⁷ *Ibid.*, 148.

⁷⁸ Tillmon, "Welfare is a Women's Issue."

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Tomb Autobiographies Complicate the Role of Provincial Authority in the Old Kingdom's Demise

Candy Rui

Introduction

The collapse of the Old Kingdom (c. 2575–2150 BC) is a widely studied topic in Egyptology, and its exact cause is still a major source of debate. One of the arguments proposes that the growing influence and autonomy of provincial elites led to the erosion of centralized kingship,^{1,2} and tomb autobiographies of these officials have been interpreted to serve as evidence for this claim.³ However, upon careful examination of a large sample of the autobiographies, I disagree not only with this particular interpretation of these texts, but also with the claim itself that the increasing power of local officials caused the deterioration of the central government.

The ancient Egyptian state was divided into 42 provinces, or nomes. This administrative division remained relatively static from the Old Kingdom onwards. The provincial governors of these territories held the title of “great overlord of the nome,” also known as nomarchs. This position was at times appointed by the pharaoh, but it could sometimes also be hereditary. These individuals held responsibilities including overseeing local judiciary processes, organizing construction works, and collecting taxes. A number of lower ranking officials governed under each nomarch, contributing to the administration of the province. It was common for these upper class members of

¹ UCLA Encyclopedia of Egyptology, s.v. “End of the Old Kingdom,” by Renate Mueller-Wollermann, accessed November 6, 2015, <http://escholarship.org/uc/item/2ns3652b>.

² Miroslav Bárta, “COLLAPSE HIDDEN IN SUCCESS: Rise & Fall of the Old Kingdom,” *Journal of Ancient Near Eastern Religions* 25(1) (2004):18-28, accessed November 8, 2015, http://www.researchgate.net/publication/264046815_COLLAPSE_HIDDEN_IN_SUCCESS_Rise__Fall_of_the_Old_Kingdom.

³ Jaromir Malek, “The Old Kingdom,” in *The Oxford History of Ancient Egypt*, ed. Ian Shaw (New York: Oxford University Press Inc., 2000), 116.

Egyptian society to construct elaborate tombs as their final resting places, and many of these tombs contained owners' autobiographical inscriptions on the walls near their entrances. Themes commonly featured in these compositions include highlights from the tomb owner's life, prayers for offerings, and threats to tomb robbers. They are intended to be read by tomb visitors and by the gods in hopes that the mortal and the divine will both judge the deceased favorably and grant him or her a successful afterlife and many offerings.

A comparison of different translations of some of the autobiographies in the sample show that they do not differ in overall content and meaning. Therefore, I am comfortable basing my analysis of these texts on the translations found in *Texts from the Pyramid Age* by Nigel C. Strudwick. I also acknowledge that, due to limitations of preservation and publication, the observations and arguments presented in this paper may not be representative of the true corpus of the texts that once existed.

First, this paper will provide an analysis of the autobiographies to demonstrate how they cannot be used as evidence for the claim that the growth in the prominence of the provincial elites initiated the decline of central governance during the late Old Kingdom. These compositions in no way implicate the officials in contributing to the weakening of royal power by advancing their own ambitions. Then, this paper will situate and discuss these autobiographies within broader geographical and historical contexts to argue against the claim itself. It was not the increasing authority of provincial administrators that caused the king's supremacy to wane. Finally, this analysis will offer some alternate explanations for the breakdown of centralized kingship at the end of the Old Kingdom.

Overview of the Autobiographies

An often-cited trend in modern scholarship is that the king is mentioned less in later tomb autobiographies than in those from the 5th Dynasty. In order to confirm this, I surveyed all the relevant texts translated in *Texts from the Pyramid Age*. Some autobiographies were excluded from the examined corpus because they were either badly fragmented or ambiguously dated. The remaining ones in the sample were sorted by dynasty and by how frequently the king is mentioned. Out of the fifteen texts dating from the 5th Dynasty, ten of them center on the king or the official's relationship with the king (67%), while the remaining five do not mention the king (33%). Out of the forty-one texts dating from the 6th Dynasty, nine of them center on the king or the official's relationship with the king (22%), eleven of them mention the king without the focus being entirely on him (27%), and twenty-one of them do not mention the king (51%). Only three texts from the sample date from the 7th to 8th dynasties, and none of

these mentions the king. This sample, therefore, demonstrates that the king is indeed mentioned less frequently in autobiographies after the 5th Dynasty.

Textual Analysis

While tomb autobiographies from the 6th to 8th dynasties generally include fewer mentions of the king than those from the 5th Dynasty, a closer examination of the content reveals that a shift only occurred regarding which stock phrases are used, and not necessarily in the individual officials' motivations regarding centralized rule. In fact, these texts do not actually reveal any explicit intentions to undermine national authority. Common stock phrases in autobiographies of the 5th Dynasty focus on the king. For example, an inscription from a tomb at Saqqara (Text 212) states, "I was noble in the sight of his majesty. . . [and his majesty favored me] more than anything."⁴ These exact words are repeated essentially verbatim in many other texts from this time period. In the 6th Dynasty, new stock phrases that focus more on the tomb owners grew in popularity, as demonstrated by numerous autobiographies that now contain the saying, "I gave bread to the hungry, clothes to the naked, I ferried over him who has no boat, I buried him who had no son."⁵ On the surface, this shift gives the impression that the regional elites were consciously excluding the king in favor of spotlighting themselves. However, stock phrases are cultural and societal byproducts, and are thus not unique compositions that necessarily express the personal thoughts and mindset of any single person. The officials' decisions to incorporate these new phrases that focus less on the king are shaped by societal norms and trends, and therefore should not be interpreted as signs of their deliberate assertions of power at the expense of central governance. While this change in stock phrase usage may reflect the impact of the decline of kingship decline in society as a whole, it does not necessarily implicate the tomb owners who adopted the new stock phrases. Indeed, none of this means that these individuals had to have played an active role in bringing about the political decline of the late Old Kingdom by advancing their own aspirations for autonomous power.

In fact, when examining inscriptions that are more personalized and are therefore not common stock phrases, the king continues to be featured prominently in autobiographies dating after the 5th Dynasty. It is important to analyze accounts unique to individuals because they are more likely to be documentary and historical, thus providing more accurate insight into officials' motivations. In such accounts, these elites of the late Old Kingdom continue to emphasize their allegiance to the central

⁴ Nigel C. Strudwick, *Texts from the Pyramid Age* (Atlanta: Society of Biblical Literature, 2005), 282-285.

⁵ *Ibid.*, 300.

government and the king. An autobiography from the Dakhla Oasis dating to the 6th Dynasty (Text 274) provides a great example. The official states: "I have seen to it that these two obelisks of mine are inscribed with details of what I have done for the Residence, that which is new which has come to pass, and my acquaintance with his majesty."⁶ This is an explicit display of the tomb owner's loyalty and dedication to the central government, and he closely ties himself to the king for eternity by carving this information in stone. The 6th Dynasty autobiography of Weni from his tomb at Abydos (Text 256) provides another example; the official discusses a harem conspiracy and his role in addressing it:

When there was a legal case in secret in the royal harem against the royal wife, the "great of affection," his majesty had me proceed to hear it on my own. No vizier or official was present apart from myself because I was excellent, I was rooted in his heart, and his heart was full of me.⁷

He uses this account to showcase his service to the king and to highlight the king's approval of him. Though not all events recorded in autobiographies can be read as actual occurrences, the specificity of this one suggests that this probably did happen in the tomb owner's life. The way in which he presents this information demonstrates that the king was still very much the focal point of his life and that he judged his own self-worth based on his usefulness to the king. These local officials displayed a continued faithfulness to the capital even in the late Old Kingdom, and their autobiographies provide no evidence of any intentions to usurp royal power.

There are instances outside of stock phrases in the later 6th- to 8th-dynasty autobiographies in which the tomb owner focuses on himself, rather than on the king. However, the contexts in which this occurs usually describe more private, familial, or day-to-day happenings that lay outside the realm of government and politics. It should also be noted that the tomb owners associated with these autobiographies were not in the top tier of the administration, though they still wielded considerable power. Therefore, another reason for the absence of the king in their inscriptions may be that they held positions that did not come into contact with him as much in day-to-day life. If it were the vizier, who was the highest ranking official to serve the king, or an overseer of the granary (people who certainly interacted with the king regularly) consciously choosing to discuss their private life over their servitude to the king, then this argument may need reconsideration. An example of a situation in which a nomarch

⁶ Strudwick, *Pyramid Age*, 375.

⁷ *Ibid.*, 353.

focuses his narrative on himself rather than on his relationship with the king is found in a 6th Dynasty tomb at Deir el-Gebrawi (Text 267). He recounts the measures he took to ensure that his father received a proper burial: "I buried my father, the haty-a Djau, more splendidly and perfectly than all his like who are in this Upper Egypt."⁸ The king is not central to this text because the tomb owner is focusing on his role as a dutiful and loving son, rather than on his role in state affairs. Even so, the king is still mentioned briefly because he is the one to grant the official with the materials for the burial: "I begged a favor of the majesty of my lord. . ."⁹ This demonstrates that royal presence still played a substantial role in the life of government administrators throughout Egypt. Another instance in which the tomb owner, an inspector of priests, emphasizes more personal matters over the king comes from a 6th-Dynasty tomb at Hawawish (Text 263). The official boasts that he "acquired a herd of breeding donkeys; they produced 200 further donkeys."¹⁰ The tomb owner showcases his wealth and prosperity in this instance, but in a very personal manner that in no way conflicts with his acceptance of national authority or with his role as servant of the king. Other cases in which the tomb owner focuses on himself in the text are instances in which he describes constructing his tomb from his own means. Individual agency is emphasized in these probably because the king did not provide for the burial of certain lower-ranking officials, thus making tomb-building a more personal matter. Not mentioning the king in these scenarios does not imply a weakening of these elites' allegiance to their king or any ambitions to gain autonomous power. The agency displayed by the officials in these contexts does not impact or detract from the role that they continued to play in national administration.

To further the previous claim, accounts of national and political duties from the later autobiographies are still never presented in ways where individual agency is emphasized over royal command. Of course they also wrote these in a manner that showcased their own valor, but this was not done to compete with or distinguish themselves from the central governing force. Rather, it was done to please the king, whose approval made them worthy of receiving many offerings in the afterlife. An example of this is seen in an autobiography from a 6th-Dynasty tomb in Aswan (Text 242). The tomb owner states that "the majesty of [his] lord sent [him] to devastate the land of Wawat and Irtjet. [He] did what pleases [his] lord and killed a great number there. . ."¹¹ He emphasizes his own ability by saying, "I being at the head of the

⁸ Strudwick, *Pyramid Age*, 365.

⁹ *Ibid.*

¹⁰ Strudwick, *Pyramid Age*, 361.

¹¹ *Ibid.*, 334.

expedition, a large and strong force, as one who is strong of heart. . . .¹² But he ties his every action back to the king: “. . . I paid close attention to carrying out the wishes of my lord.”¹³ What was important was that he pleased the king and obeyed the king’s commands satisfactorily: “. . . my lord was delighted with me as (he was) with every mission on which he sent me.”¹⁴ Another example can be seen in a 6th-Dynasty autobiography from a tomb at Giza (Text 198). The tomb owner details all the administrative tasks delegated to him by the king:

His majesty sent me [to direct all the works of the king, and I acted] to the satisfaction of his majesty in Lower and Upper Egypt. His majesty sent me to direct the construction of soul chapels. . . . I came back only when it had been finished through my efforts, and his majesty favored me for it. . . .¹⁵

The tomb owner emphasizes that all of his actions are the result of the king’s orders, and that they are done to satisfy the king. The tomb owner also explicitly credits the king for granting him his position in the administration in the first place: “His majesty found me (originally) just as one of many builders, and his majesty appointed (me) as inspector of builders. . . . (then) his majesty appointed me as royal master builder. . . . (then) his majesty appointed me to be sole companion. . . .”¹⁶ Even in a 6th-Dynasty autobiography that does not explicitly mention the king (Text 270), the tomb owner still describes his own life in terms of his role in the royal administration, and does not express aspirations to be independent of the king: “Until the end of the time I spent as an official, I was occupied with the function of the seal. . . .”¹⁷ Looking at this corpus of texts, it is evident that despite the fewer mentions of the king, he is still recognized by his officials as the central figure ruling and running the country. Regardless of how some provincial offices became hereditary and more influential in nature, these officials continued to emphasize that they were acting under the command of the king in national affairs; they were still fully aligned with and supportive of the central government, even in the face of waning royal power towards the end of the Old Kingdom.

Geographic Context

¹² *Ibid.*

¹³ Strudwick, *Pyramid Age*, 335.

¹⁴ *Ibid.*, 334.

¹⁵ *Ibid.*, 265–266.

¹⁶ *Ibid.*, 267.

¹⁷ *Ibid.*, 370.

Taking into account the location of the tombs containing these autobiographies, there appears to be no correlation between the frequency in which the king is mentioned and the tomb's distance from the capital at Memphis. If provincial officials wanted to undermine the control of the central government in order to advance their own positions in society, it would have helped if there had been more distance between the location of their nomes and the capital. But if there was no motivation in the first place, proximity would not matter and no pattern should be observed. The data from the sample of autobiographies are presented below, numbered and ordered according to their respective distances to the capital, such that nome 1 of Upper Egypt is the furthest from Memphis while nome 14 of Upper Egypt is the closest to the capital:

-Nome 1 (Upper Egypt): 4/4 where king is mentioned but not central.

-Nome 2 (Upper Egypt): 1/2 centers on king. 1/2 where king is mentioned but not central.

-Nome 5 (Upper Egypt): 1/1 where king is not mentioned.

-Nome 7 (Upper Egypt): 1/1 where king is not mentioned.

-Nome 8 (Upper Egypt): 2/3 where king is mentioned but not central. 1/3 where king is not mentioned.

-Nome 9 (Upper Egypt): 4/4 where king is not mentioned.

-Nome 12 (Upper Egypt): 2/3 where king is mentioned by not central. 1/3 where king is not mentioned

-Nome 14 (Upper Egypt): 1/1 where king is not mentioned

-Dakhla Oasis: 1/2 centers on the king. 1/2 where king is not mentioned.

Additionally, the Dakhla Oasis is located in the western desert of Upper Egypt. Though this sample does not include autobiographies from every province of Egypt, it still demonstrates that the degree to which the king is mentioned in the texts is independent of the tomb owner's distance from Memphis. Some tomb autobiographies of the 6th-Dynasty officials at Aswan, which is in the periphery of Egypt, even display deep-rooted loyalty to the king. Examples demonstrating this include the tomb texts of Harkhuf. In his autobiography (Text 241), he ties all of his actions back to the king and to the royal administrative process: "The majesty of Merenre, my lord sent me . . . to lam to open up the way to this foreign land . . . His majesty sent me a second time . . . His majesty sent me a third time . . ." ¹⁸ If officials did want to siphon power from the central government, autobiographies like this one should theoretically mention the king the least because their convenient distance from the capital would have made it easier for officials to increase their own power. Instead, the opposite is true.

¹⁸ Strudwick, *Pyramid Age*, 332.

Temporal Context

When examining the relation between royal construction and appearances of tomb autobiographies, it seems as though the power of the king and the power of his provincial officials existed in tandem, rather than in opposition. The scale and frequency of royal monumental building projects are good indicators of the strength of the king and the central government, while the frequency of provincial tomb building and the presence of autobiographical inscriptions are good indicators of the strength and influence of the administrative officials. Royal building was commonplace during the 5th and 6th dynasties, taking the form of monumental funerary structures, sun temples, and shrines at provincial temple sites throughout Egypt.¹⁹ This coincides with the time period to which most tomb autobiographies of the Old Kingdom are dated.²⁰ Royal building declined dramatically in the 7th and 8th dynasties, and little evidence remains on the ground of the ephemeral kings ruling then.²¹ Likewise, significantly fewer preserved and published autobiographies date from this time range.²² The way these trends match up implies that strong provincial officials coexisted with a strong central government for a period of time. Power did not have to rest solely with the king or solely with his officials; both could have held prominent but cooperative positions in governance.

Additional evidence that power does not have to be a give-and-take between the king and his officials is seen at the end of the First Intermediate Period (c. 2150-2050 BC) and throughout the Middle Kingdom (c. 2050-1650 BC). Towards the end of the First Intermediate Period, as the power and control of the Theban monarchy consolidated, the autobiographies of the regional officials grew in length and complexity, and their tombs included elaborate artwork.²³ This indicates that the power of these elites remained substantial, despite the re-emergence of centralized rule. This claim is further supported by the fact that when central power was fully reasserted in the Middle Kingdom, provincial officials remained prominent.²⁴ In these instances, the

¹⁹ Malek, "The Old Kingdom," 108-115.

²⁰ Strudwick, *Pyramid Age*, 43.

²¹ Malek, "The Old Kingdom," 117.

²² Strudwick, *Pyramid Age*, 46.

²³ Miriam Lichtheim, *Ancient Egyptian autobiographies chiefly of the Middle Kingdom: A study and an anthology* (*Orbis Biblicus et Orientalis* 84) (Göttingen: Vandenhoeck & Ruprecht, 1988), 39.

²⁴ Barry J. Kemp, "Old Kingdom, Middle Kingdom and Second Intermediate Period," in *Ancient Egypt: A Social History*, by B.G. Trigger, B.J. Kemp, D. O'Connor, and A.B. Lloyd (Cambridge: Cambridge University Press, 1983), 177.

increased power of provincial elites did not endanger the strength of the king's rule, and regionalism and strong provincial identity did not equate to a weakening allegiance to the king. This same framework may be applied to the end of the Old Kingdom to illustrate how the growth of provincial power did not necessarily cause or contribute to the decline in centralized rule.

Alternate Theories Explaining the Old Kingdom's Decline

Other arguably more convincing theories have been proposed by Egyptologists to explain the collapse of the Old Kingdom. One theory states that the central government weakened due to the frequent granting of land and resources to support temples, pyramid cults, and individual mortuary cults, which resulted in a decrease in state income and land ownership.²⁵ These pious foundations, as recorded in royal decrees, were also exempted from taxation, thus further decreasing the income of the state.²⁶ Another theory argues that royal monumental constructions, especially the building of the pyramid complexes, drained national resources and depleted agricultural surpluses, consequently impairing the central government's ability to rule the country.^{27,28} Many Egyptologists have also cited worsening climate conditions as the reason behind the Old Kingdom's collapse. Studies have identified increasing aridity during this time period, which decreased the quality of life in the desert and strained food production.²⁹ Accordingly, tomb decorations also depict a thinning of the flora and fauna towards the end of the Old Kingdom.³⁰ Evidence from surrounding regions of the Near East suggests that people in that area were negatively impacted by climate conditions during this time period as well.³¹ These environmental changes alone probably did not lead directly to governmental decline, but might have exacerbated the increasing demands for resources from both the royal and private spheres and eventually brought about the collapse of the Old Kingdom.³²

²⁵ Kathryn A. Bard, *An Introduction to the Archaeology of Ancient Egypt* (Malden: Blackwell Publishing, 2008), 163.

²⁶ *Ibid.*

²⁷ Kemp, "Old Kingdom," 176.

²⁸ Lichtheim, *Ancient Egyptian autobiographies*, 21.

²⁹ Kemp, "Old Kingdom," 179.

³⁰ *Ibid.*

³¹ Miroslav Bárta, "Long term or short term? Climate change and the demise of the Old Kingdom," in *Climate and Ancient Societies*, ed. S. Kerner, R. J. Dann and P. Bangsgaard (Copenhagen: Museum Tusulanum Press, 2015), 189.

³² Kemp, "Old Kingdom," 181.

Conclusion

The preponderance of evidence presented above suggests that the decline of centralized kingship at the end of the Old Kingdom was not caused by the growing prominence of provincial elites. Despite fewer mentions of the king in their tomb autobiographies after the 5th Dynasty, their loyalty and allegiance to the central government are still undeniably and unequivocally displayed. Further examinations of the geographical and temporal contexts of these texts also challenge the theory that increasing provincial authority sapped power from the king. The fact that these local rulers were in positions that were able to fill the power vacuum after the central government disintegrated in no way indicates that they were the reason behind the waning of royal influence in the first place. Additionally, Egyptologists have posed more plausible causes for the decline of the Old Kingdom. It is time to place less emphasis on a single theory that tends to oversimplify the role played by provincial authority at a time of diminishing centralized rule, and take a more nuanced approach when studying the topic at hand.

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Understanding the Proto-legal: The Fight Against Piracy in Turn-of-the-Century Britain and Its Implications for Intellectual Property

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Lead

In 1902, David Day led a raid on a warehouse and seized 500 copies of sheet music. The victims of the attack were stunned and incapable of resisting. Emboldened by their success, Day and Co. next raided a cottage at Dalston, a barrow, and a disparate group of lodgings yielding around 62,000 total copies of sheet music.¹ The victims of the Dalston attack solicited the assistance from a policeman but the officer declined to interfere. The reported reason that these victims were defenseless in protecting their homes from mal-intentioned invaders is that they were illegally copying sheet music published by the likes of David Day's company Francis, Day and Hunter.

Perhaps more shocking than the success of the extralegal actions of anti-pirate vigilantes was their failure; the practice of destroying stores of pirated material, although it increased in the years following Day's initial raid, did little to halt sheet music piracy. Only by banding together and enacting two other maneuvers within the existing legal structure were the publishing companies able to extinguish the pirates. First, in 1905, the publishers were able to successfully prosecute powerful pirates, not through charges of piracy but through charges of conspiracy. Then, in 1906, the publishers were able to successfully change the existing legal structure to benefit their interests with a new copyright law.

The subject of this essay will be the succession of these three proto-legal actions, by which I mean actions that are not within the law at the moment of their

¹ Coover, James. *Music Publishing, Copyright, and Piracy in Victorian England: A Twenty-five Year Chronicle, 1881-1906*, from the *Pages of the Musical Opinion & Music Trade Review and Other English Music Journals of the Period*. London: Mansell, 1985. Print. 85.

occurrence but that, supported by practical power, become constitutive of the legal system. As the history of early 20th century sheet music piracy will show, proto-legal actions can become unofficial standards of police enforcement, legal precedents, and legislature. Such proto-legal actions are essential for understanding the ongoing conflicts within intellectual property, which often features colliding interests. This paper will resurrect pro-piracy voices in order to fully examine the conflicting interests of the sheet music crisis and reveal that the publisher's proto-legal actions were far from universally welcomed. Finally, I will go on to argue that the history of intellectual property contains various instances of copyright holders enacting proto-legal maneuvers that have steadily extended the domain of copyright.

Historiography

There have been various works that explore the boom of sheet music piracy in the late 19th century and early 20th century, and this section will review those histories with the interest of clarifying the intervention this paper makes for understanding this period. The majority of works that chronicle this period are non-scholarly but nonetheless accurate representations of the issues, actors, and language of the period. Unfortunately, however, these accounts are biased towards the position of the publishers.

The central source for primary documents relating to this period is a collection gathered by James Coover titled *Music Publishing, Copyright and Piracy in Victorian England* (1985). Although Coover, in his epilogue to the collected primary sources, acknowledged that the publishers "were not totally virtuous" themselves, he stuck throughout the book to a hard ethical line that severely chastises the pirates.² For example, in the epilogue, Coover affirmed that "piracy is immoral and it is dishonest to cheat a composer of the fruits of his creative mind and gifted ear."³ This bias against the actions of the pirates limits the text from engaging in a serious discussion of the conflicting value systems of the pirates and the publishers.

Another record of this period is *The Story of Francis, Day & Hunter* (1952), which is a chronicle that was commissioned by the eponymous publishing company for their 75th anniversary celebration. This account was written in retrospect by John Abbott, who spearheaded raids against the pirates as a representative of Francis, Day & Hunter. Although Abbott recognized the impoverished condition of the pirates in claiming "[t]he culprits were usually men of straw," his sympathies predictably layed

² Coover, 142.

³ Coover, 142.

with the publishing companies.⁴ In the above quote, Abbott was not mourning the impoverished condition of the pirates but rather their inability to, after being prosecuted by a publishing company, recompense the company's legal costs; he concluded the first thought with "the poor Publisher was left in the unhappy position of having to pay his own costs."⁵ Similarly to Coover's collection, Abbott's chronicle limits understandings of the piracy boom to the ideology of the publishers.

A third account of this period is the film *I'll Be Your Sweetheart* which was released in 1945 within a larger effort by the British Ministry of Information to exploit nostalgia in order to rebuild public morale following World War II.⁶ Although this film incorporated dialogue representative of the historical period in its depictions of musical halls, anti-pirate raids, and court cases, it tells a similarly one-sided account of the piracy boom to the other two works.

Finally, Adrian John's recent scholarly book *Piracy* (2009) —a comprehensive overview of the historical role of pirates—details a history of the piracy boom in his chapter "The First Pirate Hunters". In this chapter, Johns focuses on the development of the anti-pirate police force, initially begun by David Day and later lead by John Abbott, that raided pirate storehouses throughout England. Johns concluded by suggesting that that force set the precedent for future anti-piracy forces, "[Day's] initiative marked the beginning of an alliance between business, intelligence, policing, and intellectual property that would endure long after their victory."⁷ This paper will build upon Johns analysis by contextualizing the anti-piracy force within the various other proto-legal actions of the publishers that similarly attempted to extinguish the pirates. In doing, it will more clearly outline the disparities of influence and power between the pirates and the publishers than Johns' analysis does. Furthermore, by tracing motives and techniques through all of these actions, this paper will bring into question the degree to which all of them constituted illegitimate influences over the system of copyright.

Refutation

Although the historical record has largely disregarded such positions, various actors in the late 19th century piracy boom fiercely defended the actions of the sheet music pirates. Most notable among these defenders were James Cadwell, a member of

⁴ Abbott, John. *The Story of Francis, Day & Hunter*. London: Francis, Day & Hunter, 1952. Print, 30.

⁵ Abbott, 31.

⁶ Johns, Adrian. *Piracy: The Intellectual Property Wars from Gutenberg to Gates*. Chicago: U of Chicago, 2009. Print, 354.

⁷ Johns, 355.

parliament who sympathized with the pirates and pushed back against increased copyright control, and James Frederick Willetts who, as “King of the Pirates,” controlled and defended a network of pirate copying and distribution. Beyond these two individuals, the sentiment that the publishers did not have the public’s best interest in mind was manifest throughout contemporaneous Great Britain. In particular, other figures within the sheet music business, such as music sellers, noted the self-serving actions of the publishers.

In agreement with Cadwell and Willetts, I argue that the prosecution of the sheet music pirates misrecognized the legitimate reasons for such a disruption in distribution, restricted the musical education of the nation, and halted the evolution of cultural consumption beyond preexisting preferences. By recognizing the possibility of this alternate stance, it becomes clear that the proto-legal maneuvers of the publishers cemented a particular position within a heterogeneous discussion.

Body

Context for the Sheet Music Piracy Boom

The boom in sheet music piracy in the late nineteenth century can be understood as the result of the confluence of two larger movements within contemporaneous Great Britain, which altered the consumption and production of sheet music. The first of these movements was the emergence of a newly moneyed middle class eager to buy sheet music and musical instruments to fill their leisure time. Pianos, which one commentator called “that highly respectablising piece of furniture” became a marker of distinction for aspiring families.⁸ Furthermore, music had become a fixed aspect of both state-sponsored and private education throughout Great Britain.⁹ Due to social and economic change in Great Britain, “the home market [for pianos] was larger, less discriminating and growing faster than any other in Europe.”¹⁰

This demand was whetted by the increasing efficiency of large-scale industrial production. Due to increased industrialization and the availability of cheap labor, manufacturers were able to churn out quality pianos at an unprecedented rate. Industrialization provided for “an abundant supply of pre-manufactured parts” which,

⁸ Johns, 330.

⁹ Report of the Departmental Committee Appointed by the Secretary of State for the Home Department to Inquire into the Piracy of Musical Publications, with Evidence and Appendix. London: H.M. Stat. Off., 1904. Print, 13. Note that the pagination is separate for the interviews and the reports.

¹⁰ Ehrlich, Cyril. *The Piano: A History*. London: Dent, 1976. Print, 150.

in the hands of the piano manufacturers, “could result in a useful cheap product.”¹¹ Labor for these manufacturers was available and cheap because laborers did not have access to “alternative occupations, protection by factory legislation or effective trade unions” and were “accustomed to grim working conditions and highly seasonal employment.”¹² Due to the rise in both demand and supply, the early 20th century witnessed a boom in piano ownership and the development of completely new market for sheet music.

The second larger movement that led to the piracy boom was the improvements in copying brought about by the development of lithography. In 1875, the lithographic offset press was invented in England.¹³ This invention made two significant improvements: durability, “because the offset press removes the direct contact between plate and paper, the plate lasts many times longer than on direct litho presses,” and production speed, “because the offset press is rotary rather than a flat bed design, production speeds can be greatly improved.”¹⁴ Furthermore, the offset press allowed for the incorporation of photography with photolithography. This new technique of copying was so effective that sheet music copies were indistinguishable from the original.¹⁵ It could also be done quickly and cheaply. Therefore, both the introduction of a viable new market for sheet music and technological development that allowed for a radically efficient and effective method of copying were precursors to the piracy boom.

“The Arguments for Piracy”

One noted figure within parliament fought against the proto-legal actions of the publishers in the interest of protecting public interest. James Caldwell was a wealthy calico merchant who represented Mid Lanarkshire from 1894 to 1910.¹⁶ Regularly throughout the piracy crisis, Caldwell worked toward negating the attempts of the publishers to squash the piracy threat. For example, in 1902 he weakened the

¹¹ Ehrlich, 150.

¹² Ehrlich, 150.

¹³ University of Houston College of Technology. “The History of Lithography.” Web. http://sites.tech.uh.edu/digitalmedia/materials/3350/History_of_Litho.pdf, 4.

¹⁴ “The History of Lithography,” 4.

¹⁵ Report, 14.

¹⁶ “Musical Copyright.” *Aberdeen Daily Journal* (Aberdeen, Scotland), Saturday, April 22, 1905; pg. 7; Issue 15682. Gale Cengage Learning: *British Newspapers, Part IV: 1780-1950*.

¹⁷ “The House of Commons Constituencies Beginning with ‘L’” Leigh Rayment. April 15, 2015. <http://www.leighrayment.com/commons/Lcommons1.htm>.

penalty clause of the Musical Copyright Bill in order to protect hawkers and printers from forced entry and detention.¹⁸¹⁹ Caldwell served as one fifth of an influential Home Department committee that acquired and assessed evidence and testimonies regarding “the complaints of Music Publishers as to the sale . . . of pirated copies of their publications.”²⁰ In 1904, when the committee submitted their report that strongly favored increased persecutions of the pirates, Caldwell was the sole dissenting voice and wrote a separate report that substantially differed from the majority’s conclusion. His position reflected an ideological stance regarding copyright that was to be ultimately dismissed by the Copyright Act of 1906.

Caldwell had two central concerns with the way that copyright was being interpreted by the majority of the committee: that copyright was being treated as an equivalent to the private right to property, and that the interests of the publishers was being valued above the common good. Caldwell interpreted that the publishers equated copyright and property rights, which allow for complete control of the the uses of one’s property. For example, the publisher Mr. Arthur Boosey, of Boosey & Co., stated in his testimony that no one except the publisher should have any deciding power regarding the price of sheet music, “The publisher has a perfect right to publish at any price he can obtain from the public.”²¹ In contrast, Caldwell argued, copyright by definition is not a right but a privilege “into which the public interest enters as well as that of the owner of copyright.”²² Caldwell grounded his contention with an expressed concern for the common good: “To my mind, the acknowledgment of the public interest, and the removal of any just grievance on the part of the public is a necessary preliminary to all drastic legislation for the enforcement of any right or privilege conferred by Parliament under the Copyright Acts.”²³ In recognizing the public interest, Caldwell framed the piracy crisis in terms of the growth of a new “No. 2” market for sheet music and the exorbitant prices charged by publishers.

His solution to the crisis was to lower the price of sheet music, which would benefit the public and the composers, who would receive greater royalties with increased sales.²⁴ Beyond articulating his own contrasting position, Caldwell challenged the decision making process of the committee by recognizing that parliament was

¹⁸ “Musical Copyright” (1905).

¹⁹ Report, 6.

²⁰ Report, 2.

²¹ Report, 5.

²² Report, 11.

²³ Report, 15

²⁴ Report, 19.

weighing the side of the publishers substantially in terms of representation. For example, during one argument with M.P. William Galloway regarding the collection of evidence for the investigative committee, Caldwell stated, "The publishers were represented... but there was no witness on behalf of the public."²⁵²⁶

Caldwell's positions were substantiated by the founding document of copyright with Great Britain, The Statute of Anne (1710). In beginning its discussion of copyright, the statute immediately stated that its aims were "for the encouragement of learning."²⁷ This central aim would suggest that there should be checks to the power of copyright owners if their interests come into conflict with intellectual or creative growth. The statute laid out such a check, in which, if a bookseller or printer reported that a copyright owner had set a price that was unreasonably high, their complaint would be assessed by one of a number of powerful leaders of British society.²⁸ If that leader found that the complaint was justified, they were granted, "full power and authority" to "limit and settle the price of every such printed book."²⁹

²⁵ "Musical Copyright Bill 26 February 1904." Hansard, UK Parliament, http://hansard.millbanksystems.com/commons/1904/feb/26/musical-copyright-bill#S4V0130P0_19040226_HOC_66.

²⁶ In a 1904 Manchester Courier and Lancashire General Advertiser article "Mr. Galloway's Jest" it was reported that this attempt by Caldwell to recognize the biases of the witnesses was responded to by Galloway with the jest, "If the hon. member did not represent the public, as I supposed he did, he must have been there on behalf of the pirates." This joking accusation caused Caldwell to rise up in anger at the possibility of his good name being besmirched by association with the pirates. To make matters worse, the whole situation tickled the whole of the House immensely to the point of unrestrained laughter at Caldwell's indignation. The parliamentary prejudices against the position of the pirate (even for Caldwell) are evident in this scene.

²⁷ "The Statute of Anne; April 10, 1710." The Avalon Project. Accessed December 17, 2015. http://avalon.law.yale.edu/18th_century/anne_1710.asp.

²⁸ The list of possible judges is extensive: "to the lord archbishop of Canterbury for the time being, the lord chancellor, or lord keeper of the great seal of Great Britain for the time being, the lord bishop of London for the time being, the lord chief justice of the court of Queen's Bench, the lord chief justice of the court of Common Pleas, the lord chief baron of the court of Exchequer for the time being, the vice chancellors of the two universities for the time being, in that part of Great Britain called England; the lord president of the sessions for the time being, the lord chief justice general for the time being, the lord chief baron of the Exchequer for the time being, the rector of the college of Edinburgh for the time being, in that part of Great Britain called Scotland."

²⁹ "The Statute of Anne; April 10, 1710."

Caldwell was accurate in interpreting the publisher's claims to ownership as being inconsistent with the purposes of copyright as established by the Statute of Anne. However, copyright had changed since 1710, and the 1842 Copyright Amendment Act introduced copyright as a form of personal property.³⁰ The 1842 act was also the first act that did not foreground the public interest in its title; the two previous copyright reforms began with "An Act for the further Encouragement of Learning" (1801) and "An Act to amend the several Acts for the Encouragement of Learning" (1814).³¹ Therefore, Caldwell's sentiments were neither unsupported nor fully supported by the legal precedents of copyright at that time. Instead, they reflected an ongoing debate over what the purposes of copyright should be.

Caldwell's repeated attempts to recognize the position of the pirates sometimes required that he defend the character of such actors as James Willetts. Pirates were often members of the lower class—individuals who had previously been arrested, and/or foreigners. This was used to curry disfavor and prejudice from members of Parliament. William Galloway, in presenting on the figure of James Willetts to the House of Commons in February of 1904, negatively categorized pirates as members, "of the criminal class" and "gutter-men" who "lived in common lodging-houses" and, further, that a "large number of them were foreign, alien Jews"³² In characterizing pirates this way, Galloway intended to establish a sense of distrust in the figure of James Willetts. He urged the house to "bear in mind is that this man was a pirate, and his position should be carefully considered before he is believed."³³ Caldwell immediately objected to the above statement by Galloway and regularly attacked such attempts of categorization and prejudice.

James Willetts, the crowned "King of the Pirates," volunteered to be interviewed by the music piracy committee and was therein able to provide his own interpretation of the piracy crisis.³⁴ Although Willetts had previously been fined for piracy, at that point he had since supposedly given up illegal activity and founded the strictly legitimate People's Music Publishing Company. Willetts offered to appear as a witness to the music piracy committee in order to advocate for reducing the price of

³⁰ Deazley, R. (2008) 'Commentary on Copyright Amendment Act 1842', in *Primary Sources on Copyright (1450-1900)*, eds L. Bently & M. Kretschmer, www.copyrighthistory.org.

³¹ Seville, Catherine. "The Copyright Act 1842", *Literary Copyright Reform in Early Victorian England*. 1st ed. Cambridge: Cambridge University Press, 1999. pp. 258-276. Cambridge Books Online. <http://dx.doi.org/10.1017/CBO9780511495441.012>.

³² "Musical Copyright Bill 26 February 1904."

³³ "Musical Copyright Bill 26 February 1904."

³⁴ Report, 82.

copyrighted music instead of persecuting the pirates.³⁵ Similarly to Caldwell, Willetts recognized the pirates as being a response to an unfulfilled market opening and artificially high prices of copyrighted music. Willetts further defended the pirates in two ways, by suggesting that pirates are enacting a productive form of agitation for copyright reform and that the sale of pirated music functions as a form of advertisement for the publishers.

The testimony of Willetts featured a clashing of entrenched ideologies that, judging by the tone of the transcription, seems to have made the conversation tiresome and unproductive. Repeatedly, upon being asked the degree to which piracy is an infringement of copyright law, Willetts responded that piracy does not, in fact, breach copyright. After being told the definition of copyright as laid out in The Copyright Act of 1842, he changed his response to suggest that it is the law that is in the wrong. As such, the pirates were productively “being an agitation” for the reform of copyright law and “the reduction of the price of music.”³⁶ For Willetts, the law was wrong both because it refused the public their rightful musical education, and because it provided for the profits of the publishers to the detriment of everyone else.

Willetts challenged the assumption that the publishers were acting in the best interests of the composers. He instantiated this challenge by citing the story of Mr. Piccolimini, a composer who was so poorly treated by music publishers that when he “went out of his mind” his wife attributed it solely to the exploitative actions of the publishers.³⁷ Later, Willetts further suggested that since piracy targets such a distinct market from the publishers, it constitutes a generative component of the sheet music business. Instead of piracy taking something from the composer or author, it has been “the means of advertising his pieces.”³⁸ Willetts thereby suggested that piracy has led to a greater sale of copyrighted sheet music and referenced David Day as informing him that for “the last two years there has been a larger sale for music than was ever known.”³⁹⁴⁰ The specifics of this was immediately debated and was questionably accurate given that the publishers went to such great lengths to stop piracy. It is worth noting, however, that throughout the process the committee was unable to gather any complete evidence of a drop in sales from the publishers.

³⁵ Report, 76.

³⁶ Report, 82.

³⁷ Report, 77.

³⁸ Report, 82.

³⁹ Report, 82.

⁴⁰ David Day and James Willetts both referenced friendly and candid conversations between the two of them and spoke of each other in high esteem.

Willetts was not without solutions, and recommended both the introduction of a cheap music series and a statutory royalty for printing rights, which would together benefit the composer, with greater sales, and the public, with lower prices.⁴¹ One of these solutions had already been considered; a year previously, David Day had introduced a sixpenny series of music in order to enter low-end market.⁴² As Day admitted to James Caldwell, the sixpenny series provided so much royalty to the composer on account of its “enormous sale” that it would “astonish the trade.”⁴³

The argumentative methods, facts, and biases of James Willetts are certainly questionable, but the value of his testimony for understanding the piracy crisis lies in the stridency of his ideological position. By questioning their methods in testimony, and actively disrupting their business as the “King of the Pirates,” Willetts suggested the possibility that it was the publishers, not the pirates, who were parasitical participants in the delivery of a composition from the mind of a composer to the people. Willetts was far from alone in holding this position and, had he not taken the initiative to testify in a manner that was potentially dangerous to both himself and his work associates, no such dissenting voice would have been heard.

Along with Caldwell and Willetts, there were many, less-established figures who questioned the position of the publishing companies in the sheet music industry both regarding their treatment of music sellers and composers and their maintenance of high sheet music prices. In 1902, after having received a request from the “Musical Copyright Association for the Suppression of Piracy” (MCA) to aid in their efforts, J. George Morley, a music seller, expressed doubt that any music seller would aid the publishers. According to Morley, the publishers had so poorly treated the music sellers for years that the latter were in danger of being wholly erased from the chain of distribution.⁴⁴ The music seller Milgrom Bros. instantiated that claim in a 1906 letter to the publication *Musical Opinion and Music Trade Review* (which generally supported the position of the publishers). Milgrom Bros. stated that the publishers “charge us 16d. per copy for songs that we are obliged to sell at the same price” and balked at the idea that the publishers had grievances.⁴⁵

The publishers were accused of abusing composers as well. A 1902 article in the *Evening Standard*, for example, listed a series of unfair deals between publishers and composers. One such example, Strauss’s *Blue Danube*, earned 100,000 pounds for

⁴¹ Report, 79.

⁴² Coover, 105.

⁴³ Report, 80.

⁴⁴ Coover, 86.

⁴⁵ Coover, 129.

the publishers in a single year while only remunerating the composer 40 pounds.⁴⁶ Similarly, a 1903 article in *Morning Advertiser* called “attention to the poor treatment and miserly recompense afforded composers by prevailing copy- and performing-rights statutes.”⁴⁷ Regarding the public interest, the high prices upheld by the publishers were considered by many to be extortionate. In 1903, Henry Glibbery of West Norwood, stated in *Musical Opinion and Music Trade Review* that the standard prices charged by the publishers was “a luxury only for millionaires” and accusing parliament of perpetuating the publishers’ extortions.⁴⁸ Likewise, even a 1904 article in *The Evening Telegraph* that ultimately sided with the publishers questioned the maintenance of such high prices for sheet music. The article brought up for consideration the fact that, at the time, copyrighted novels, which presumably have a much higher cost of production, were being sold at a third of the price of a four-page sheet of music.⁴⁹

Although only Caldwell and Willetts were able to substantially articulate an argument that challenged the publishers’ control over the sheet music industry, there was a widespread sentiment that the pirates’ actions were legitimate in that they disrupted a market that was being exploitatively controlled. The next section will analyze the actions taken by the publishers to overcome such sentiments and how they constitute proto-legal maneuvers.

The Proto-Legal Actions of the Publishers

One way that the publishers’ frustrations at the actions of the pirates manifested was in violent assaults and raids. The raids were direct efforts to limit the activities of the pirates by confiscating and destroying their supplies.⁵⁰ After the first such raid (detailed in the opening of this paper), the practice of raiding pirate storehouses diversified and deepened. David Day set up the MCA with the explicit

⁴⁶ Coover, 89.

⁴⁷ Coover, 97

⁴⁸ Coover, 99.

⁴⁹ Musical Copyright. *The Evening Telegraph* (Dundee, Scotland), Friday, September 23, 1904; pg. 4; Issue 8620. Gale Cengage Learning: *British Newspapers, Part IV: 1780-1950*.

⁵⁰ As laid out in the report (pg. 3), the pirates’ mode of distribution was as such: 1a) a printer would acquire an original “legitimate” piece of music and produce an inventory of pirated copies usually through lithography. 1b) Middlemen would pick up a supply of copies from the storehouse. 1c) Hawkers would meet middlemen, often in public, and pick up only a few copies, sell those on the street, and return to the middlemen for more. 2) Alternatively, pirates would go from door to door, leaving a price list of the inventory, and then returning later with the desired sheets of music. 3) Pirates also delivered price lists through the mail and then fulfilled mail orders.

purpose of confiscating and destroying pirated goods.⁵¹ He established then-junior clerk John Abbott as the group's secretary and charged him with leading a group of plain-clothed ex-police officers on a series of raids. Acting on tips and detective work and often responding immediately to leads, the MCA was able to raid pirate storehouses across an extensive section of England. These raids were only legal in that they managed to avoid the law. Abbott pursued "tactics soon disowned even by the [MCA's] own lawyers" that "would depend for [their] success on the reluctance of the pirates to have recourse to the courts."⁵² The MCA was so confident in the inability of pirates to use the legal system that, during a raid, they would hand pirates a slip of paper that would directly challenge them to take legal action.⁵³ Regardless of the illegality of the MCA's actions, they were acknowledged as being necessary both by the publishers and by members of parliament. William Galloway, one of the leaders of the committee on music piracy, "expressed great approval" of the actions of the MCA.⁵⁴

The publishers' actions were not always premeditated, careful, or directed at storehouses. In one instance an individual, after buying a pirated piece of music for his companion, was accosted by a plain-clothes member of the MCA inside a theatre. The copyright enforcer's demand to confiscate that piece of sheet music was later recognized by David Day as being certainly illegal but nonetheless effective.⁵⁵ At times the publishers and their compatriots physically attacked pirates seemingly only as a form of intimidation and a cathartic release of their frustration.

One such instance centered around the prominent composer Leslie Stuart and the publisher David Day. According to Stuart, one day, as he was taking a leisurely walk with Day, "the bare-faced nature of [a hawker's actions] so affected us that we got hold of some of the hawkers and tried to pound a sense of honesty and fair play into them."⁵⁶ One of the hawkers took Stuart and Day to court for the assault and they were charged forty shillings along with recompensing the legal cost. Stuart's limited understanding of piracy and disdain for hawkers was evident in his language in describing the incident. Stuart attested, "Some took the hammering well, no doubt believing that the game they had been profiting by really deserved it." Apparently since some of the hawkers did

⁵¹ Coover, 86.

⁵² Johns, 333.

⁵³ Report, 33.

⁵⁴ "Music Piracy." *Manchester Courier and Lancashire General Advertiser* (Manchester, England), Wednesday, April 12, 1905; pg. 10; Issue 15110. Gale Cengage Learning: British Newspapers, Part III: 1780-1950.

⁵⁵ Report, 35

⁵⁶ Lamb, Andrew. *Leslie Stuart: Composer of Florodora*. New York: Routledge, 2002. Print, 76

not attempt to prosecute Stuart and Day, Stuart interpreted their silence as a willing submission to the attack as fair retribution for selling pirated goods.⁵⁷ The hawker who did take Stuart and Day to court was described as being the worst of the lot, “positively numb to all sense of decency.”⁵⁸ The court case was similarly disparaged and the evidence against them was described as “sensational.”⁵⁹ Stuart and Day’s eagerness to lash out violently and Stuart’s wholehearted ignorance and dismissal of the hawkers’ position speaks to the viewpoint of the publishers when perpetrating these violent assaults. None of these raids can be read as simply efficient means of enforcing copyright. Instead, the publishers’ assaults and raids must be understood as acts driven by a sense of frustration and with a disregard for the position of the pirate.

Although frequent, destructive, and wide-ranging, the raids by the MCA did little to deter the pirates.⁶⁰ The market for the pirates was so strong that they were able to accept the losses of inventory as a necessary cost. Impeding the publishers was their inability to detain pirates under copyright law. Therefore, upon being confronted, pirates regularly dispersed, often giving false names, and avoided any penalty beyond the lost inventory. As the piracy committee found, “out of five or six thousand summons . . . only 287 have been served.”⁶¹ As James Willetts stated in his testimony before the piracy committee, the anti-piracy enforcement did nothing to prevent him from continuing as a pirate and were simply “the costs” of his profession.⁶² Frustrated by their lack of success, the publishers then sought to prosecute pirates in a manner that would impede their ability to do business and deter future pirates.

The “Great Prosecution for Conspiracy” began in 1905 and accused five men, including James Willetts, not of piracy itself but of “conspiracy to print, publish, and sell” pirated copies of sheet music.⁶³ This was a novel method of dealing with piracy, in that it did not address the issue of copyright itself.⁶⁴ The criminal accusation relied upon the preamble to an existing conspiracy law, which stated that “if two or more persons conspire in an illegal manner, they can be found guilty of conspiracy.”⁶⁵

⁵⁷ Lamb, 76.

⁵⁸ Lamb, 76.

⁵⁹ Lamb, 76.

⁶⁰ As detailed in the Report, page 20, 468180 copies of pirated music were seized by the Metropolitan police from the 1st of October 1902 to the 31st of December 1903.

⁶¹ Report, 6.

⁶² Report, 84.

⁶³ Coover, 125.

⁶⁴ Coover, 127.

⁶⁵ Abbott, 36-37.

The prosecution sidestepped the issue of copyright and avoided debating piracy itself or defending the actions of the publishers. Most of the evidence used in the case was gathered from MCA raids and the trials that followed them and detailed the extent to which the defendants were mutually engaged in piracy. All of the witnesses in the trial were on the side of the prosecution and were largely made up of individuals with some ties to the music publishing industry, such as an engraver who had made copying blocks for Willetts. The court found all of the defendants guilty, but with varying sentences. Willetts received the harshest punishment and had to serve nine months in jail, while one conspirator was let off with a fine and two were released with a warning.⁶⁶ The publishers, through the “Great Prosecution for Conspiracy,” successfully navigated the legal system to establish piracy as a criminal rather than a civil offense.

The “Great Prosecution for Conspiracy,” made clear the distinction between the publishers’ and the pirates’ abilities to use the legal system to their benefit. For one, the publishers’ case was able to rely upon evidence that was acquired with questionable legality. Although the actions of the MCA did not halt piracy through their raids, their efforts, in amassing information on the pirates and investigating the chain of distribution, ultimately allowed the publishers to prosecute pirates. The pirates, by contrast, were only able to defend themselves by either questioning the copyright claims of the publishers (which was ignored) or portraying themselves as unaware of the illegality of their actions, claiming that they were simply servants to someone higher on the piracy ladder, not conspirators. As one report detailed, because of the inability for the pirates to provide evidence or testimony in their favor the “outcome [was] a foregone conclusion.”⁶⁷ Furthermore, at some level, both the pirates and the publishers were working as conspiracies; the publishers retained a level of secrecy both in refusing to reveal their balance reports or their copyright claims and in collaborating to organize extra-legal attacks on the pirates and price controlling measures.⁶⁸ In that sense, the trial was a proto-legal maneuver of a similar form to the raids: it worked because the pirates could not navigate the legal system as the publishers could.

The final and most effective proto-legal maneuver by the publishers was the push for and eventual passage of copyright reform that was guided by their interests. The Musical Copyright Act was enacted in 1906 and was commonly believed to “end the

⁶⁶ Coover, 127.

⁶⁷ Coover, 128.

⁶⁸ Johns, 352.

extensive and long-established piracy of music."⁶⁹ The act set up penalties for the printing, sale, or possession with intent to sell of pirated sheet music or possession of plates with the purpose of producing pirated copies. Upon first conviction, a pirate would be charged a maximum five pounds fine and, on second conviction, any of such acts would result in two months' imprisonment or a ten pounds fine.⁷⁰ Furthermore, any constable could enforce the act through arrest spontaneously and without warrant.⁷¹ The Musical Copyright Act thereby extinguished sheet music piracy within Great Britain. The publishers worked toward such an act, which heavily reinforced their complete control over the copyrights of musical works, by influencing parliament and enacting a strike on the production of sheet music.

The most direct evidence of the influence that the publishers had over parliament was their significantly greater representation during parliamentary debates. As analyzed above, the representation of voices that defended the actions of the pirates within the investigative committee was minimal. Furthermore, deep-seated prejudices against such positions colored their reception. Along with these direct influences, an important indirect advocate for copyright reform were composers. For example, John Philip Sousa, in London on tour in 1905, wrote two letters for publication in which he thoroughly criticized the British for failing to reach international standards for copyright protection. In one of these letters Sousa claimed that "music piracy does not exist in any country where there is an international copyright law in force, except Great Britain" and further recommended that "the national honor and pride demand that immediate steps be taken" to quell the piracy threat.⁷²

The context for these statements makes uncertain the degree to which they were appropriate summaries of the musical copyright issues in Great Britain. For one, Sousa did not have an altogether beneficial relationship with British publishers; the

⁶⁹ "Music Piracy to End: Government's Support Insures Passage of Copyright" *The Washington Post* (1877-1922); Jul 15, 1906; ProQuest Historical Newspapers: *The Washington Post* pg. 4

⁷⁰ "General News" *Leamington Spa Courier and Warwickshire Standard* (Leamington, England), Friday, June 15, 1906; pg. 2; Issue 24. Gale Cengage Learning: *British Newspapers, Part IV: 1780-1950*.

⁷¹ Strahan, J. Andrew, and Norman H. Oldman. *The Musical Copyright Act, 1911 Being a King Printers' Copy Bound up with The Musical Copyright Act, 1906*. London: Solicitors' Law Stationery Society, 1912. Web.
http://www.ipmall.info/hosted_resources/ip_antique_library/Copyright/Strahan_1912.pdf.

⁷² "International Copyright. John Philip Sousa" Gale Cengage Learning: *The Times* (London, England), Monday, Feb 27, 1905; pg. 8; Issue 37641.

copyright to his first success was sold for only seven pounds.⁷³ Furthermore, the influence of the publisher Boosey was the direct impetus for Sousa's writings. As Sousa later recalled, Boosey, unannounced, called upon his London hotel room and, upon entering, gave an account of the piracy crisis that gravely outlined what dangers the pirates presented to Sousa. Boosey then laid out a plan for Sousa saying, "You're a great favorite in England and if you will write two letters, one dignified and the other satirical, the Times and the Daily Mail probably will publish them and it may influence Parliament to make the stealing of a composition a felony."⁷⁴ Sousa's understanding of the piracy crisis was therefore one-sided, as it had been established with the interest of provoking a fear of the pirates. This is not to suggest that Sousa did not stand to lose from sheet music piracy, but rather that his understanding of the issue and recourse to alternatives was limited and that the influence of his writings should be questioned.

The figure of the composer was mobilized by both sides of the piracy debate. T. P. O'Connor, who authored the 1906 Musical Copyright Act, recalled in a conversation with the Westminster Gazette various "personal tragedies that have resulted from the growth of piracy."⁷⁵ O'Connor then succeeded to list a series of composers who have come upon hard times supposedly because of piracy, in a manner strikingly similar to both James Willetts in his testimony before the parliamentary piracy committee and the above-cited 1902 article in the Evening Standard. Both sides of the debate understood that composers held sway over public and parliamentary opinion; as Boosey acknowledged above, Sousa's status as a "great favorite" would lead to his writing being influential. Furthermore, the regular use of the figures of the composer exposes a commitment to a Lockean understanding of intellectual property, which holds that a person who labors on supposedly unowned resources (here the purportedly endless possible combinations of pitches in writing musical compositions) can claim a natural right to the results of such labor.⁷⁶ Both sides of the piracy debate mobilized this sense of natural right to advocate for their position. The truth of the matter was that both the pirates and the publishers had business models that exploited the labor of the composer. However, understanding the piracy crisis, in accordance with James Willetts, as an "agitation" rather than a business model, and incorporating the widely held sentiment that the publishers were treating composers unfairly destabilizes the

⁷³ Coover, 89.

⁷⁴ Sousa, John Philip. *Marching Along: Recollections of Men, Women and Music*. Boston: Hale, Cushman & Flint, 1941. Print, 246

⁷⁵ Coover, 134.

⁷⁶ Fisher, William. "Theories of Intellectual Property." *Theories of Intellectual Property*. http://www.law.harvard.edu/faculty/tfisher/iptheory.html#_ftn5.

certainty that the publishers were, in fact, protectors of composers. That the Copyright Act of 1906 furthered, rather than checked, the exploitation enacted by the publishers by entrenching their control over the dissemination of compositions is certain.

Perhaps the most indicative event of the piracy crisis was the effort by the publishers to use their position to solidify their control over the production and dissemination of sheet music. In April of 1905, a consortium of powerful publishing companies enacted a strike in which they refused to continue issuing further publications, signing new contracts with artists or singers, or supporting newspapers through advertisements.⁷⁷ In doing so, the publishers put pressure on every sector within the sheet music industry to advocate for copyright reform. Furthermore, stating that they “have no alternative” but to enact this strike, the publishers refused to acknowledge any responsibility for putting a great many people out of work. The publishers stated that, although the strike was due to cause “great suffering to very large numbers of legitimate workman” it was “due to no fault of their own.”⁷⁸ The strike was ultimately effective. Two months after the beginning of this strike, T. P. O’Connor took charge of the copyright reform bill in Parliament and began to approach Caldwell in order to find a way to placate his dissent and thereby pass the bill.⁷⁹

The publishers did not fully stop business during the strike and their continued actions discounted their assertions regarding the severity of the piracy crisis. During the same month that the publishers announced that they would go on strike, “enormous prices” were paid at auction for various musical copyrights that were already in circulation.⁸⁰ Although these compositions were being pirated, the publishers still apparently expected to garner profits from their further publication. This evidence suggests that the publisher strike was not caused by a complete inability to acquire profit by the publishers, but rather by a dissatisfaction with the profit margins afforded to them. The Copyright Act of 1906, which thoroughly entrenched the publishers’ position, was promoted by a limited understanding of the positions, rights, and wrong within the piracy crisis, and by an unwillingness to disrupt the pre-existing mode of distribution for sheet music.

⁷⁷ “Music Publishers Strike: London Firms to Cease Activity Until Copyright” *New York Times* (1857-1922); Apr 10, 1905; ProQuest Historical Newspapers: The New York Times pg. 1.

⁷⁸ “Music Piracy” (1905).

⁷⁹ Coover, 120.

⁸⁰ Coover, 119.

Conclusion

The “Great Prosecution for Conspiracy” and The Copyright Act of 1906 effectively ended sheet music piracy in Great Britain. Only a few months after the passage of the act, Francis, Day, & Hunter announced that they would “discontinue their self-sacrificing policy” and raise the price of their cheap music series.⁸¹ At this juncture in the history of copyright, the disruption caused by the emergence of a new and eager market coupled with a drastic improvement in copying technology was smoothed over by the proto-legal actions of copyright holders. This juncture can aid reflection on the trajectories of intellectual property and copyright. Since intellectual property can increase in value through limitations on its accessibility, copyright conversations have continually pitted the interests of those that do own copyrights against those who do not. For example, in 1998, the American Copyright Term Extension Act (CTEA) lengthened the term of copyright by 20 years, increasing the value of existing copyrights by delaying the entrance of works into the public domain. Arguments were raised by CTEA advocates as to the necessity of the act in order to battle online piracy and the significance for the American economy. Perhaps more importantly, however, CTEA advocates, such as The Walt Disney Company, lobbied to protect their copyright claims.⁸² Within the House of Representatives, ten of the thirteen original sponsors of the act received contributions from Disney’s political action committee and, in the Senate, eight of the twelve sponsors received contributions, including the bill’s chief sponsor.⁸³ Furthermore, in the same year, the Recording Industry of America and the Motion Picture Association of America were “estimated to have spent over \$1.5 million lobbying” during the election cycle.⁸⁴ In certain important respects, these actions are similar to those of the MCA, who extra-legally raided lower-class homes and then mobilized the evidence harvested in those raids to imprison opponents. By all accounts, CTEA advocates worked within the legal system, but exercised far greater influence within that system than their opponents, the librarians and consumer organizations

⁸¹ Coover, 139.

⁸² The copyrights for some of Disney’s most important cartoons were set to expire soon: Mickey Mouse was scheduled to expire in 2003, Pluto in 2005, Goofy in 2007 and Donald Duck in 2009.

⁸³ “Disney Lobbying for Copyright Extension No Micky Mouse Effect; Congress Okes Bill Granting Creators 20 More Years,” Chicago Tribune, Associated Press, 17 October 1998, 22.

⁸⁴ Lessig, Lawrence. *Free Culture: How Big Media Uses Technology and the Law to Lock down Culture and Control Creativity*. New York: Penguin Press, 2004, 218.

who upheld the value of the public domain.⁸⁵ By understanding the proto-legal as maneuvers that deftly navigate and seamlessly constitute the legal system in order to entrench certain interests above others, such methods can perhaps be checked rather than naturalized.

⁸⁵ "Disney Lobbying for Copyright Extension No Micky Mouse Effect; Congress Oks Bill Granting Creators 20 More Years," (1998).

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Revolt to Revolution: The Role of the Press in Haitian Independence

Anuj Krishnamurthy

Despite both its coincidence with and substantial connections to the sociopolitical movements consuming late-eighteenth-century Europe, the slave revolt that liberated Saint-Domingue and established the first black state in the New World is assigned a singular and simplistically superficial narrative by Western historiography. The popular conception of the Haitian Revolution describes the struggle for freedom in Saint-Domingue as both insignificantly atypical and primarily a violent conflict of arms and armies.¹ At the time, American observers saw the revolution as catastrophic: the Philadelphia General Advertiser reported scenes of destroyed plantations, a protracted duel between a government military vessel and rebel cannons, and rebel strongholds populated by thousands of bloodthirsty black fighters.² According to the Advertiser, the rebels “f[ou]ght under a bloody flag... denouncing death to all whites!”³ A history of the revolution published in the early nineteenth century even characterized the slave insurgents as “cannibals,” hell-bent on creating “a spectacle that witnesses will never forget.”⁴

¹ David Fistein, “Theory and the Social Revolution in Haiti,” *Journal of Haitian Studies* 15, no. 1 (Spring 2009): 180, accessed December 12, 2015, <http://www.jstor.org/stable/41715159>.

² “Reports from the Insurrection,” in *Slave Revolution in the Caribbean, 1789-1804*, by Laurent Dubois and John D. Garrigus (Boston: Bedford/St. Martin's, 2006), 97, excerpt from Philadelphia General Advertiser (Philadelphia), October 11, 1791.

³ *Ibid.*, 98.

⁴ “History of the Revolution of Saint-Domingue,” in *Slave Revolution in the Caribbean, 1789-1804*, by Laurent Dubois and John D. Garrigus (Boston: Bedford/St. Martin's, 2006), 93, excerpt from *History of the Revolution of Saint-Domingue*, 1814.

This interpretation of the Haitian Revolution – as a resistance effort founded in militarism and physicality – is not unreasonable. Most of the slaves arriving in Saint-Domingue during the 1780s were veterans of armed conflicts in Africa, enabling them to achieve dramatic success on the battlefields of Saint-Domingue.⁵ Until the mid-twentieth century, the majority of historians maintained a general consensus that the implosion of Saint-Domingue was not a revolution at all, but merely “madness,” a “riot,” or an “uprising,” as if to imply that the subsequent struggle was a product of the revolutionaries’ misdirected passion, unintelligent decision-making, or insatiable bloodlust.⁶ However, in the same way the Haitian Revolution would not have progressed without the slave population’s prior martial experience, the liberation of Saint-Domingue could not have been fully carried out without the newspapers and pamphlets churned out by the island’s printing presses.

It is assumed that the Haitian Revolution was a fundamentally military conflict won by the slave rebels only because of unpredictable “biophysical” circumstances, such as tropical disease and unnavigable terrain.⁷ But this framework fails to do justice to the wide-ranging exploits of Saint-Domingue’s resilient black populace and the prowess of the island’s thinkers, reformers, and journalists. More specifically, the press culture in colonial Saint-Domingue, vastly overshadowed by the glories of war in conventional conceptions of Haitian independence, played just an influential role as armed conflict in empowering free blacks, introducing Enlightenment thought to the island, and constructing a modern black state.

Yet, the role of the press in the Haitian Revolution has been almost completely neglected by scholars of Caribbean history. In light of this academic reality, M.A. Menier and G. Debien, bibliographers of Saint-Domingue’s prodigious press, observed, “The history of the colonial press is always in a time of discovery.”⁸ The colony, indeed, was a bastion of journalistic sophistication. While most of France’s other island colonies

⁵ Carolyn E. Fick, “The Haitian Revolution in an Atlantic Context,” *Proceedings of the Meeting of the French Colonial Historical Society* 19 (1994): 135, accessed December 12, 2015,

<http://www.jstor.org/stable/43007769>.

⁶ Thomas Reinhardt, “200 Years of Forgetting: Hushing up the Haitian Revolution,” *Journal of Black Studies* 35, no. 4 (March 2005): 251, accessed December 12, 2015,

<http://www.jstor.org/stable/40027220>.

⁷ *Ibid.*, 252.

⁸ M.A. Ménier and G. Debien, “*Journaux de Saint-Domingue*,” *Revue d’histoire des colonies* 36, no. 127 (1949): 424, accessed December 12, 2015, http://www.persee.fr/doc/outre_0399-1385_1949_num_36_127_1141.

maintained at most five periodicals, Saint-Domingue saw the proliferation of nearly fifty.⁹ Furthermore, the colonists were unusually dependent upon and involved in the sustained operation and publication of the island's newspapers and pamphlets. In fact, the residents of Saint-Domingue were so invested in the press that, when they were unable to participate in or continue periodical production – either because of political travel or revolutionary disruptions – they actively sought to renew and restart their publications.

The Prospectus Pour le Rétablissement des Affiches Americaines encapsulates one such effort. This pamphlet, composed by an anonymous author, advertises an attempt to recommence publication of *Affiches Americaines*, one of the most highly circulated newspapers in Saint-Domingue.¹⁰ Under the intense pressure of slave revolts, the newspaper was forced to shut down in 1791 after twenty-five consecutive years of regular operation, starting in 1766. The pamphlet's creator makes his intentions of comprehensive revival clear from the beginning: "Whatever we announce to the public by the way of this prospectus, under the heading of *Affiches Americaines*, is not new to the colony where it existed before the revolution."¹¹

Another staple of Saint-Domingue's periodical tradition, manifested in an expatriate press, is the *Nouvelles de Saint-Domingue*.¹² In 1790, the Colonial Assembly of Saint-Domingue, mostly populated by "radical" whites – new immigrants, soldiers, and plantation workers resentful of the island's landed elites – was suppressed by royal forces. In response, eighty-five deputies of the Colonial Assembly traveled to revolutionary Paris to plead their case with the Constituent Assembly.¹³ During the proceedings, these deputies established the *Nouvelles* and published thirty-two editions from November 1790 to March 1791, effectively exporting the press of Saint-Domingue to central Europe.¹⁴

⁹ Ibid, 424.

¹⁰ Stewart R. King, *Blue Coat or Powdered Wig: Free People of Color in Pre-Revolutionary Saint Domingue* (Athens, GA: University of Georgia Press, 2001), 26, accessed December 12, 2015, <http://site.ebrary.com.revproxy.brown.edu/lib/brown/detail.action?docID=10493764>.

¹¹ *Prospectus pour le rétablissement des Affiches américaines* (Port-au-Prince: L'imprimerie de J.B. Michel, 1792), 2, accessed December 12, 2015, <https://archive.org/details/prospectuspourle00aupo>.

¹² *Nouvelles de Saint-Domingue* (Paris), September 12, 1790, accessed December 12, 2015, <https://archive.org/details/no25nouvellesdes00unkn>.

¹³ Wim Klooster, *Revolutions in the Atlantic World* (New York: New York University Press, 2009), 97.

¹⁴ *Nouvelles de Saint-Domingue*.

The journalistic resilience of the colony's residents, though, is probably best exemplified in the exodus of refugees from Saint-Domingue to Philadelphia during the early years of the Haitian Revolution. Philadelphia, as a city, was particularly well-suited to the influx of roughly 3,000 refugees, of whom one-third were black or racially mixed.¹⁵ The city's economic ties to Saint-Domingue were robust: 7-15% of its imports originated in the colony between 1789 and 1792.¹⁶ Already a significant cultural center,¹⁷ Philadelphia, a free city in a free state, was home to a vibrant community of abolitionists who, heavily influenced by the events of the Haitian Revolution, utilized urban newspapers to engage in serious debates over slavery.¹⁸ Almost immediately, the creoles found themselves caught up in the whirlwind of American life, serving in military roles – Andrew Jackson commanded mixed-race troops with revolutionary experience at the Battle of New Orleans in 1814¹⁹ – and cultural capacities as harbingers of new jewelry fashions and culinary trends.²⁰

The sociocultural transplantation of former Saint-Dominguans in the United States also transmitted new perspectives on colonial politics, yielding, almost predictably, an “exceptionally vitriolic” refugee press.²¹ Moreau de St. Mery, a creole colonist who authored a famous encyclopedic account of Saint-Domingue, opened his own bookstore in Philadelphia, and, as the journalistic interests of the refugees swelled, eventually entered the printing business.²² The *Etoile Americaine*, known for its “forceful” editing, became a dependable bi-weekly newspaper for refugees.²³ As the intensity and intellectual prowess of Saint-Dominguan journalists and commentators grew, members of the refugee diaspora came to, once again, embrace political activism, as they had

¹⁵ Garvey F. Lundy, “Early Saint Domingan Migration to America and the Attraction of Philadelphia,” *Journal of Haitian Studies* 12, no. 1 (Spring 2006): 81, accessed December 12, 2015, <http://www.jstor.org/stable/41716763>.

¹⁶ *Ibid*, 83.

¹⁷ John E. Baur, “International Repercussions of the Haitian Revolution,” *The Americas* 26, no. 4 (April 1970): 396, accessed December 12, 2015, <http://www.jstor.org/stable/980183>.

¹⁸ Lundy, “Early Saint Domingan Migration,” 82.

¹⁹ Baur, “International Repercussions of the Haitian Revolution,” 403.

²⁰ *Ibid*, 397.

²¹ Baur, “International Repercussions of the Haitian Revolution,” 399.

²² Frances Sergeant Childs, *French Refugee Life in the United States, 1790-1800* (Baltimore, MA: Johns Hopkins Press, 1940), 125.

²³ *Ibid*, 130.

before the revolution. The Haitian government, in conjunction with the black elites of Philadelphia, created the Haytien Emigration Society in 1824.²⁴ The Society, adeptly employing the refugee press to produce its informational pamphlets, encouraged blacks to relocate to Haiti, a nation reportedly endowed with vibrant economic activity, abundant natural resources, and rights for blacks.²⁵ The proliferation of political periodicals also allowed free blacks in the United States to organize and declare their grievances more formally. In particular, the group *Citoyens de Couleur de Philadelphie* connected thinkers of color and provided them a vehicle to “argue for their rights as citizens” to “the French National Assembly.”²⁶

As one might expect, the primary show-runners of the press institutions of Saint-Domingue and various refugee communities were predominantly white and wealthy. But newspapers and pamphlets played an enormous role in augmenting the commercial awareness and economic engagement of the colony’s sizeable free black population. In the decades leading up to the commencement of revolutionary hostilities in 1791, the free blacks of Saint-Domingue were slapped with serious restrictions: they were barred from public office or professional occupations; forced to serve in the colony’s militia and slave-monitoring police forces; and humiliated by segregation in public spaces.²⁷ To many free blacks, it seemed that these “harsh laws” were enacted only to “reinforce these insults and stifle all the talents and industry of [their] class.”²⁸ Already prohibited from careers in law and medicine by 1768, most free blacks found themselves completely alienated from the island’s intellectual arenas.²⁹

For these marginalized people of color, newspapers offered an unparalleled opportunity to circumvent codified racial restrictions and obtain some measurable degree of financial and societal prominence. (A burgeoning population of free blacks contributed to their remarkable rise: the community grew from 6,897 in 1775 to 21,813

²⁴ Lundy, “Early Saint Domingan Migration,” 89.

²⁵ *Ibid.*, 90.

²⁶ *Ibid.*, 84.

²⁷ T. Lothrop Stoddard, *The French Revolution in San Domingo* (Boston: Houghton Mifflin Company, 1914), 45.

²⁸ “Observations on the Origin and Progression of the White Colonists’ Prejudice against Men of Color,” in *Slave Revolution in the Caribbean, 1789-1804*, by Laurent Dubois and John D. Garrigus (Boston: Bedford/St. Martin’s, 2006), 81, excerpt from *Observations on the Origin and Progression of the White Colonists’ Prejudice against Men of Color*, 1791.

²⁹ King, *Blue Coat or Powdered Wig*, 26.

in 1788, which amounts to eleven percent population growth per year.³⁰) The free blacks of Saint-Domingue, rapidly growing in number, were desperate to participate in colonial commerce. Newspapers provided the exposure and engagement with the economy necessary for this endeavor. Free blacks read – and actively posted – advertisements about estate sales, slave sales, and runaway slaves in the newspapers of Saint-Domingue.³¹ (Of the 48,000 advertisements about runaway slaves posted in twenty-two of the island’s newspapers between 1764 and 1793, a substantial proportion were penned and purchased by free blacks.³²) It seems that newspapers were one of the few mechanisms by which free blacks could defy the overwhelming burdens of legalized discrimination and meaningfully engage in mainstream colonial economic activity. Quickly, this social group, through considerable involvement in the market, adopted the culture of profit-maximization, became deeply invested in the perpetuation of the plantation economy and slavery, and accumulated significant economic weight.³³ In fact, free blacks soon became a conspicuous commercial force in Saint-Domingue, actually attaining prosperity faster than their white counterparts in several provinces.³⁴ In the 1760s, free blacks were involved in 28% percent of rural land sales; by the 1780s, they were involved in 44%.³⁵ The average value of estate sales made by free blacks was 3,895 livres in the 1760s; the average value nearly tripled to 10,793 livres by the 1780s.³⁶ Furthermore, free blacks were active in the slave markets of Saint-Domingue, eventually constituting 57% of all slave transactions on the island in the 1780s.³⁷ Gouy d’Arcy, a deputy to the States-General of Saint-Domingue, reported that free blacks and mixed-race individuals possessed one-tenth of the island’s land and approximately fifty thousand slaves.³⁸ More liberal estimates put free black

³⁰ Ibid, 42.

³¹ Ibid, 26.

³² Michel-Rolph Trouillot, “Reviewed Work: The Haitian Maroons; Liberty or Death. (Les marrons de la liberté),” review of *The Haitian Maroons*, by Jean Fouchard, trans. A. Faulkner Watts, *New West Indian Guide* 56, no. 3 (1982): 181, accessed December 12, 2015, <http://www.jstor.org/stable/41849091>.

³³ King, *Blue Coat or Powdered Wig*, 143.

³⁴ John D. Garrigus, *Before Haiti* (New York: Palgrave Macmillan, 2006), 172.

³⁵ Ibid, 175.

³⁶ Ibid, 175.

³⁷ Garrigus, *Before Haiti*, 177.

³⁸ Stoddard, *The French Revolution in San Domingo*, 46.

contributions to the economy of Saint-Domingue – which may have yielded 120 million livres in profit – at 24 million livres.³⁹

The combination of unprecedented prosperity, facilitated in large part by the exchange of economic information in Saint-Domingue's periodicals, and social subjugation evolved into a frustrating contradiction. David Fistein, a member of the faculty of Culver-Stockton College, notes that, "increasing numbers and wealth sharpened the resentment of the free people of color against the state-sanctioned humiliations."⁴⁰ Despite their increasing wealth, they were effectively considered "outcasts, treated little better than slaves by most of the creole families."⁴¹ Free blacks, rendered dissatisfied and unfulfilled by synchronous experiences of both opportunity and oppression, began to indulge their "sharp sense of personal injury" and "burning thirst for vengeance" by exploring "every possible means to escape from their present condition."⁴²

Julien Raimond is perhaps the foremost paragon of free black economic empowerment and periodical participation in the history of Saint-Domingue. With an annual income of 55,000 livres per year from colonial plantations and various business ventures, Raimond was sufficiently wealthy to live in France and visit Paris frequently.⁴³ An outspoken supporter of King Louis XVI, whom many blacks believed would protect them from the relentless racism of white interests, Raimond mobilized the black and mixed-race communities of Saint-Domingue to contribute 9,140 francs for the acquisition of a vessel in the King's honor.⁴⁴ While the gift was acknowledged by royal officials, Raimond's further diplomatic efforts in France to grant free blacks full French citizenship were unsuccessful. Unfazed, Raimond chose to expend any amount of his personal treasury to further the cause of attaining greater rights for free blacks. His primary tool was, of course, the printing press; he spent hefty sums to publish his "numerous petitions and pamphlets."⁴⁵ In March 1790, Raimond's efforts were validated by a decree that allowed all taxpayers above the age of twenty-five, regardless of skin

³⁹ Garrigus, *Before Haiti*, 238.

⁴⁰ Fistein, "Theory and the Social Revolution," 187.

⁴¹ Mercer Cook, "Julien Raimond," *The Journal of Negro History* 26, no. 2 (April 1941): 139, accessed December 12, 2015, <http://www.jstor.org/stable/2715248>.

⁴² Stoddard, *The French Revolution in San Domingo*, 46.

⁴³ Cook, "Julien Raimond," 141.

⁴⁴ *Ibid.*, 140.

⁴⁵ *Ibid.*, 141.

complexion, to partake in the activities of provincial assemblies.⁴⁶ Determined to expand the nascent formulations of “the novel doctrine of ‘Liberty, Equality, Fraternity’ . . . to include the freemen of color,”⁴⁷ Raimond, throughout his life, “left his pen, fortune, and energy . . . at the disposal of those whom tradition had taught him to consider his people.”⁴⁸

Newspapers in Saint-Domingue did much to advance the commercial condition of free blacks, and, in turn, this newfound affluence afforded greater room for resolute self-advocacy and resistance against colonial repression. (That this resistance was first fully fleshed out, rationalized, and justified in periodicals – newspaper-driven resistance, especially in the context of Atlantic revolutions, often “instigated, catalyzed and synthesized the many other forms of propaganda and action” – and only later executed on the battlefield is a testament to the power and influence of the Saint-Dominguan press.⁴⁹) On top of this, though, the colony’s newspapers and pamphlets transported the ideas and values of the Radical Enlightenment, an intellectual sub-movement in Europe, to the Caribbean. Much of the intellectual foundation of the Haitian Revolution rested upon the philosophizing of Baruch Spinoza, the preeminent proponent of Radical Enlightenment thought.⁵⁰ Spinoza’s paradigm of thinking is chiefly characterized by a desire for universal self-determination and the realization of “any being’s fullest . . . possibilities.”⁵¹ The Haitian Revolution, in its appropriation of Spinozan ideology, was not solely focused on Haitian free blacks or slaves – it was, instead, concerned with the whole of humanity. In effect, Haiti, internal turmoil and forthcoming black despotism notwithstanding, Haitian revolutionaries viewed the relatively novel notion of “freedom . . . as an absolutely true logic, one that must be made, in turn, universal reality: no humans can be enslaved.”⁵² Pompée-Valentin, Baron de Vastey, an esteemed Haitian educator and political theorist exemplified the universal outlook of Haiti perfectly. In 1818, he wrote, “We offer up prayers only for the happiness of mankind, without distinction of color, country or nation; and feel satisfied with enjoying at home that peace and felicity which we desire to be universally granted to

⁴⁶ *Ibid*, 145.

⁴⁷ Cook, “Julien Raimond,” 145.

⁴⁸ *Ibid*, 170.

⁴⁹ Arthur M. Schlesinger, *Prelude to Independence*, first vintage ed. (New York: Vintage Books, Random House, 1965), 46.

⁵⁰ Nick Nesbitt, *Universal Emancipation* (Charlottesville, VA: University of Virginia Press, 2008), 22.

⁵¹ *Ibid*, 22.

⁵² Nesbitt, *Universal Emancipation*, 11.

the world."⁵³ (The universality of Haitian Enlightenment thought is manifested visibly in the country's limited early-nineteenth century imperialism: in 1822, President Boyar invaded Spanish San Domingo and abolished slavery.⁵⁴)

The press of Saint-Domingue, in close cooperation with the labors of expatriate Saint-Dominguans, facilitated the proliferation of the Enlightenment's emphasis on universality and common humanity. In 1789, an anonymous author – likely a free black or mixed-race individual – published a pamphlet entitled, "Summary of the agonies of the mixed blood people in the French colonies."⁵⁵ The pamphlet furiously rejected the despotism of Saint-Domingue's white planter elite and assaulted the delineations of race that suppressed free blacks and mixed-race residents, claiming that such distinctions were merely instruments of authority and tyranny.⁵⁶ The author dexterously deployed depictions of "tropical sexuality" and "colonial inhumanity" to reverse the dominant narrative and defend free blacks.⁵⁷ Newspapers in Saint-Domingue, committed to relaying the happenings in France, provided "forums solely devoted to reprinting news of the revolution and the debates of the assembly," allowing colonists to keep careful watch of the turbulence in the parent country.⁵⁸ In July 1791, the *Courrier politique et litteraire du Cap-Francais*, a publication involved in the promulgation of human rights thought, copied the Declaration of the Rights of Man and printed the famous sentences, "The free communication of opinion is one of the most precious rights of man. Each citizen can speak, write, and publish freely. . ."⁵⁹ In many cases, more popular political writings – the kind that embedded themselves in the revolutionary canon back in France – also found their way to the hands of slaves.⁶⁰

Although journalistic growth affected all socioeconomic strata within Saint-Domingue, free blacks, in particular, benefitted from the colony's excited press culture. Raimond, for example, was a prolific contributor to revolutionary discourse about colonial Saint-Domingue. Armed with ideas born from the conflagration erupting in the

⁵³ Pompée-Valentin Baron de Vastey, *Political remarks on some French works and newspapers, concerning Hayti*. (London: The Pamphleteer, 1818), 171, accessed December 12, 2015, <https://archive.org/details/politicalremarks00vast>.

⁵⁴ Nesbitt, *Universal Emancipation*, 11.

⁵⁵ Garrigus, *Before Haiti*, 238.

⁵⁶ *Ibid*, 238.

⁵⁷ *Ibid*, 238.

⁵⁸ Garrigus, *Before Haiti*, 73.

⁵⁹ *Ibid*, 73.

⁶⁰ Stoddard, *The French Revolution in San Domingo*, 139.

colony, Raimond wrote, in a pamphlet entitled, *Réclamations adressées à l'Assemblée nationale*, that “Arbitrary power, ministerial despotism, remnants of the feudal regime, inequality between one citizen and another citizen – there, gentlemen, are the plagues from which you have freed your country.”⁶¹ He called for the immediate abolition of “toutes les distinctions humiliantes” – all the humiliating distinctions – that falsely separated the free subjects of France.⁶²

In addition, it appears that even Toussaint Louverture, the legendary father of the Haitian Revolution and “a voracious reader of French papers such as the *Moniteur*,” expressed a considerable inclination towards periodicals.⁶³ In a letter to his mentor Etienne Laveaux, dated August 14, 1794, Louverture – who had earlier requested copies of French revolutionary newspapers from Laveaux – exhibited severe impatience in his desire for knowledge and commentary: “Having promised me newspapers describing the exploits of our brave republicans, please use this occasion [to send them]; I have a burning desire to know of their valorous courage.”⁶⁴ But Louverture was not merely a passive consumer of periodicals; he was a proactive participant in Saint-Domingue’s press dialogue. On February 12, 1797, Louverture had a declaration printed in the *Bulletin Officiel de St. Domingue* in which he “call[ed] on his citizens to unite around the ‘sacred cause of liberty’” and proclaimed, “Let us unite, and we shall die free rather than live as slaves!”⁶⁵

It is worth noting that the intellectual culture fomented by the periodicals of Saint-Domingue did not breed ideological homogeneity. In fact, certain groups of blacks, opposed to the planter plutocracy but in favor of royal intervention and reform, were unafraid to openly coopt Gallic cultural symbols for their own cause. Reports indicate that some “insurgents rose to the cry of ‘God and King’” and “assumed Royalist insignia.”⁶⁶

In the two decades following the initiation of the Haitian Revolution, Haiti – despite the condescending admonitions of displaced mercantilist interests and colonial administrators – managed to display an impressive degree of intellectual

⁶¹ Julien Raimond, *Réclamations adressées à l'Assemblée nationale, par les personnes de couleur, propriétaires & cultivateurs de la colonie française de Saint-Domingue* (n.p., 1790), 1, accessed December 12, 2015, <https://archive.org/details/rclamationsadr00raim>.

⁶² Raimond, *Réclamations adressées à l'Assemblée*, 5.

⁶³ Nesbitt, *Universal Emancipation*, 59.

⁶⁴ Nesbitt, *Universal Emancipation*, 59.

⁶⁵ *Ibid.*, 59.

⁶⁶ Stoddard, *The French Revolution in San Domingo*, 41.

sophistication. Reputation and public opinion, it seems, replaced the capacity to unleash death and devastation as the new metrics of Haitian statecraft and power. Responding to criticisms of Haitian governance from French commentators, Baron de Vastey wrote, "It is impossible, therefore, to commence an attack with more determined violence, than by an attempt to lower us in the public opinion."⁶⁷ More so than any other resource – armaments, fleets, manpower – public opinion, exhibited through the colonial press, emerged as the force that could make or break the unprecedented political experiment unfolding on the island of Saint-Domingue. As French historian Francois-Xavier Guerra writes, "Public opinion was on its way to becoming a supreme arbiter of political life, on an intimate footing with the principle of sovereignty itself."⁶⁸ Indeed, the mission of dragging Haiti, long encumbered by the shackles of cash-crop cultivation and slavery, into the nineteenth century became a war of minds and ideas as much as it was, at its start, a war of firearms and cannons. The horrible political violence of the Haitian Revolution, however, did not indelibly influence the national psyche or condemn the people of Saint-Domingue to a future of ceaseless warfare. In the midst of the revolution's turbulence, a concerted desperation for peace and unhampered discourse materialized and persisted resiliently until the founding of Haiti, the first black state of the Atlantic world. This intellectual graduation is manifested fabulously in an observation made by Baron de Vastey: "After having established our rights by the sword, we acquire a new luster in the eyes of the world, when we defend them by the pen."⁶⁹

Above all, though, the most enduring ramifications of Saint-Domingue's periodical press lie in the political fracas following the cessation of revolutionary warfare at the turn of the nineteenth century. The island's newspapers and pamphlets had a profound effect on the formation of the modern black state of Haiti, particularly in terms of the establishment of a fixed constitution and society, generation of continued economic prosperity, and orchestration of foreign policy. The six-year period between 1801 and 1807 saw the proclamation of four different Haitian constitutions by four different Haitian regimes, a clear reflection of "complex and contested dialogue among

⁶⁷ Baron de Vastey, Political remarks on some, 173.

⁶⁸ Francois-Xavier Guerra, "Forms of Communication, Political Spaces, and Cultural Identities in the Creation of Spanish American Nations," in *Beyond Imagined Communities*, ed. Sara Castro-Klaren and John Charles Chasteen (Washington, D.C.: Woodrow Wilson Center Press, 2003), 17.

⁶⁹ Baron de Vastey, Political remarks on some, 173.

different factions, each trying to define Haiti in their own cultural terms.⁷⁰ As has been demonstrated, the diverse and heterogeneous writings of black Haitian elites, propagated through periodicals, were critical sources of political thought, but not conducive to the adoption of a single constitution and a single set of national values. Haitians also used the press to express the country's dire need for public institutions. Baron de Vastey, writing in 1818, stated that the new Haitian government had "the duty of founding public institutions, in order to diffuse public instruction, with a view to the amelioration and change of our habits."⁷¹

Newspapers had also solidified the role of free blacks as invested stakeholders in Haiti's plantation economy and cash-crop commerce. Toussaint Louverture, the first ruler of the new black nation, imposed strict limitations on the freedom of ex-slaves and was deeply committed to the continuity of the plantation.⁷² Louverture's economic objectives were articulated lucidly in the first of Haiti's early constitutions, that of 1801: the fourteenth article states, "the colony is mostly agricultural and therefore cannot withstand the least interruption in the work of farming."⁷³ For Louverture and the colony's former free blacks, Saint-Domingue had always been an enormously profitable exporter of sugar, coffee, indigo, and cotton – abandoning this past seemed unimaginable.⁷⁴ More importantly, though, ensuring the resumed export of vital materials was the only way Haiti could hope to obtain any degree of commercial and economic independence.⁷⁵ In his 1801 constitution, then, Louverture sought to resurrect and maintain the institutional vestiges of the former colonial plantations. Slaves, now technically freedmen, were made to stay on their plantations as paid laborers and now subject to stringent militarized and legal discipline.⁷⁶ Ex-slaves had no other recourse to a life of physical labor other than service in the army.⁷⁷ Very quickly, the line

⁷⁰ Julia Gaffield, "Complexities of Imagining Haiti: A Study of National Constitutions, 1801-1807," *Journal of Social History* 41, no. 1 (Fall 2007): 81, accessed December 12, 2015, <http://www.jstor.org/stable/25096441>.

⁷¹ Baron de Vastey, *Political remarks on some*, 206.

⁷² Laurent Dubois, *Avengers of the New World* (Cambridge, MA: The Belknap Press of Harvard University Press, 2004), 238.

⁷³ Gaffield, "Complexities of Imagining Haiti," 87.

⁷⁴ Dubois, *Avengers of the New World*, 238.

⁷⁵ *Ibid*, 238.

⁷⁶ Dubois, *Avengers of the New World*, 239.

⁷⁷ *Ibid*, 239.

demarcating oppression at the hands of white planters and oppression directed by black generals seemed hopelessly blurry.

The power of the Saint-Dominguan press also played an unexpectedly significant role in the Haitian government's foreign policy. For instance, Alexandre Petion, the president of Haiti and overseer of the 1806 constitution, was an enthusiastic supporter of Simon Bolivar's efforts to liberate South America from the chains of Spanish colonial rule. Petion provided Bolivar with 4,000 guns and 15,000 pounds of gunpowder – instruments of war necessary to defeat royalist Spanish forces. But, interestingly, Petion also promised Bolivar a printing press with the express purpose of "diffus[ing] patriotic propaganda."⁷⁸ To an undeniable extent, Haitian statecraft had matured beyond the relatively simpler weapons of munitions and militaries; ideas and discursive activity emerged as sophisticated tools in the Haitian state's diplomatic repertoire.

Exactly how functional the Haitian government was or how effectively it lived up to the aspirations of its constituents are, still, matters of intense historical debate. But the sociopolitical reversal of Haiti was, by all accounts, a revolutionary event that reverberated sonorously throughout the Atlantic world. To some North American observers, the resultant nation of Haiti, despite its autocratic rulers' deviations from the original promise of freedom and republicanism, was still valuable. Thomas Jefferson, the third President of the United States, seemed to have positive hopes for Haiti. According to some reports, Jefferson was sympathetic to and impressed by the Haitian state as early as 1801, the first year of his presidency.⁷⁹ Haiti, in his eyes, was definitive proof that black slaves could defy their diminutive social stations and engage successfully in self-government.⁸⁰ In fact, at several points throughout his life, Jefferson entertained the notion of sending American slaves to Haiti, where they could be free and generally content, so as to embark on the process of gradual, but not abrupt or disruptive, emancipation.⁸¹

Whatever the opinions of an American president, though, the Haitian Revolution, was groundbreaking in its own right. Stimulated by Saint-Domingue's exuberant and popularly beloved press culture, the Revolution was an unthinkable political metamorphosis in human history. Indeed, its humble origins and militaristic

⁷⁸ Baur, "International Repercussions of the Haitian Revolution," 410.

⁷⁹ Arthur Scherr, "Light at the End of the Road: Thomas Jefferson's Endorsement of Free Haiti in his Final Years," *Journal of Haitian Studies* 15, no. 1 (Spring 2009): 208, accessed December 12, 2015, <http://www.jstor.org/stable/41715160>.

⁸⁰ Scherr, "Light at the End of the Road," 209.

⁸¹ *Ibid.*, 209.

execution conceal its proponents' ravenous desire to eliminate slavery as a legitimate socioeconomic institution. But the Haitian project, it seems, was imbued with even loftier ambitions. In his 1818 essay, Baron de Vastey unveiled a series of questions that, even today, remain remarkably salient: "When shall such abomination have an end? When shall men cease at length to hate, to persecute each other? When shall peace, union, universal harmony, extend their reign over the whole earth? Would not this be the end, the highest point of perfection, in religion, philosophy, and morals?"⁸² Generations of thinkers, generals, and politicians have sought to solve these intractable quandaries. For the marginalized black and mixed-race communities of Saint-Domingue, though, the ultimate objective of the Revolution was much simpler: to find for themselves the condition of life rendered desperately elusive by the meandering course of history – freedom.

⁸² Baron de Vastey, *Political remarks on some*, 189.

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Race, Nationalism, and Human Rights: The United States Recognition of Haiti and Liberia

Jonah Goldberg

I. The Surprise of Recognition

On December 3rd, 1861, nearly six decades after Haiti first became independent of France and nearly a decade and a half after Liberia gained sovereign status from the American Colonization Society, President Lincoln declared in his first Annual Message to Congress that he thought it was time for America to recognize them as independent states. He said,

“If any good reason exists why we should persevere longer in withholding our recognition of the independence and sovereignty of Hayti and Liberia, I am unable to discern it. Unwilling, however, to inaugurate a novel policy in regard to them without the approbation of Congress, I submit for your consideration the expediency of an appropriation for maintaining a Charge d'affaires near each of those new states.”¹

Just as the Civil War was heating up and America was coming to terms with the realization of what was to come, Lincoln set aside a paragraph of an important speech to address the last thing likely to be on anyone’s mind: the recognition of two far-away states of little obvious relevance to the pressing matters at hand. By doing this, he

¹ Abraham Lincoln, “Annual Message to Congress: December 3, 1861,” in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 5 (New Brunswick, NJ: Rutgers University Press, 1953), 39.

initiated what, upon its approval by Congress in June of 1862², would not only be the most progressive act of his presidency thus far, but what, even in retrospect, should be regarded as among Lincoln's greatest contributions to the advancement of human rights.

That is not to say, however, that human rights were the only reason considered in the decision to recognize Haiti and Liberia. The very next line of Lincoln's Annual Message revealed as much. He said, "It is [sic] does not admit of doubt that important commercial advantages might be secured by favorable commercial treaties with them."³ Undeniably, economic considerations were central to the recognition debate. Some might even credibly claim that economics were the key motivating factor in the decision to recognize. If that were the case, it would diminish the human rights value of the action. This thought process, however, misunderstands the factors at play at the time. Truthfully, while economic nationalism played a significant role in the debate over recognition, it was not seen as mutually exclusive with the advancement of human rights.

The recognition of Haiti and Liberia advanced the idea of human rights in that it rebuked the notion, broadly held at the time, that people of African descent were so deeply inferior to people of European descent that they could never effectively run their own society, that they were, in fact, better off as slaves to the "superior race," incapable of fulfilling any other role.⁴ In acknowledging the legitimacy and success of two governments run exclusively by people of African descent, Lincoln and Congress were rejecting that notion on its face. Beyond that, the recognition debate brought into the public eye a multitude of reasons why the United States would be materially better off for having recognized these states, validating the notion that they were sufficiently successful and important that the U.S. stood to gain from engaging with them diplomatically and economically. These ideas were fundamentally incompatible with a conception of the races as innately unequal, and for this reason, racism was the

² Diplomatic Representatives to Hayti and Liberia Act of June 5, 1862, Ch. 96, Stat. 421 (1862), <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.db&recNum=452>.

³ Lincoln, *Collected Works*, vol. 5, 39.

⁴ Henry Cleveland, Alexander H. Stephens in Public and Private: With Letters and Speeches Before, During, and Since the War (Philadelphia: National Publishing Company, 1866), 717-729.

exclusive basis for literally all of the opposition to recognition.⁵ That fact, however, is less surprising (and recognition is more surprising) in light of the respective histories of Haiti and Liberia since 1800.

Haiti gained its independence from France with the dawn of 1804, as thirteen years of brutal war drew to a close. This war started when, in 1791, African slaves across the colony rose up in revolt, sparking a protracted, bloody conflict that would come to include roughly 500,000 former slaves, as well as the armies or navies of France, Britain, and Spain. Needless to say, narratives of a slave rebellion of such scale and success had unique potency in the U.S. at that time. For this reason, much was written and published about it there.

These writings propagated a very specific narrative, and it is because of that narrative and the purchase it gained in American culture and American collective memory that the quick success of Lincoln's 1861 call for recognition is so shocking. They propagated a narrative of terrible slaughter, torture, and inhumanity committed by rebelling slaves against innocent, white men, women, and children, and they did this with the implied messages that such horrors were the natural consequence of any slave liberation and that any society subjected to such horrors would not long survive. They wrote of impaled infants, severed limbs, crucified corpses, rivers of blood in the streets, piles of mangled, naked bodies, and a young woman hung by the throat in public from an iron hook.⁶

One even described in graphic detail an incident in which he saw three rebels drinking the blood of three white people they had chopped up. He described one of them as a "Monster, whose Thirst for Human Blood could not be allayed, [who] invented a Seeth Torture, which was, that of roasting the remainder of the Prisoner alive on a Spit."⁷

These portrayals were, of course, gross exaggerations. Upon realizing the American market's appetite for such grotesqueness, writers began to churn it out as fast as they could imagine it up. Granted, many of the writers had been in Haiti during the revolution, and many of them did, to some extent, ground their narratives in fact, but the incentive to overstate was compelling. As a result, the narrative that seared itself

⁵ Charles H. Wesley, "The Struggle for the Recognition of Haiti and Liberia as Independent Republics," *The Journal of Negro History* 2.4 (1917): 369-383, accessed November 16, 2014, <http://www.jstor.org/stable/2713395>.

⁶ Matt Clavin, "Race, Rebellion, and the Gothic: Inventing the Haitian Revolution," *Early American Studies* 5.1 (2007): 1-29, accessed November 29, 2014, <http://www.jstor.org/stable/23546543>.

⁷ *Ibid.*, 21.

into America's collective consciousness about the Haitian Revolution, reinforced by trumped-up claims of authenticity, was one characterized by extreme hyperbole in its depictions of inhuman brutality.⁸ Early nineteenth century Americans therefore concluded from their impressions of the Haitian Revolution that the Haitian rebels were quite literally "enemies of the human race."⁹ This widespread conception of Haitian history made American recognition of Haiti's government a remarkable statement during a time of such racial tension as the Civil War.

The case of Liberia is significantly different, but all the same, one would expect its distinct circumstances to have served as obstacles to recognition by the United States. Liberia was established by an act of Congress in 1819 as a colony under the management of the private American Colonization Society for the resettlement of freed slaves. In 1847, Liberia decided by popular vote to declare its independence as a self-governing republic with a constitution based on the American model. It separated peacefully from the American Colonization Society, and that was that.¹⁰ The reason why Liberia's recognition remains surprising, then, has to do with the precise manner in which its founding father Hilary Teage cast the new state's identity in the world.¹¹ He framed the state as an African America, drawing an "abstract parity"¹² between the two, so when white Americans looked at Liberia, they saw a state with a flag based on America's, a Declaration of Independence nearly identical in language to America's, and a republican form of government modeled on America's, with, of course, one key difference: race.¹³

This meant that upon reading the Liberian Declaration of Independence, Americans would first see "We recognize in all men certain inalienable rights; among these are life, liberty, and the right to acquire, possess, enjoy, and defend property", of course recognizing their origin, and then see a list of grievances leveled against none other than the racist government of the United States. This list included items like collective exclusion from government, compulsion to "contribute to the resources of a

⁸ *Ibid.*, 3, 10, 13, 14, 19.

⁹ Robert J. Reinstein, "Is The President's Recognition Power Exclusive?," *Temple Law Review* 86.1 (2013): 17, accessed November 1, 2014, http://sites.temple.edu/lawreview/files/2013/11/Reinstein_ForPub-1.pdf.

¹⁰ Wesley, "Struggle for the Recognition," 377.

¹¹ Brandon Mills, "'The United States of Africa': Liberian Independence and the Contested Meaning of a Black Republic," *Journal of the Early Republic* 34.1 (2014): 79-107, accessed November 16, 2014, <http://muse.jhu.edu/journals/jer/summary/v034/34.1.mills.html>.

¹² *Ibid.*, 80.

¹³ *Ibid.*, 82.

country which gave us no protection”, and being “made a separate and distinct class . . . against [whom] every avenue of improvement was effectively closed.” Later on, they would encounter Liberia’s declared hope to “evince to all who despise, ridicule, and oppress our race that we possess with them a common nature; are with them susceptible of equal refinement, and capable to equal advancement in all that adorns and dignifies man.”¹⁴

In recognizing Liberia, the United States, therefore, could not avoid validating both positive claims about the equal capacity of all races and normative claims about the moral necessity of equal stature in society for all races. These normative claims, moreover, were framed as direct attacks on concurrent U.S. domestic policy. Surely, this recognition could not have been easily achieved.

The third reason why the recognition of Haiti and Liberia in 1861 should be seen as surprising has to do with the politics of the Civil War itself. Although the declared aim of the Union in pursuing the conflict was ensuring its own perpetuity, and the Confederacy claimed to be spurred by the federal misrepresentation of its states, as Vice President of the Confederacy Alexander Stephens explained in 1861, slavery was “the immediate cause of the late rupture and present revolution”.¹⁵ This is important because, given that the war really was about slavery, the South could only have had the moral standing to secede if they could somehow justify the morality of slavery. Stephens, predictably, tried to do just that:

“The prevailing ideas entertained by . . . most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. . . . Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of the races. This was an error. . . . The negro is not equal to the white man; . . . slavery subordination to the superior race is his natural and normal condition.”¹⁶

He proceeded to explain his understanding of abolitionists in logical terms, stating:

¹⁴ Charles Henry Huberich, *The Political and Legislative History of Liberia* (New York: Central Book Company, 1947), 145.

¹⁵ Cleveland, Stephens in *Public and Private*, 721.

¹⁶ *Ibid.*

“Their conclusions are right if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct, their conclusions would be logical and just – but their premise being wrong, their whole argument fails.”¹⁷

Even if one is reluctant to accept that the question of human rights was central to the Civil War from the outset, a dispute over the nature of human rights and equality was, at the very least, an important element of the conflict from the beginning. It stands to reason, then, that the existence of a concurrent, secondary dispute predicated on the nature of human rights and equality with implications for the moral standing of the war should have attracted quite a bit of controversy. There should have been lively debate and a close vote.

II. Recognition Before Congress

Surprisingly, then, pushing the recognition of Haiti and Liberia through Congress just was not that difficult. It passed both the Senate and the House of Representatives by comfortable margins: 32 to 7¹⁸ and 86 to 27¹⁹ respectively. While it’s true that at this time, those bodies didn’t include representatives from the states that had seceded, the ones that one would most expect to oppose such legislation, one would still expect the deeply divisive nature of the issues involved to have prompted greater controversy.

There are several likely explanations for why it didn’t end up being as difficult as it retrospectively seems it should have been. The first of these reasons is that Americans had been pushing for the establishment of a diplomatic relationship with Haiti for decades. As early as 1838, the Senate had been receiving petitions advocating for the exchange of representatives and the formalization of trade terms. In 1839, Representative William Slade of Vermont gave a speech on the House floor advocating for the exchange of representatives with Haiti, which was followed by the introduction of a resolution to that effect, but the resolution quickly died. Rather than diminish after this loss, however, the petitions continued to come in throughout the 1840s.²⁰

In 1851, recognition of Liberia joined recognition of Haiti as an issue on the lips of the foremost statesmen in the country, when the much-beloved Henry Clay

¹⁷ *Ibid.*, 722.

¹⁸ U.S. Senate Journal. 37th Cong., 2nd sess., 24 April 1862, 424.

¹⁹ U.S. House Journal. 37th Cong., 2nd sess., 3 June 1862, 789.

²⁰ Wesley, “Struggle for the Recognition,” 374-375.

endorsed it. He said, in what would become a widely syndicated quotation, "I have thought for years that the independence of Liberia ought to be recognized by our government, and I have frequently urged it upon persons connected with the administration, and I shall continue to do so if I have suitable opportunities."²¹ Further momentum built in 1855, when Congress went so far as to pass a bill that included a provision requiring the presidential appointment of American consuls to Haiti and appropriating funds to that end.²² Attorney General Caleb Cushing, however, promptly issued an opinion stating the Executive Branch's perspective that the law's requirement was unconstitutional, given his belief that issues of diplomatic relations lay exclusively under the purview of the president, and, in doing so, implied the president, Franklin Pierce's, position on whether or not such action should be taken.²³ In spite of this opinion, the following year, Congress once again appropriated funds for an American consul in Haiti, along with, this time, one in Liberia.²⁴ More than a response to petitions or endorsements, however, these acts were a testament to the substantial amount of trade between the U.S. and Haiti and Liberia during that period and the concern prompted by the absence of a diplomatic framework between the nations in light of that trade.

III. International Trade with Haiti and Liberia

During the early 1850s, the total volume of U.S. trade with Haiti was said to have equaled that of all U.S. trade with Argentina, Bolivia, the Cisalpine Republics, Peru, and Venezuela combined. It significantly exceeded the volume of U.S. trade with Mexico, with which it shared a land border and which had sixteen times as many inhabitants. This was not insignificant. The boost this relationship provided to economic growth through comparative advantage was undoubtedly substantial. By 1860, Haiti was America's 27th largest trading partner internationally,²⁵ exporting to the U.S. a wide variety of agricultural products, minerals, and rare woods and importing from the U.S.

²¹ "Recognition of Liberia," *Chicago Tribune*, December 30, 1861, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/175264091?accountid=9758>.

²² Act of March 1, 1855, Ch. 133, 4 Stat. 619-622 (1855), <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=010/llsl010.db&recNum=642>

²³ Ellery Cory Stowell, *Consular Cases and Opinions from the Decisions of English and American Courts and the Opinions of the Attorneys General*, vol. 7 (Washington, D.C.: John Byrne & Co., 1909), 511-541.

²⁴ Act of August 1, 1856, Ch. 72 Stat. 27-29 (1856), <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=011/llsl011.db&recNum=49>

²⁵ Wesley, "Struggle for the Recognition," 376, 378.

many different manufactured goods.²⁶ Liberia was not substantively different, ranking 29th in trade with the U.S. in 1860.²⁷ Even the most conservative estimates of American trade with Liberia during the early 1850s placed it at “a larger amount than our own custom-houses show for a corresponding population.”²⁸ The mutual benefit was obvious and widely known, with one newspaper saying, “The native products of Africa are such as our nation requires, while our fabrics are in turn important for the African trade.”²⁹

Many saw recognition as necessary to preserve these trade relationships. As it was, because the U.S. didn’t recognize the Haitian or Liberian governments, it couldn’t conduct diplomatic relations such as would have been necessary to codify norms of trade relations with them in treaties. Without doing so, the U.S. could not reasonably assume consistency in Haiti and Liberia’s commercial policies toward it, particularly not in light of the other Western nations that were itching to get a stronger foothold in their markets at America’s expense. Many newspapers of the period expressed their concern about this, with one saying of Liberia,

“As yet American shipping and trade, owing to the kind feelings of the people toward this country, are received on the same friendly terms as those of the most favored lands; but if their rights are not sanctioned by the United States, its flag may be altogether excluded from the Republic, or else the trade may be burdened with such exactions and severe duties as virtually amount to a total annihilation.”³⁰

Another pointed out, “The American flag and American trade have been received on the same terms as these most favored lands. But it is surely hardly just that we should enjoy these material benefits while treating their author with contemptuous neglect.” It then predicted that “we shall soon see this lucrative trade – already amounting to several millions annually – passing into other and more cunning hands. A just and sensible policy, on the other hand, would enable our countrymen to carry on this rich trade with

²⁶ Congressional Globe, 37th Cong., 2nd Sess. 252-256 (1862).

²⁷ Wesley, “Struggle for the Recognition,” 378.

²⁸ “Liberia and Its Prospects,” Republican Banner, June 26, 1854, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/962393801?accountid=9758>.

²⁹ “Liberia and its Prospects,” Republican Banner.

³⁰ “Recognition of Liberia,” Chicago Tribune.

more advantage than any other people."³¹ This same language was used to describe the circumstances of trade with Haiti in 1854 by John L. Wilson, a commercial agent operating there. He said,

"By a recognition of the Independence of Hayti, our commerce would be likely to advance still more. Our citizens trading there would enjoy more privileges, besides standing on a better footing. Many decided advantages might be obtained through treaty and our own government would exercise a wholesome influence over theirs, of which it stands in much need."³²

Representative Thomas Eliot of Massachusetts agreed in his June 3rd, 1862 speech to the House of Representatives in support of recognition. He said,

"It ought not be wondered at that our pertinacious refusal to extend the ordinary courtesies of national recognition had crippled the energies of our merchants and disabled the enterprise of our citizens. Never has it been more important to us than now to find a welcome market for our wealth of agriculture and our infinite industrial products. Nor has there been a time when it was so essential as now that we should enter into treaties with the Government of Hayti. Treaties are not made until nationalities are admitted."³³

Earlier in his speech, however, he hit on the crux of the trade issue with bluntness, citing a French government report, which stated,

"Favored by their proximity to Hayti, the Americans are determined on reducing the price of their salt provisions, their flour, their soap, &e., to so low a figure that European competition is out of the question. . . . The manufactories of New England, New York, and Pennsylvania have already secured an extensive market in Hayti for their cheap cotton textiles, and successfully compete with European manufacturers."³⁴

³¹ "Recognition of Haytian and Liberian Independence – A Step in Advance," *The New York Times*, February 5, 1862, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/91664712?accountid=9758>.

³² Wesley, "Struggle for the Recognition," 378.

³³ Appendix to *The Congressional Globe*, 37th Cong., 2nd Sess. 255-256 (1862).

³⁴ Appendix to *The Congressional Globe*, 37th Cong., 2nd Sess. 255 (1862).

Providing his own commentary, Eliot astutely observed that “a large proportion of the articles imported into Haiti from this country might be obtained by her, with less convenience, through British provinces.”³⁵

Together, these points demonstrate the true root of the trade angle on recognition: competition with Europe. While the U.S. could likely have afforded to sacrifice the direct, absolute gains it was reaping from trade with Haiti, it was strongly disinclined to sacrifice the relative gains it was reaping as compared to Europe through its commercial engagement with Haiti. This was a real risk, too. The European powers respected Haiti. Britain recognized her in 1825, and France, in 1838.³⁶ By 1862, Eliot could note with confidence, “There is no civilized nation . . . of political importance, that has not long ago recognized Haytien independence.”³⁷ In the early 1860s, Britain shuffled around its diplomatic corps in order to ensure that the delegation to Haiti was skillful and experienced. France and Spain also had top diplomats representing their interests on the island.³⁸ Both gestures of respect and practical, strategic choices, these circumstances would not have boded well for the American commercial edge in Haiti even if it had recognized it; they were particularly bad given that it had not.

IV. Recognition and Human Rights

While the most commonly cited arguments in favor of recognition focused on simple economic pragmatism, the most commonly cited arguments against recognition consisted of explicit rebukes to the idea of racial equality and human rights. Representative Samuel Cox, for example, said on the House floor during the recognition debate that he had “been taught in the history of this country that these Commonwealths and this Union were made for white men; that this Government is a Government of white men; that the men who made it never intended, by anything they did, to place the black race upon an equality with the white.”³⁹ Senator Garrett Davis felt similarly, pointing out that if a recognized Haiti or Liberia were to send America an ambassador, America would be obligated to receive that ambassador “on the same terms of equality with the white representatives from the Powers of the earth composed of white people.”⁴⁰ This illustrates that even if those in support of recognition

³⁵ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 254 (1862).

³⁶ Wesley, “Struggle for the Recognition,” 376.

³⁷ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 253 (1862).

³⁸ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 255 (1862).

³⁹ Reinstein, “President’s Recognition Power Exclusive?,” 32.

⁴⁰ *Ibid.*

were often reluctant to specifically address the human rights dimension of the proposal, this dimension was clearly recognized by all as a defining factor in the grander debate. In fact, those opposed to recognition probably had the same reason for highlighting this dimension that those in support of recognition had for ignoring it – most of the country was unabashedly racist at the time, and while the average American would likely support a proposal aimed at furthering economic growth, the average American would probably not support that same proposal if its goal were racial justice of some sort.

That said, there were those in the public sphere who spoke out for recognition on human rights grounds. They tended, however, to be radical activists, outspoken intellectuals, or both, including among them William Lloyd Garrison⁴¹ and the abolitionist minister Moncure Conway.⁴² These were not the sort of people who typically drew the attention of the American masses. In his 1861 pro-emancipation polemic *The Rejected Stone*, Conway referred to Haiti as “a nation freed by her own right arm . . . as America had a few years before”⁴³ and to Toussaint L’Ouverture as “the black Washington”.⁴⁴ By directly comparing the American struggle for independence and its noble leader with the Haitian rebellion and its feared orchestrator, Conway was implicitly disavowing the existence of any substantive difference between the races, in the absence of which, one would have difficulty explaining why Haitian independence should hold different moral ground in collective memory from American independence.

Conway went on to tie this directly to recognition, stating, “In refusing to recognize Haiti, we have shrouded the one light that might now be shining over the darkest problem of this war.”⁴⁵ The “darkest problem” to which he refers is the problem of the human rights of people of African descent and the fact that the Union had yet to recognize their existence. In ignoring this issue, he claimed that the Union was “completely disowning the only moral element in this conflict” and had “paralyzed the pulses of the lovers of equality and liberty all over the world, which were ready to beat toward us with a steady tide of sympathy and encouragement.”⁴⁶ He wasn’t the only

⁴¹ Wesley, “Struggle for the Recognition,” 379.

⁴² Mischa Honeck, “The Only Freedom-Loving People of This City: Exiles and Emancipators in Cincinnati,” in *We Are the Revolutionists: German-Speaking Immigrants and American Abolitionists after 1848* (Athens: University of Georgia Press, 2011), 72.

⁴³ Moncure Daniel Conway, *The Rejected Stone; or, Insurrection vs. Resurrection in America*, 1st ed. (Boston: Walker, Wise, and Company, 1861), 55.

⁴⁴ *Ibid.*, 125.

⁴⁵ *Ibid.*, 56.

⁴⁶ *Ibid.*, 55.

person to take this angle of equating Haitian independence to American independence, either. Congressman Eliot drew the same comparison, saying,

“They achieved an independence more ample than we fought for in 1776, and without foreign aid. We contended for political freedom. They had first to secure their civil rights as men. We had money from abroad and heroic friends and munitions of war. They fought their own fight, with their own men, without aid from abroad, and without sympathy or countenance or comfort from one civilized nation of the earth.”⁴⁷

In elevating the moral character of the Haitian struggle for independence above that of the American struggle for independence, he, in a similar manner to Conway, dismissed the notion that one race could possibly be of greater inherent worth than the other, pointing out that, in fact, there is compelling historical evidence to the contrary.

While the vast majority of the support for recognition on a human rights basis did come from radical intellectuals, and the vast majority of the public support for recognition did take an exclusively economic perspective on the issue, there were scattered examples of human rights advocacy in the newspapers of the era. The New York Times, for instance, observed, “The one barrier all along in the way has been that despicable and disgraceful prejudice, which would deny the black race even the poor recognition of humanity. This prejudice was again made to do service in opposing the passage of the bill for the recognition of Hayti and Liberia.” Instead of shying away from the human rights implications of the bill as most in favor of recognition did, The New York Times highlighted them, pointing out that equality between the races was “assumed as being contemplated by this measure.”⁴⁸

V. Nationalism in the Recognition Debate

Ironically, however, the most positive depictions of people of African descent in the newspapers of the time tended to come from those whose views suggested that they would prefer to never see another person of that race ever again – colonizationists. There were a good number of people who supported recognition on this grounds, assuming it would “stimulate the voluntary emigration of the people of color”⁴⁹ to societies in which where they were more likely to be accepted. This becomes particularly

⁴⁷ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 253 (1862).

⁴⁸ “Recognized at Last,” The New York Times, June 5, 1862, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/91759310?accountid=9758>.

⁴⁹ “Recognition of Liberia,” Chicago Tribune.

interesting because it demonstrates the role of nationalism played in these issues, and that role was significant, often trumping racism in the minds of those who felt they had to choose between the two.

As far as the colonizationists went, they clearly saw African Americans as more American than African, suggesting that they were far superior to others of their ancestral continent. One said of American emigrants to Haiti, "They will at once by their superior intelligence, industry and skill assume positions of honor and responsibility for which many of them need no further preparation."⁵⁰ Another, speaking of Liberia, noted that "a happier day has dawned upon that outraged shore, and an intelligent, industrious, and worthy population is accumulating at various points from which the benign influences of a Christian civilization are spreading over the continent." He later added that "with the judicious and philanthropic efforts which give direction to its affairs, Liberia regarded [sic] as rapidly becoming the great point from which intelligence, civilization, and christianity are radiating the interior of a vast continent, and introducing its benighted tribes to a happier life and a nobler destiny."⁵¹ These sentiments clearly suggest a belief in the inherent superiority of the American ideal that outstripped any possible additional belief in the inherent inferiority of the black race. The colonizationists not only hoped to rid America of the challenges of racial diversity, but they also held a firm belief in the good that would come of spreading American values abroad. This speaks to the extreme nationalism of the era, and it suggests the substantial role that nationalist sentiments would play in the debate over recognizing Haiti and Liberia.

It was generally accepted that in recognizing Haiti and Liberia and in implementing the treaties that it was assumed would follow recognition, the United States would be ensuring for itself significant economic benefits.⁵² Haiti and Liberia, of course, would see some economic benefits as well, but from their perspective, it was a seller's market. Demand for their rare resources was more than high enough to give them some theoretical leeway in conducting export policy, and as far as importing manufactured goods went, the U.S. was in competition with, at the very least, Britain for penetration of these developing markets.⁵³

⁵⁰ "Emigration to Hayti," Chicago Press and Tribune, April 23, 1859, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/168693225?accountid=9758>.

⁵¹ "Liberia and its Prospects," Republican Banner.

⁵² "Recognition of Haytian and Liberian Independence – A Step in Advance," The New York Times.

⁵³ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 253-256 (1862).

While it's true that the extent of their trade with the U.S. indicates that the U.S. was likely giving them the best deals, trading with the U.S. might still not have been a net gain for them from a political economy perspective (per which a state would consider the effects of its trade policy on its relative ability to exert political power in the international sphere in addition to the absolute economic gains of the trade policy in question) because the U.S. refused to offer these states the basic dignity of recognition. This meant that in every commercial interaction between Haiti or Liberia and the U.S., Haiti and Liberia were forgoing the opportunity to develop closer ties to states that had actually demonstrated an interest in becoming their substantive ally and economic partner through the implementation of treaties⁵⁴ and the deployment of top-level diplomats.⁵⁵ Whether or not, taking that into consideration, it was still worth it for Haiti and Liberia to trade with the U.S. to such a great extent, it's hard to say.

All things being equal, however, that level of trade would certainly have become worth maintaining for Haiti and Liberia after recognition had the U.S. subsequently treated them as sovereign equals in "the kinship of nations,"⁵⁶ as they had assumed it would. In that case, there would no longer have been a compelling reason to seek closer relations with Europe. After all, the U.S. was willing to buy their goods at favorable prices, and its interactions with them were now, at least in theory, subject to act of state doctrine, as they were with Britain, France, or any other state the U.S. recognized. Act of state doctrine asserts, "Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgment on the acts of the government of another done within its own territory."⁵⁷ From a pragmatic perspective, it provides governments with a specific, necessary assurance in governing, but from a symbolic perspective, it represents the inviolable respect of one sovereign government for another.

Problematically, the Haitian and Liberian governments were never actually given that respect by the U.S., even after recognition. Their sovereignty was never seen as particularly important. In fact, over the next several decades, Haiti and Liberia would continue to be subjected to threats of annexation by "Butler, Banks, and other

"Foreign Eyes on Liberia," Chicago Daily Tribune, December 31, 1899, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/172948419?accountid=9758>.

⁵⁴ "Recognition of Haytian and Liberian Independence – A Step in Advance," The New York Times.

⁵⁵ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 255 (1862).

⁵⁶ "Recognition of Haytian and Liberian Independence – A Step in Advance," The New York Times.

⁵⁷ Underhill v. Hernandez, 168 U.S. 250, 252 (1897).

benighted and besotted lunatics in Washington,⁵⁸ newspaper columnists,⁵⁹ and others.⁶⁰ This treatment is more understandable in light of the fact that the recognition of Haiti and Liberia was, to a great extent, an act of economic nationalism.

Nationalist perspectives on economics were popular in the United States during the mid-nineteenth century.⁶¹ While the liberal economists of Britain did have quite a following among academics in the U.S., the American business community, and therefore much of the American public, was sympathetic to the nationalist take, which advocated primarily for development through prudent protectionism.⁶² The foremost nationalist economist during this period was Henry Charles Carey, the leading voice of the American school of economics, a prominent Republican,⁶³ and an advisor to both Secretary of the Treasury Salmon P. Chase and Lincoln himself.⁶⁴ He also had admirers in Congress, most prominently, the radical Republican, 14-term congressman from Pennsylvania, William "Pig-Iron" Kelley.⁶⁵ Charles H. Levermore described him as "for a generation" having "dominated five-sevenths of the newspaper offices, a pulpit far more influential than the professorial chair" and said that his arguments "are in the mouths of more than half of the business men and farmers of our country."⁶⁶ In other words, he had the ear of the voters. In light of that, as late as 1888, the Republican Party platform remained committed to Carey's ideas. The simple fact that protectionism

⁵⁸ "Annexation to Hayti and San Domingo," *The Bedford Gazette*, February 12, 1869, accessed December 11, 2014, <http://chroniclingamerica.loc.gov/lccn/sn82005159/1869-02-12/ed-1/seq-1/>.

⁵⁹ "Another World to Conquer," *The Anaconda Standard*, July 8, 1898, accessed December 13, 2014, <http://chroniclingamerica.loc.gov/lccn/sn84036012/1898-07-08/ed-1/seq-4/>.

⁶⁰ "Article 2 -- No Title," *Daily American*, August 3, 1877, accessed December 13, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/939896926?accountid=9758>.

⁶¹ Rodney J. Morrison, "Henry C. Carey and American Economic Development," *Transactions of the American Philosophical Society* 76.3 (1986): 1-7, accessed December 1, 2014, <http://www.jstor.org/stable/1006463>.

⁶² *Ibid.*, 4, 80, 81.

⁶³ *Ibid.*, 1-6, 82.

⁶⁴ Charles H. Levermore, "Henry C. Carey and His Social System," *Political Science Quarterly* 5.4 (1890): 571, accessed December 13, 2014, <http://jstor.org/stable/2139529>.

⁶⁵ Morrison, "Carey and American Economic Development," 81.

Ira V. Brown, "William D. Kelley and Radical Reconstruction," *The Pennsylvania Magazine of History and Biography* 85.3 (1961): 316-319, accessed December 4, 2014, <http://www.jstor.org/stable/20089420>.

⁶⁶ Levermore, "Carey and His Social System," 572-573.

characterized U.S. economic policy throughout most of the nineteenth century serves as a testament to his influence and to that of the nationalists of the American school.⁶⁷

VI. Haiti and Liberia in the Hierarchy of States

In the context of relations with Haiti and Liberia, the implications of nationalist economic thought were several, but most of them built off of the fact that nationalist economic reasoning applied to global political economy would view international relations as inherently conflictual. Competition with other states would lead to a focus on relative gains in the international system rather than on absolute gains in the quality of life within one's country. This is one of the most compelling justifications for protectionism. It was also a line of reasoning that was used time and time again in both Congress⁶⁸ and the press⁶⁹ during the recognition debate. In other words, nationalism allowed recognition to be seen as a necessary step in order to avoid falling behind the other major powers economically, as well as to potentially undermine their trade prospects.

This thinking instrumentalized states like Haiti and Liberia as chess pieces of the superpowers and thereby reinforced the concept of a hierarchy of states. This notion directly conflicted with the idea that, in being recognized, states stepped onto a level playing field of diplomatic relations with all other states. While Haiti and Liberia might have hoped that their recognitions would fall into the latter category, in reality, they clearly fell into the former.⁷⁰ Discussion of annexing both Haiti and Liberia aside, the U.S. would continue to view Liberia, in particular, as an extension of itself in Africa for decades to come. In 1893, one newspaper wrote that we should do everything possible to prevent European countries from developing undue influence in Liberia, saying, "Better spend millions in this matter than allow European avarice to touch America in so tender a spot as Liberia."⁷¹ The clear implication here is that Liberia is not nearly so

⁶⁷ Morrison, "Carey and American Economic Development," 82.

⁶⁸ Appendix to The Congressional Globe, 37th Cong., 2nd Sess. 254-255 (1862).

⁶⁹ "Liberia and its Prospects," Republican Banner.

⁷⁰ David Armitage et al. "Interchange: Nationalism and Internationalism in the Era of the Civil War," *The Journal of American History* 98.2 (2011): 481, accessed December 13, 2014, <http://jah.oxfordjournals.org/content/98/2/455.full.pdf.html>.

⁷¹ D. E. Johnson, "Liberia's Autonomy: Why These United States Are Interested in That Republic," *Daily American*, June 24, 1893, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/929375999?accountid=9758>.

independent as the trade and sovereignty treaty it signed with the U.S. in 1863 led it to believe.⁷²

That said, to some extent, Haiti and Liberia themselves reinforced this idea of a hierarchy of states in their relations with the U.S. Just a month after recognition, it is reported that James Redpath, Haiti's representative in the U.S.,⁷³ said the following in a meeting with President Lincoln:

"Hayti is so grateful . . . for her recognition at your hands, that [I] was authorized to say that if you desired it as a favor, a white Minister should be sent instead of a colored one. Of course Hayti prefers to send one of her own children, but she will be generons [sic] even to the prejudice against color!"⁷⁴

Lincoln responded that he didn't feel strongly either way, but the fact that Haiti made such an offer is itself representative of how inescapable the notion of a hierarchy of states could be. In doing so, Haiti legitimized the very sentiments that had served as the sole justification in American discourse for denying her recognition. This brand of self-abasement has no place on a level playing field of international interaction; it can only take root in a system seen by all as innately hierarchical. It also offers an explanation as to why getting congressional approval for recognition was easier than expected, as well as to why neither Haitian nor Liberian sovereignty was ever truly accorded the respect it deserved. At the end of the day, for many people involved in the recognition process, this was an act of simple, national self-interest.

The recognition of Liberia may also have reinforced the idea of a hierarchy of states by significantly expanding on the notion of the racialized state. For much of the mid-nineteenth century, Liberia was viewed as the African equivalent of the U.S., a different U.S. for people with darker skin. Because of the shared value sets espoused in their founding documents, the U.S. and Liberia were actually seen, both in the U.S. and in Liberia, as mirror states, separated only by a difference in the dominant skin color.⁷⁵

⁷² "Treaty between the United States and Liberia," *Detroit Free Press*, March 27, 1863, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/560376577?accountid=9758>.

⁷³ Willis D. Boyd, "James Redpath and American Negro Colonization in Haiti, 1860-1862," *The Americas* 12.2 (1955): 169-82, accessed December 13, 2014, <http://www.jstor.org/stable/979617>.

⁷⁴ "The President and Redpath," *The Daily Ohio Statesman*, July 17, 1862, accessed December 13, 2014, <http://chroniclingamerica.loc.gov/lccn/sn84028645/1862-07-17/ed-1/seq-1/>.

⁷⁵ Mills, "United States of Africa," 80-85.

In the U.S., this perception was reinforced by the nationalism of the era, and colonizationists gave it their strong support. As people who had both nationalist and racist inclinations, they saw this as a means to advance both the cause of propagating American values abroad and the cause of getting people of African descent to move somewhere far away.⁷⁶ This was reflective of the greater relationship between the United States and Liberia in the extent to which it was defined by racial difference. This emphasis on racial difference, in turn, would serve to entrench the notion of a hierarchy of states as it applied to the American relationship with Liberia. It was not a secret that America viewed itself as nationally superior to Liberia. To some extent, it had to for the sake of logical consistency. If the only important difference between the two states were the dominant race within each and the U.S. were going to continue to contend that one race was superior to the other (a necessary contention in the absence of total, de jure racial equality), then it would stand to reason that U.S. would be superior as a state.

If anything else were true, then Liberia would have indeed, as those opposed to recognition had feared, become a threat to institutionalized racial inequality in American society. The American Colonization Society itself acknowledged Liberia's future as an "inherently unequal" partner for the U.S. not long after it declared its independence.⁷⁷ For this reason, many African American leaders of this era viewed efforts to recognize Liberia as nothing more than "political theater" in light of America's demonstrated unwillingness to view Liberia outside of the context of its place in a racial hierarchy, a position that would translate easily into a place in a hierarchy of states.⁷⁸ In viewing the relationship between the U.S. and Liberia as imperial in character, many implicitly accepted that the recognition of Liberia could just as well be viewed as a reaffirmation of the existing racial hierarchy as it could an acknowledgement of fundamental racial equality.⁷⁹

VII. Lincoln and the Recognition Question

Where, then, did President Lincoln fall in this mélange of nationalist newspapermen, radical intellectuals, and hypocritical colonizationists, each of whom supported recognition for their own set of reasons, which so often conflicted with the reasons of recognition's other supporters? There is no denying that for much of his political career, Lincoln supported colonization, and he was certainly a nationalist, but it

⁷⁶ Ibid., 83-84

⁷⁷ Ibid., 92.

⁷⁸ Ibid., 101.

⁷⁹ Ibid., 104-107.

seems likely that his support for recognition was to a large extent informed by a desire for some degree of racial justice. As far as colonization goes, particularly later in his political career, Lincoln's support was probably more inspired by political pragmatics than by actual support in principle.⁸⁰

Lincoln's nationalism, on the other hand, was a more complex issue. He clearly possessed an abiding faith in American institutions and liberal values, placing them on a massive pedestal in many of his speeches.⁸¹ His nationalism extended beyond the borders of the United States, however; it was a brand of nationalism "intended for international export."⁸² He believed that "the world's best hope depended on the continued Union of these States," and that there was a unique importance in the opportunity "to show the world that freemen could be prosperous."⁸³ In short, Lincoln believed that the United States was a singular player in a greater, global struggle for the liberal ideal of democratic freedom. This is particularly interesting because Lincoln would often frame his opposition to slavery in arguments about the damage that slavery did to America's status as a liberal example to the world and therefore to this sacred international project. He said of slavery,

"I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world---enables the enemies of free institutions, with plausibility, to taunt us as hypocrites---causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty---criticising the Declaration of Independence, and insisting that there is no right principle of action but self-interest."⁸⁴

⁸⁰ Michael Vorenberg, "Abraham Lincoln and the Politics of Black Colonization," *Journal of the Abraham Lincoln Association* 14.2 (1993): 23-25, accessed November 16, 2014, <http://www.jstor.org/stable/20148897>.

⁸¹ Abraham Lincoln, "Before the Young Men's Lyceum of Springfield, Illinois," in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 1 (New Brunswick, NJ: Rutgers University Press, 1953), 112-115.

⁸² David Armitage et al, "Interchange," 477.

⁸³ Abraham Lincoln, "Eulogy on Henry Clay," in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 2 (New Brunswick, NJ: Rutgers University Press, 1953), 126.

⁸⁴ Abraham Lincoln, "Speech at Peoria, Illinois: October 16, 1854," in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 2 (New Brunswick, NJ: Rutgers University Press, 1953), 255.

From Lincoln's perspective, the causes of American nationalism and human rights were necessarily intertwined because he believed that a domestic respect for fundamental human rights was necessary to make the nationalist spread of American values abroad either practicable or, indeed, desirable. A respect for human rights was therefore facilitative of the moral standing required of any successful nationalist state. Simply put, Lincoln hated slavery because it made it more difficult for him to love America in good faith and for others to love America as he did.

This conceptual linkage is of particular importance for the role it played in the recognition of Haiti and Liberia. Congressman William "Pig-Iron" Kelley of Pennsylvania, a radical Republican mentioned earlier for his firm belief in the economics of Henry Charles Carey, for example, was a strong supporter of recognition, but he was also a believer in nationalist political economy of the kind that would suggest American supremacy over Liberia in a hierarchy of states.⁸⁵ He, a frequent advisor of Lincoln's,⁸⁶ didn't see these two beliefs as in tension with one another at all. Instead, as he explained in an 1865 speech on the House floor advocating for African American suffrage on human rights grounds, he recognized that in establishing for themselves a successful, independent society in Liberia, African Americans had propagated American institutions abroad more than they had undermined them at home.⁸⁷ Additionally, August Willich, the politically active, Republican manager of the Cincinnati Republikaner from 1858 to 1861, who was known to Lincoln during his time serving as a general in the Union army, believed, "The republican cause was thus identical with the cause of Humanity, with the freedom, development and dignity of man." He associated republicanism, as a political system, directly with the cause of human rights, a phrase that appeared in his editorials more than any other.⁸⁸

⁸⁵ U.S. House Journal. 37th Cong., 2nd sess., 19 February 1862, 322.

U.S. House Journal. 37th Cong., 2nd sess., 3 June 1862, 789.

Morrison, "Carey and American Economic Development," 81.

Brown, "Kelley and Radical Reconstruction," 316-319.

⁸⁶ *Ibid.*, 318.

⁸⁷ William D. Kelley, *The Practice of Justice Our Only Security for the Future* (Washington, D.C.: Congressional Globe Office, 1865), 20-21. <http://hdl.handle.net/2027/miun.adh0299.0001.001>.

⁸⁸ Loyd D. Easton, "Hegelianism in Nineteenth-Century Ohio," *Journal of the History of Ideas* 23.3 (1962): 371-78, accessed November 21, 2014, <http://www.jstor.org/stable/2708072>.

Abraham Lincoln, "To Joseph Hooker," in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 6 (New Brunswick, NJ: Rutgers University Press, 1953), 202-203.

Beyond the U.S.'s borders, John Stuart Mill, whose work, evidence suggests, Lincoln read and appreciated,⁸⁹ published an essay in 1862 demonstrating that respect for human rights was a prerequisite to the pursuit of nationalism in any manner likely to be either faithful or successful. He argued that the British should support the Union because, from a practical standpoint, it stood in defense of human rights, a phrase he himself used in describing how to judge the conflict. He said, "The South are in rebellion not for simple slavery they are in rebellion for the right of burning human creatures alive. . . . Remember we consider them to be human beings, entitled to human rights."⁹⁰ Mill, however, had to do a substantial amount of analytical legwork to support this conclusion because at that time, the Union had neither expressed support for the abolition of slavery nor shown the inclination to institute a broad policy of emancipation. It would have been much easier for him to convince his countrymen where they owed their allegiance if the Union had declared its moral position from the outset as a defender of the universality of human rights.⁹¹ He described redefining the war as a conflict fought over slavery with the following language:

"In effecting this the Free States will have raised themselves to that elevated position in the scale of morality and dignity, which is derived from sacrifices consciously made in a virtuous cause, and the sense of an inestimable benefit to all future ages brought about by their own voluntary efforts."⁹²

Obviously, there were legitimate reasons not to redefine it as such at the time, but they had little to do with the spread of American nationalism abroad.⁹³

Finally, there is Moncure Conway, the abolitionist minister also mentioned earlier in the discussion of human rights advocates, who wrote of his firm belief that nationalism was a useless ideology unless accompanied by a respect for universal human rights. In his pro-emancipation 1861 book *The Rejected Stone*, he said, "Again and again have strong governments, not built upon the head corner-stone of Justice, been buried under the splendor of their own ruins, that humanity at large might have

⁸⁹ Robert Bray, "What Abraham Lincoln Read: An Evaluative and Annotated List," *Journal of the Abraham Lincoln Association* 28.2 (2007): 64, accessed December 1, 2014, <http://www.jstor.org/stable/20149115>.

⁹⁰ John Stuart Mill, *The Contest in America* (Boston: Little, Brown and, 1862), 20, 23.

⁹¹ *Ibid.*, 12-18, 23.

⁹² *Ibid.*, 32.

⁹³ *Ibid.*, 12-18.

another monument to say, 'REMEMBER.'"⁹⁴ He then highlighted the sorry moral state of the conflict at that time, saying, "Were our cause sanctified by any universal principle, the arm of God, whose sinews are the true hearts of the whole world, would be folded about us."⁹⁵ However, he contended that "we have no aim in this conflict that makes our cause the cause of Destiny, or our success any necessary step in the progression of the world."⁹⁶ Here, Conway applied Lincoln's own nationalist conception of American identity, per which the U.S. served as a liberal, democratic example for the rest of the world, to the state of the conflict at the time and showed that without taking a stand in support of universal human rights, the U.S. would be unable to make good on this vision.

Conway wasn't without influence, either, for, on March 17, 1862, at the height of the recognition debate in Congress, he wrote to his wife from Washington that "Mr. Lincoln said the other day that he had got the 'Rejected Stone' by heart. He said he was astonished to learn that its author was really a native of Virginia."⁹⁷ It's hard to say when exactly Lincoln read the book, but it's far from impossible that its advocacy for recognition on a human rights basis was a factor in his deciding to take that position in his Annual Message. Even if he didn't read it in advance of his Annual Message, less than a year after Conway's letter to his wife, Lincoln himself used the phrase "human rights" for the first time in a public statement, and he did so in describing the "foundation" on which the American government was built, one of the core arguments of Conway's text.⁹⁸ Perhaps it influenced him to that end.

At the end of *The Rejected Stone*, Conway opined, "Is it not melancholy that nations so generally wait to be driven by hard physical necessity to do great and just deeds?"⁹⁹ In the case of the recognition of Haiti and Liberia, however, it's not clear that the "just deed" in question was, in fact, primarily driven by "hard physical necessity." Rather, Lincoln's decision to push for recognition was probably the product of fundamentally intertwined nationalist and human rights interests. In dismissing the notion that "any good reason exists why we should persevere longer in withholding our recognition of the independence and sovereignty of Hayti and Liberia," while certainly

⁹⁴ Conway, *The Rejected Stone*, 57.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*, 58.

⁹⁷ Bray, "What Abraham Lincoln Read," 45.

⁹⁸ Abraham Lincoln, "To the Workingmen of Manchester, England," in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 6 (New Brunswick, NJ: Rutgers University Press, 1953), 64.

⁹⁹ Conway, *The Rejected Stone*, 128.

realizing that a good portion of the country opposed this action on the basis of simple bigotry, Lincoln was preemptively dismissing the inevitable arguments that would assert the existence of some fundamental inequality between the races as reason enough not to recognize these states.¹⁰⁰ Beyond that, it's not unreasonable to conclude that given his belief in, under a limited set of circumstances, a moral right to revolution, Lincoln might even have looked back upon the Haitian Revolution with sympathy.¹⁰¹

It seems impossible, however, that Lincoln was not moved to some degree by the substantial potential for economic gains that would come from implementing trade treaties with the two states. In fact, a year later, in his second Annual Message, Lincoln took a moment to highlight the fact that treaties were in the works with both countries.¹⁰² Above all, in considering the voices to which he was likely exposed during that period, it's clear that Lincoln would have recognized the necessarily reciprocal relationship that existed and exists in liberal democracies between promoting a national identity and a national interest in an interconnected world and supporting human rights everywhere. In many cases, the recognition of Haiti and Liberia certainly among them, the two goals are mutually supportive. Standing up for human rights both garners a state the respect of its neighbors and allows it to reinforce a norm in which it's invested, and promoting a national identity abroad, even to an exclusively self-interested end, usually entails expressing a consistent national value set. Realizing this, Lincoln would not have considered it important to distinguish precisely why he supported recognition, as buying into a partisan justification would have been reductive. In the end, his message was simple, but its impact was huge. As the Chicago Tribune wrote in June of 1862:

The world does move and Congress with it. Think of a vote to recognize a nation of negroes. Old conservatism represented in the person of Crittenden, the Mrs. Skewton of statesmen, shrieked and writhed, but without effect, for the vote was recorded on the side of liberty and the elevation of men of all races.¹⁰³

¹⁰⁰ Reinstein, "President's Recognition Power Exclusive?," 32.

¹⁰¹ Thomas J. Pressly, "Bullets and Ballots: Lincoln and the 'Right of Revolution,'" in *The American Historical Review* 67.3 (1962): 658-659, accessed November 10, 2014, <http://www.jstor.org/stable/1844106>.

¹⁰² Abraham Lincoln, "Annual Message to Congress: December 1, 1862," in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 5 (New Brunswick, NJ: Rutgers University Press, 1953), 521.

¹⁰³ "Hayti and Liberia," *Chicago Tribune*, June 4, 1862, accessed November 16, 2014, <http://search.proquest.com.revproxy.brown.edu/docview/175235301?accountid=9758>.

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Arthur, Avalon, and the Abbey of Glass: Glastonbury's "Burial" of the High King

Mollie Forman

Over the millennia, the story of Glastonbury Abbey has become so entwined with the myth of King Arthur that the supposed site of his grave is now a major modern tourist attraction. The commonly held associations are steeped in magic; Arthur's mythical sword Excalibur was forged on the Isle of Avalon, a pseudonym for Glastonbury. When Arthur's nephew Mordred smote him at the Battle of Camlann, his sister, Morgan, bore his swooning body to the Holy Isle, where he lies in eternal sleep until the day he rises to take back his kingdom. At first glance, this story seems nothing but fanciful hogwash—but in fact, it is the product of over a millennium of tradition, particularly a few fateful centuries in Glastonbury's history when the beleaguered monastery sought to remake itself in the image of its past.

This reinvention took many forms, including committing the devious tradition of *furta sacra*, retroactively altering records, and spreading propagandist rumors. The most powerful and enduring strategy was the construction of King Arthur's exhumation, which supposedly took place in 1190 or 1191.¹ Far more than any of the abbey's other attempts to revitalize itself after the Norman invasion and a disastrous fire in 1184, this story captured the public imagination; indeed, to this day it is impossible to discuss Glastonbury without a passing reference to the High King. An addendum of this magnitude could not have occurred in a vacuum. Even if King Arthur's bones really were interred in this holy ground, remembering them would not have been so important if the idea of their existence were not connected to a greater network of stories, imaginings, and societal structures. In appropriating disparate traditions—secular and spiritual, Celtic and English, historic and mythic—the monks of Glastonbury reconfigured the Arthurian legend in order to perpetuate the wealth and prestige of

¹ John Scott, ed., *The Early History of Glastonbury Abbey* (Suffolk: Boydell Press, 1981), 34. All dates, unless otherwise indicated, are AD.

their monastery, inadvertently transforming the nature and focus of the Arthurian myth itself.

What makes this tale—both of Arthur and the abbey—so remarkable is the sheer breadth of tradition mobilized in its construction. Arthur is first mentioned by name in Nennius's 9th century Welsh text *Historia Brittonum*, but elements of the written legend can be traced all the way back to Gildas in the 5th or 6th century.² Manuscripts refer to Arthur only sporadically until Geoffrey of Monmouth's 12th century *Historia Regum Britanniae* gained popularity both in Britain and across the Channel.³ The pre-Norman Arthur was a decidedly Welsh figure, and he was more commonly presented as a warlord (*dux bellorum*, as Nennius puts it) than a stately king. Nennius uses him in an explicit attempt to preserve national identity, while Geoffrey's Arthur represents the capstone in a tale of British nationalism stretching back to pre-Roman times.⁴ Geoffrey also gives us the tale of his mysterious ending, in which Morgan removes him from Camlann to be healed in Avalon. This non-death popularized the belief that a messianic Arthur would return to Britain in its hour of need.⁵ It is only when England was threatened by the Normans—just as the English once threatened Britain—that they appropriated this and other versions of Arthur in an attempt to retain autonomy.

The six centuries of the story's survival between genesis and popularization speak to a strong network of oral transmission, certainly in noble circles, but likely amongst the small-folk as well. The nature of oral genres suggests longevity, both in terms of the story itself and the composition's relevance to society, and Arthur was an appropriated concept long before Glastonbury adopted his legend. Indeed, Arthur's historical utility is particularly fluid in terms of application: in the hands of the Romano-British Welsh, he was a nationalistic hero prepared to rise again to save the country from English subjugation; to the post-Norman Anglo-Saxons, he was the paragon of kingliness, virtue, and piety, thus serving as an apt vessel for asserting legitimacy over a volatile political landscape. As shifting ethnicities and power structures led to new definitions of the "other" in Britain, Arthur too was redefined and reutilized by different factions in attempts to appropriate the power of his name and legacy.

The first step in co-opting any quasi-historical figure is establishing a

² David E. Thornton, "Nennius," *Oxford Dictionary of National Biography*, accessed April 23, 2013.; François Kerlouégan, "Gildas," *Oxford Dictionary of National Biography*, accessed April 23, 2013.

³ J. C. Crick, "Monmouth, Geoffrey Of," *Oxford Dictionary of National Biography*, 2004.

⁴ Nennius, "Historia Brittonum," *Fordham Medieval Sourcebook*, accessed May 7, 2013.

⁵ Geoffrey of Monmouth, *The History of the Kings of Britain*, trans. Lewis Thorpe, 1st ed. (Penguin Books, 1977).

geographic connection. After all, a story of Arthur based in Scottish Gododdin, no matter how powerful, would have had little impact 300 miles away in Somerset. Even if he were a Welsh or Cornish figure, nothing in the literature connected him specifically to Glastonbury until Gerald of Wales wrote his first account of the exhumation in the late 12th century. But, again, this association did not materialize randomly; rather, it developed across a long and complicated chain of relations that resulted in the mystical Isle of Avalon being ascribed to the geographic reality of Glastonbury.

Gerald of Wales, who wrote two accounts of King Arthur's exhumation, was the first to explicitly link the two locales, but Glastonbury and Avalon had been associated with each other for centuries.⁶ Glastonbury had long been connected to the Celtic conception of Annwn, a realm analogous to the underworld that, depending on the source, was said to reside on a hill, under the earth, or on an island. No matter the locale, Annwn is described as a fey palace usually invisible to mortal eyes, but one that is rooted very physically in the landscape and could be assigned a geographic location. In *The Spoils of Annwn*, a Welsh poem written down sometime before the Norman invasion, Arthur leads an assault on an island fortress referred to as "Kaer Wydyr," or the "Fortress of Glass"; Caradog of Llancarfan follows this tradition in his *Life of Gildas* c. 1125, in which Arthur besieges the Summer Country (i.e. Somerset) and the "glassy city" Glastonia.⁷ Another connection comes from 12th century historian William of Malmesbury, who quotes a charter from 601 in which an estate called Yniswitrin (again, the glass isle) was granted to the abbey.⁸ A separate lineage can be followed through the motif of apples, most prominently represented by Geoffrey's designation of Avalon as "the island of apples" in *Vita Merlini* c. 1150.⁹ All of these tales, predating Gerald's

⁶ For a deeper study of the connections between Glastonbury and Avalon, see Aelred Watkins, "The Glastonbury Legends," in *Glastonbury Abbey and the Arthurian Tradition*, ed. James P. Carley (Cambridge: D.S. Brewer, 2001), 13–27. More information can be found in Roger Sherman Loomis, "The Spoils of Annwn': An Early Welsh Poem," in *Wales and the Arthurian Legend*, ed. Roger Sherman Loomis (Cardiff: University of Wales Press, 1956), 131–178.

⁷ Translation from Roger Sherman Loomis, ed., "The Spoils of Annwn," in *Wales and the Arthurian Legend* (Cardiff: University of Wales Press, 1956), 134–136.; Dating from Roger Sherman Loomis, "The Spoils of Annwn': An Early Welsh Poem", 166. Caradog of Llancarfan, "The Life of Gildas," in *Two Lives of Gildas*, trans. Hugh Williams (Felinfach: Llanerch Enterprises, 1990), 85–103.

⁸ William of Malmesbury, "De Antiquitate Glastoniensis Ecclesiae," in *The Early History of Glastonbury Abbey*, trans. John Scott (Suffolk: Boydell Press, 1981), 41–167. The section on Yniswitrin can be found on page 89.

⁹ Geoffrey does not explicitly name Avalon in *Vita Merlini* (Geoffrey of Monmouth, "The Life of Merlin," Internet Sacred Texts Archive, accessed May 12, 2013), but his description of the island

accounts of the exhumation, are rooted in Welsh and Irish oral tradition. The relations are so numerous and intertwined that the link between Glastonbury and Avalon was potentially common knowledge long before it needed to be utilized for propaganda.

The most enduring tale connecting Avalon and Glastonbury was told by the land itself. Even for the skeptical modern observer, the Glastonbury promontory is a stunning sight: fertile grasslands rise into a magnificent, terraced Tor, topping 500 feet tall at the height and crowned by St. Michael's Tower, built in the 14th century. A millennium ago, Somerset was a land of marshes and waterways, and while the area was never a true island, the prominence of the Tor and the mist rising from the waters would have made for a fantastic, and probably mystical, sight.¹⁰ As stories such as the Spoils of Annwn and the prominence of monasteries on Lindisfarne and Iona make clear, islands held great importance in both pre-Roman and Christian societies.¹¹ The Tor itself features in multiple tales, including the 16th century Life of St. Collen, where it is presented as the location of Annwn.¹² The fertile Glastonbury levels have been inhabited since prehistoric times, and monuments such as the Sweet Track, one of the world's oldest man-made roadways, would have implied the antiquity of the site to a society obsessed with the power of longevity.¹³ The Tor bears amphora sherds going back to the 5th or 6th centuries, and even the 7th century Anglo-Saxon abbey would have seemed antique by Norman times.¹⁴ Even without archaeological evidence of settlement or ritual behavior before the 5th century, it is likely that Glastonbury was a sacred or important site at the very genesis of the earliest elements of the Arthurian legend.

Thus, with so much mysticism already underlying the tales of Glastonbury and Arthur, a piece of propaganda was the only thing needed to unite them. As far as we know, the origin of the exhumation story comes from Gerald of Wales, a highly educated clergyman in the 12th century. The son of a Welsh nobleman, Gerald was well-traveled and well-connected; after receiving an education in France, King Henry II appointed him as a royal clerk. Gerald used an elite family network to achieve clerical

matches that of Avalon in his *Historia Regum Britanniae*.

¹⁰ Philip Rahtz, "Pagan and Christian by the Severn Sea," in *The Archaeology and History of Glastonbury Abbey*, ed. Lesley Abrams and James P. Carley (Suffolk: Boydell Press, 1991), 3–37.

¹¹ Two other ancient monasteries in Great Britain, both on islands

¹² Roger Sherman Loomis, "The Spoils of Annwn': An Early Welsh Poem," in *Wales and the Arthurian Legend*, ed. Roger Sherman Loomis (Cardiff: University of Wales Press, 1956), 131–178. The Life of St. Collen is discussed briefly on page 139.

¹³ Bryony Coles and John Coles, "Medieval Exploitation," in *Sweet Track to Glastonbury* (New York: Thames and Hudson, 1986), 21–23.

¹⁴ Rahtz, "Pagan and Christian by the Severn Sea", 25-34.

positions.¹⁵ His preoccupation with Arthur was not limited to the exhumation—many of his works interact with the King (both the historical and legendary versions) in some way.¹⁶ Of particular interest to this paper are two accounts of Arthur's exhumation at Glastonbury as part of larger works titled *De Principis Instructione* (c. 1195) and *Speculum Ecclesiae* (c. 1216).¹⁷

Written approximately 20 years apart, these two writings agree on many of the main details: informed by King Henry II (the same king whose service Gerald left around the time he wrote *De Principis*) that Arthur was entombed on the abbey grounds, the monks began an intense search.¹⁸ Following the indication of ancient inscriptions, they dug between two stone pyramids in the abbey courtyard. Sixteen feet down they discovered an old, oaken coffin, beneath which was a leaden cross under a stone. Inscriptions on the cross (hidden against the stone) were the Latin words, "Here in the isle of Avalon lies buried the renowned King Arthur, with Guinevere, his second wife." Within the coffin were the remains of a man and a woman; they even found a lock of golden hair, which disintegrated at the touch of a hapless monk. Astounded at the impropriety of burying so great a king in this lowly state, the monks re-entombed the king and his queen in marble, bringing glory to the dead as well as to the abbey itself. This story is recalled in two later chronicles: Ralph of Coggeshall's *English Chronicle*, written c. 1220, and the *Margam Abbey Chronicle*, date unknown.¹⁹

Gerald would not have composed these narratives of his own volition; like the majority of early medieval writers, and especially an itinerant one such as himself, he would have been commissioned to compose his work for a specific purpose.²⁰ In the case of the exhumation story, this was done in order to promote the prestige and wealth of Glastonbury. However, Gerald certainly had an agenda of his own, and it changed between the two accounts: *De Principis* was composed as a critique of the English kings,

¹⁵ Robert Bartlett, "Gerald of Wales," *Oxford Dictionary of National Biography*, accessed April 23, 2013.

¹⁶ Cambrensis Giralduus, "Gerald of Wales and King Arthur," in *Gerald of Wales: The Journey Through Wales and The Description of Wales*, trans. and ed. Lewis Thorpe (Harmondsworth, Middlesex: Penguin Books, 1978), 280–288.

¹⁷ *Ibid.*, 281, 284

¹⁸ Bartlett, "Gerald of Wales."

¹⁹ Ralph of Coggeshall, "Ralph of Coggeshall: An Account of the Discovery of King Arthur's Grave from the *English Chronicle*, C.1220," *Britannia: America's Gateway to the British Isles*, accessed April 23, 2013.; "Margam Abbey Chronicle: The Discovery of King Arthur's Grave at Glastonbury," *Britannia: America's Gateway to the British Isles*, accessed April 23, 2013.

²⁰ Such early writers include William of Malmesbury and Geoffrey of Monmouth.

while *Speculum Ecclesiae* criticized corruption in the monastic orders.²¹ As a nationalist symbol, the very topic of King Arthur would have rankled any English noble with designs on Wales. Gerald's clerical slant is clear in the second account: it contains several allusions to moral lessons that were wholly absent from the first telling. The monk who destroys Guinevere's hair now does so to satiate "wanton thoughts," and jumping into the grave represents descending into "the Abyss from which none of us can escape."²² The compositions could have also served personal interests, as Gerald had ambitions of becoming a bishop, with his inability to secure a seat in England potentially motivating his exit from court c. 1196.²³ Perhaps he believed assisting Glastonbury would further his own career.

According to some accounts, Glastonbury needed all the help it could get, as mounting troubles in the 11th and 12th centuries made the co-opting of Arthur's power imperative. When the Domesday Book was composed in 1086, Glastonbury was listed as the wealthiest monastery in England.²⁴ However, as the Norman occupation continued, the monastery found itself dealing with a very different breed of Christian overlord than it had experienced prior. William the Conqueror established Abbot Thurstan at Glastonbury in c. 1080, and his tenure highlights this discord dramatically. He began his abbacy admirably, defying attempts by the bishop of Wells to encroach on Glastonbury's holdings. However, as time went on, the English monks grew dissatisfied with his attempts to foist aspects of continental worship on them, such as banning the Gregorian chant in favor of one written by a Norman. Tensions escalated until soldiers were ordered into the chapel and several monks were murdered.²⁵ Such a dramatic event did not occur again, but internal tensions continued as the nearby bishoprics of Bath and Wells remained external threats.²⁶ By the time Henry of Blois came to the abbacy c. 1125, he could claim that the monastery was in a serious period of decline: as John Scott notes, "its buildings reminded [Henry] of peasants' huts; its monks were struggling to

²¹ Bartlett, "Gerald of Wales."

²² Giraldus, "Gerald of Wales." 285.

²³ *Ibid.*

²⁴ David Knowles, *The Monastic Order In England*, 2nd ed. (Cambridge: Cambridge University Press, 2004), 287.

²⁵ Malmesbury, "De Antiquitate Glastoniensis Ecclesiae." For Thurstan's story, see pages 153-159.

²⁶ Charles T. Wood, "Fraud and Its Consequences: Savaric of Bath and the Reform of Glastonbury," in *The Archaeology and History of Glastonbury Abbey*, ed. Lesley Abrams and James P. Carley (Suffolk: Boydell Press, 1991), 273-283. See also Edwin Burton, "Bath and Wells," *The Catholic Encyclopedia*, 1907.

obtain the necessities of life; and it had been deprived of many of its possessions."²⁷ This is, no doubt, a gross exaggeration, and historians debate the true extent of Glastonbury's troubles, but that does not erase the fact that the monks felt themselves under attack.²⁸ The new power structure threatened Glastonbury's extensive land holdings and destabilized long-held traditions of memory and religious practice, and Glastonbury "snatched at anything that could explain her to herself."²⁹

Thus emerged the 12th- and 13th-century deluge of retroactive history, of which the story of Arthur's exhumation is a proud product. Monasteries wielded the potent political weapon of legends to prove the antiquity of their establishments, firm up their claims to land holdings, and publicize the relics they possessed. Despite the often exaggerated nature of this genre, not all of it was farcical; the most substantial history of Glastonbury written to this point was composed several years after 1129 by William of Malmesbury, another itinerant clergyman who, like the Venerable Bede whom he revered, had a talent for drawing a myriad of conclusions from limited material.³⁰ William spent much of his life traveling across Britain and probably Normandy in search of libraries, oral tradition, and local artifacts from which he composed well-respected hagiographic histories. Although not officially a Glastonbury monk, he spent a considerable amount of time living in and learning about the abbey, composing *Vitae* of locally important saints such as Patrick, Indract, and Benignus, as well as two books on Glastonbury's own Dunstan, before beginning the monastery's opus, *De Antiquitate Glastoniensis Ecclesiae*. It is difficult (although not impossible) to separate William's original work from later interpolations (the extant copy comes to us as a prologue to Adam of Damerham's later history); however, it is clear that as early as the first half of the 12th-century, Glastonbury was conscious of the need to reassert its legacy.³¹ The major impetus for William's history, in fact, was to refute a claim made by Osbern of Canterbury that "the blessed Dunstan [was] the first abbot of Glastonbury," a fact that would have shortened the history of the abbey by almost 500 years from where William places it c. 460.³²

²⁷ Malmesbury, "De Antiquitate Glastoniensis Ecclesiae." Scott, *The Early History of Glastonbury Abbey*, 1.

²⁸ Scott, *The Early History of Glastonbury Abbey*, 1-5.

²⁹ Aelred Watkins, "The Glastonbury Legends," 14.

³⁰ *Ibid.*, 6

³¹ Antonia Gransden, "Glastonbury Traditions and Legends," in *Glastonbury Abbey and the Arthurian Tradition*, ed. James P. Carley (Cambridge: D.S. Brewer, 2001), 29–53.

³² Malmesbury, "De Antiquitate Glastoniensis Ecclesiae," 147. However, this dating might not be entirely accurate. 460 was the supposed date of St. Patrick's consecration as the first abbot;

Another major development in this era was the revelation of the supposed translation of St. Dunstan from his shrine at Canterbury. St. Dunstan had risen to prominence in the 10th century as the abbot of Glastonbury, undertaking many construction projects, developing his devotion to the Benedictine tradition, and training disciples who later spread his ideas to Abingdon and Winchester.³³ He was eventually named Archbishop of Canterbury and consecrated a saint upon his death in May 988.³⁴ Numerous *Vitae* were written about him by authors such as the mysterious B. (whose *Vita* served as one of William's most important sources), Osbern and Eadmer of Canterbury, and William himself.³⁵ In the context of this paper he is far more interesting in death than in life: Many of the elements of the story of his translation from Canterbury to Glastonbury, and the subsequent rediscovery of his bones, parallel that of Arthur's exhumation. We only know that a (claim of) translation occurred c. 1012 because Eadmer of Canterbury wrote a letter c. 1120 denying that any such event transpired.³⁶

The story goes like this: After the Danish ravishment of Canterbury c. 1011, Glastonbury sent a group of monks to help the desolate church, and most specifically to protect her relics.³⁷ They found the church "destitute of its own sons," badly burned, and the city "emptied of its people."³⁸ Taking advantage of this, they dug up St. Dunstan's remains, replaced them with bones belonging to a recently deceased abbot of Glastonbury, and fled back to Somerset. The secret was then kept for over a hundred years, and Dunstan's bones were only claimed just prior to the writing of Eadmer's letter. These allegations follow the fascinating tradition of *furta sacra*, a perfectly acceptable medieval practice of stealing and re-interring saintly remains, effectively transferring the eminence of a cult from one church to another. It was believed that this theft could not occur without the approval of the saint in question, and thus was not considered a criminal action.³⁹

however, Patrick's involvement might be an interpolation, which means that William believed the founding to occur later.; Scott, *The Early History of Glastonbury Abbey*, 115.

³³ Michael Lapidge, "Dunstan," *Oxford Dictionary of National Biography*, 2004.

³⁴ Michael Winterbottom and Michael Lapidge, eds., *The Early Lives of St. Dunstan* (Oxford: Clarendon Press, 2012), xiii.

³⁵ Malmesbury, *The Early History of Glastonbury Abbey*, 7.

³⁶ Eadmer of Canterbury, "Eadmer's Letter to the Monks of Glastonbury Concerning St. Dunstan's Disputed Remains," in *The Archaeology and History of Glastonbury Abbey*, ed. Lesley Abrams and James P. Carley, trans. Richard Sharpe (Suffolk: Boydell Press, 1991), 205–215.

³⁷ *Ibid.*, 205

³⁸ Eadmer of Canterbury, "Eadmer's Letter to the Monks," 212.

³⁹ For general information on *furta sacra*, see Patrick J. Geary, *Furta Sacra: Thefts of Relics in the*

Despite the clear problems it faced in the 1120s, Glastonbury did not reach its low point until 1184, when a disastrous fire destroyed, as an interpolator writes, “not only the [Old Church] and other buildings but its ornaments, treasures and [...] the greater parts of its relics.”⁴⁰ This event spurred a flurry of alterations and embellishments meant to reestablish the abbey's preeminence, as well as to replace lost records; Gerald's first exhumation account was published about ten years after the fire, and many of the interpolations to *De Antiquitate* were added around this time. The most vital task was enhancing monastic prestige through historical associations and the possession of saintly relics; these strategies had the dual purpose of securing royal patronage and attracting the pilgrims—mainly Irish—that would give Glastonbury the funds to rebuild.

Glastonbury's connections with Ireland ran deep; the Irish saint Indrechtach, whom modern scholars have identified as William's St. Indract, is listed by the annals of both Ulster and Inisfallen as being martyred near Glastonbury, on a pilgrimage to or from Rome.⁴¹ As a prominent site on the Irish route to the continent, Glastonbury sought to attract passing pilgrims by claiming the bones of Indract as well as other Irish saints such as Brigit, Benignus, and St. Patrick himself. St. Patrick's Charter, supposedly written in the 5th century but actually interpolated into *De Antiquitate* c. 1230, claims that the abbacy at Glastonbury was founded by none other than Ireland's patron saint.⁴² The possibly interpolated etymological myth of Glasteing following a sow to an apple tree near the Old Church is another potential link to Ireland; the story is similar to an Irish king-making legend.⁴³

The most interesting interpolation of *De Antiquitate*, however, goes back to the story of Dunstan's translation: the monks utilized the disaster of the fire to deny Eadmer's refutations and attempt to appropriate Dunstan's relics in perpetuum. Phrases such as “Who could tell the rest without weeping? Alas, the sorrow of it!” written in reference to the destruction of Canterbury, run completely contrary to William's

Central Middle Ages (Princeton: Princeton University Press, 1978).

⁴⁰ Gransden, “Glastonbury Traditions and Legends”, 35.; Scott, *The Early History of Glastonbury Abbey*, 77.

⁴¹ Mac Airt and Mac Niocaill, trans., “The Annals of Ulster,” University College, Cork, August 15, 2012, and Seán Mac Airt, trans., “Annals of Inisfallen,” University College, Cork, February 16, 2010.

⁴² Malmesbury, “*De Antiquitate Glastoniensis Ecclesiae*”, 43-71.

⁴³ Michael Lapidge, ed., *Byrhtferth of Ramsey: The Lives of St Oswald and St Ecgwine* (Oxford: Oxford University Press, 2008), 246 (note 32).

measured voice.⁴⁴ The interpolator adds many details to our knowledge of the translation story. Responsibility for the heist is put on King Edmund, who informed the monks of Canterbury's misfortune.⁴⁵ The men who stole Dunstan's remains had served him and seen him buried, then remained faithful to his successor as archbishop, both of whom "it pleased [...] to have as assistants individuals from [...] Glastonbury [so] they would not deviate from the life which they had been accustomed to live with them in the monastery."⁴⁶ This quote seems meant to paint the more cosmopolitan Canterbury as a corruptive force, while Glastonbury remains a bastion of piety. Not surprisingly, several details are provided to verify that this body does indeed belong to Dunstan: He is recovered by monks who attended his funeral, and thus know where to find his grave, and they find a distinctive ring on his finger that the saint forged himself.

Glastonbury's narrative truly begins to presage the Arthur story with the story of Dunstan's internment at Glastonbury and his subsequent rediscovery. Fearing "with some justification that [...] the archbishop [...] would demand back the relics," the monks develop a convoluted scheme to hide the bones until the heat dies down.⁴⁷ Two venerated clergymen are tasked with hiding the body; on their deathbeds, they will convey the location to a single disciple, who would repeat the action "until it should please the Most High that this light should not be hid under a bushel but should be placed on a candlestick to give light to all those in the house of God."⁴⁸ They place the holy bones in a plain wooden box painted on the inside and framed by inscriptions of the letters S and D, indicating St. Dunstan. They hide it in a false wall near the holy water, and for 172 years the relics' location is forgotten. The bones only resurface when a strange chain of oral transmission is deciphered in the aftermath of the 1184 fire, when the entire building is destroyed except for the holy water and the stone wall beside it. The rediscovery of Dunstan's bones is a rare joy in this time of tragedy, and the monks celebrate accordingly, moving his remains to "a shrine suitably covered with gold and silver."⁴⁹ For the purposes of this paper, this story is most important in its extensive parallels to the Arthur exhumation story. Both men have, at best, tenuous ties to the abbey; Dunstan achieved fame elsewhere, and Arthur was not even attached to

⁴⁴ Scott, *The Early History of Glastonbury Abbey*, 73.

⁴⁵ Edmund is also noteworthy for establishing Dunstan as abbot and being one of many to grant a charter promising perpetual land rights to Glastonbury and placing power in the abbot equal to that of a king and his court (Malmesbury, "De Antiquitate Glastoniensis Ecclesiae", 117).

⁴⁶ Scott, *The Early History of Glastonbury Abbey*, 75.

⁴⁷ Malmesbury, "De Antiquitate Glastoniensis Ecclesiae," 75.

⁴⁸ Malmesbury, "De Antiquitate Glastoniensis Ecclesiae," 77.

⁴⁹ Scott, *The Early History of Glastonbury Abbey*, 79.

Glastonbury until his exhumation. Knowledge of the relics comes primarily from a secular king, with divine inspiration as a secondary element. Both bodies are hidden in plain sight and become revealed only through the publication of private monastic traditions. Once discovered, they are lifted from obscurity and accorded proper honors.

The analogies between these two stories are so overwhelming, it is reasonable to say that Dunstan's narrative was a more or less direct blueprint for the construction of Arthur's myth. I would go even further to say that in claiming Arthur's body, the monks were committing an act of *furta sacra* that deviated from tradition only in the historical realness of the person being sanctified.⁵⁰ A relic is defined as the remains of a saint that are worshipped as if they were the saint itself. A monastery that possessed the body of a saint was not only the center of a cult that could attract donation-bearing pilgrims; it bore immense political power as well. A noble who harmed the monastery would insult its patron and be blamed for all the resulting disasters; inversely, a monarch could desecrate a saint to punish the abbey. In the centuries following Rome's collapse, monasteries used their devotional power to maintain the protection and organization that the state left behind, managing previously governmental structures of worship and economics; devotion to saints is nearly analogous to national identity.

Relics are different than other common objects of devotion. A book can be lost, recovered, and still retain its original significance, but there is no inherent power in bones or a pile of dust beyond what human testimony inscribes. Due to its mutability, relic worship was an incredibly localized tradition, and resulted in diverse cults and patterns of across Europe. In this way, stories of *furta sacra* are some of the most powerful evocations and parallels to oral tradition, because without continuity of significance, a relic worshipped for centuries could become meaningless in a single generation, or even a single moment of disaster—rescuing a relic from a situation in which its story might be lost was a primary rationalization used in theft narratives.

In constructing the story of Arthur's exhumation, the monks of Glastonbury were effectively removing his cult from Wales and reestablishing it in Somerset. It would not have been enough to simply make the connection between Avalon and Glastonbury; by creating the perception of a physical body, they engineered the same circumstances as they did in spreading the rumor of translating Dunstan. The pairs of markers meant to guarantee the identity of the remains are both equally vague: in all four accounts of the exhumation (Gerald's pair and the two chronicles), the monks knew

⁵⁰ All information on relics and *furta sacra*, excluding my own analysis, can be found in Patrick J. Geary, *Furta Sacra: Thefts of Relics in the Central Middle Ages*. Most of the facts are drawn from chapter 1, "Relics and Saints," 3-30, but inspiration for my analysis came from the book as a whole.

where to dig because of obscure, archaic makings on the stone pyramids framing the grave. However, William of Malmesbury gave a lengthy account of these same monuments, and indicates that they are not illegible at all. He agrees that they are “memorials of antiquity,” but states that they “can be clearly read, even if not fully understood.”⁵¹ What he can decipher has nothing to do with Arthur, but rather indicates inhabitants and locations of the surrounding landscape. This demonstrates that the crafters of the exhumation story deliberately misconstrued the pyramids in order to make them valid as signifiers of a high-profile and ancient burial, just as the framing letters S and D were used to identify Dunstan.

Gerald's rendering seems meant, in part, to prove the finality of Arthur's death: His bones are larger than those of a normal man's, but they are riddled with wounds, and Gerald devotes several paragraphs in *Speculum Ecclesiae* to condemn the “stupidity [of] the British people [who] maintain that he is still alive.”⁵² By treating Arthur as a relic, Gerald confirmed the king's mortality and disproved the Welsh myth of his return; but at the same time, inadvertently or not, this rendering transferred Arthur to a wholly monastic resurrection tradition centered around the eucharist and other relics.⁵³ This institutionalization changed the way people talked about Arthur. Where before he had been the domain of Welsh folklore and pseudo-history, now his name grew to effect concrete elements of reality. William of Malmesbury's interpolators attribute charters to Arthur, describing his patronage the same as they do the historic kings Ine or Edmund. In Gerald's second account and both chronicle descriptions, the authors intimate that the pyramids were built specifically to mark this grave. As if Glastonbury had stumbled into a fey palace, Arthur was suddenly a geographically identifiable figure written explicitly onto the known landscape.

As a geographical hub of Wales, Cornwall, England, and an Irish route to the continent, Glastonbury sits at a physical nexus of ideas and influences, and so it is not surprising that its defining aspects are shaped by a patchwork of traditions. For a society

⁵¹ Malmesbury, “*De Antiquitate Glastoniensis Ecclesiae*,” 85. The account of the pyramids is almost certainly William's work, as Scott discusses in footnote 75 on page 196. I would add to his comments that this chapter is startlingly professional in its tone and content, and reads like a scientific history from the 20th century, which speaks to its authorship by a historian rather than whatever monk happened to be on hand. Its dissonance with later, Arthur-centric readings of the pyramids proves the author did not share the interpolators' goals, and was thus written before such goals were deemed relevant.

⁵² Giraldus, “*Gerald of Wales and King Arthur*,” 285.

⁵³ Geary discusses in the section “*The Nature of Relics*” (37–40) the relation between Christ and his saints in terms of resurrection imagery, and the significance of their relics.

in such flux, great importance was put on concrete associations between sources of power and physical realities. This, more than anything else, makes the appropriation of Arthur so interesting: more than the story of Dunstan, or Gerald, or any narrative grounded in reality, the myth of Arthur has lived on to define Glastonbury, and will continue to do so for the foreseeable future. Despite the maniacal appeal of *furta sacra*, burial cults, and retroactive history, physical theft and manipulation ended up being less important than medieval monks believed: saints come and go, but Arthur remains as an enduring and powerful mark on the post-Norman landscape.

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