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Questions or comments may be directed to:

Hindsight Graduate History Journal
Department of History
California State University, Fresno
5340 N. Campus Dr. M/S SS21
Fresno, CA 93740

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"Maybe I Can Marry Them Both": Conflicted American Views on the Algerian War

By

Kelly Shannon
Temple University

On July 2, 1957, Senator John F. Kennedy of Massachusetts delivered the most notorious speech of his senatorial career. On that day, he offered a scathing assessment of the Eisenhower Administration's "head-in-the-sands" policy regarding the Algerian War, and he called for direct U.S. involvement in order to secure Algerian independence.[1] Kennedy declared, "[T]he single most important test of American foreign policy today is how we meet the challenge of imperialism."[2] Because the United States had an "obvious dedication . . . to the principles of self-determination," he counseled, traditional American anti-imperialism demanded that the U.S. intervene in Algeria.[3] Kennedy expressed anxiety about Islamic peoples when he worried that the lack of U.S. involvement would abandon Algeria to "the pull toward Arab feudalism and fanaticism."[4] He also believed that violent revolutions were dangerous, for Kennedy stated, "The situation deteriorates so fast that moderate people become extremists, extremists become revolutionaries, and revolutionaries become Communists."[5] Such a conclusion called to mind the specter of the Bolshevik Revolution, which struck fear into the heart of any Cold Warrior in the late 1950's.

Kennedy's speech was a political bombshell, for the Eisenhower administration had followed a scrupulously middle-of-the road policy toward the French and Algerians ever since the

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[1] Senator John F. Kennedy of Massachusetts, speaking for the resolution on Algerian Independence, "Imperialism – the Enemy of Freedom," on 2 July 1957, to the Committee on Foreign Relations, S. Res. 153, 85th Congress, 1st session, *Congressional Record* 103, pt. 8: 10781.
[2] Kennedy, "Imperialism," 10780.
[3] Kennedy, "Imperialism," 10781.
[4] Kennedy, "Imperialism," 10786.
[5] Kennedy, "Imperialism," 10788.

Algerian War began in 1954.[6] While the administration sympathized with the Algerian rebels and worried about losing the crucial support of the newly decolonized nations of the Third World in the Cold War, it also could not afford to lose French support for the NATO alliance against the Soviets in Europe. According to historian Frank Costigliola, "Backing France would allow the Communists to exploit frustrated nationalism. The other choice [backing the Algerians] endangered America's interests in Europe."[7] Faced with this dilemma, the Eisenhower administration attempted to please both sides by doing nothing.

Predictably, then, Eisenhower and his Secretary of State, John Foster Dulles, responded negatively to Kennedy's suggested change in policy.[8] French leaders were outraged, and the press in the United States lambasted Kennedy. Even journalists at the liberal *New York Times* and generally anti-French *Time* magazine criticized Kennedy's speech.[9] However, despite the severe criticism of Kennedy's call to action, one cannot conclude that Americans supported the French efforts to crush the colonial revolution in Algeria. Informed Americans were, in fact, quite critical of French conduct in Algeria, but they were also critical of the Algerian nationalists.

The scholars Melvin Small, Gabriel Almond, and Ralph Levering have all argued that public opinion in the United States plays a significant role in influencing American foreign policy, and their arguments echo observations made by key scholars in the Cold War Era, including George Kennan,

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[6] For an extended description and analysis of U.S. policy regarding France and the Algerian War, see: Irwin Wall, *France, the United States, and the Algerian War* (Berkeley: University of California Press, 2001).

[7] Frank Costigliola, *France and the United States: The Cold Alliance Since World War II* (New York: Twayne Publishers, 1992), 111.

[8] "Burned Hands Across the Sea," *Time* LXX, no. 3, 15 July 1957, 18.

[9] For the French reaction see: "M. Lacoste Answers U.S. Critic," *The Times* (London), 7 July 1957, 6; "Coty Pledges Reactions," *The Times* (London), 11 July 1957, 8; "No Settlement by Magic in Algeria," *The Times* (London), 24 July 1957, 6. For the U.S. press reaction, see: Russell Baker, "Kennedy Urges U.S. Back Independence for Algeria," *New York Times*, 3 July 1957, 1, 5; "Mr. Kennedy on Algeria," *New York Times*, 3 July 1957, 22; Robert C. Doty, "Paris Is Bitter," *New York Times*, 4 July, 1957, 10; C.L. Sulzberger, "Foreign Affairs: The United States, France, and Algeria," *New York Times*, 6 July 1957, 14; Arthur Krock, "Five Political Figures Without a Single Thought," *New York Times*, 7 July 1957, 115; "Burned Hands Across the Sea," *Time* LXX, no. 3, 15 July 1957, 18.

Hans Morgenthau, and Walter Lippmann.[10] Non-Americans, too, have realized the importance of American public opinion in foreign affairs, and they have often appealed to the American people for support. While Cold War scholars worried that American foreign policy leaders pandered too much to the public, Almond, Small, and Levering all stress that the American public has been quite prudent in its approach to foreign affairs and that policymakers must not only mind but also mobilize public opinion. Nevertheless, not all Americans are interested in, or exercise influence over, foreign policy. Those Americans whom Melvin Small labels the "opinion makers," such as government officials, national leaders, celebrities, editors, and journalists, and the "attentive public," the "well-educated and well-read people [who] tend to pay attention to international politics and influence others around them," are the Americans whose opinion carries weight in the foreign arena.[11] Levering and Almond likewise use the term "attentive public" to refer to both opinion leaders and generally well-informed Americans who take an interest in foreign affairs.[12] While these scholars estimate that the "attentive public" makes up at most 20-25% of the U.S. population, with only 5% or less having direct access to the media or membership in foreign policy organizations, these Americans influence the opinion of the "mass public" and policymakers in vast disproportion to their numbers.[13]

"Opinion leaders" are capable of influencing mass opinion by propagating their own views in print and electronic media, while members of the "attentive public" who belong to foreign policy organizations, such as the Council on Foreign Relations and the Foreign Policy Association, lobby the executive branch for certain foreign policies. Most Americans receive almost all of their

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[10] See: Melvin Small, "Public Opinion," in *Explaining the History of American Foreign Relations*, eds. Michael J. Hogan and Thomas G. Paterson, 1st ed. (Cambridge: Cambridge University Press, 1991), 165-176; Ralph B. Levering, *The Public and American Foreign Policy, 1918-1978* (New York: William Morrow and Company, Inc., 1978); Gabriel A. Almond, *The American People and Foreign Policy* (New York: Frederick A. Praeger, 1965). For a discussion of Lippmann, Kennan, and Morgenthau, see: Levering, 11.

[11] Small, 166-167.

[12] Levering, 20-21; Almond, xxii.

[13] Levering, 20; Small, 167.

information about foreign affairs from the media, and the "attentive public" in particular prefers to get its information from newspapers and magazines.[14] In particular, American presidents and State Department officials since World War II have paid particular attention to print sources like the *New York Times* and *Time* magazine in order to determine the climate of public opinion. Melvin Small argues, "These sources have been influential in setting the news agenda and shaping editorial slants and news budgets for many other newscasts, magazines, and newspapers."[15] In fact, they may be the best representatives of informed opinion. The *New York Times* was *the* newspaper of record in the 1950's, and *Time* magazine was and is the first and most widely-read weekly news magazine in the U.S.[16] In addition, local newspapers across the country reprinted articles from the *Times*, especially regarding foreign affairs, so the paper's influence extended far beyond New York City. Thus, articles from the *New York Times* and *Time* magazine are indicative of how American opinion leaders and the attentive public viewed the conflict in Algeria during the late 1950's and early 1960's.

While Kennedy's speech and the media reaction to it had no immediate effect on U.S. policy toward the war, the anti-imperialism and anxiety about Islam and violent revolutions that Kennedy expressed incrementally became part of the American diplomatic lexicon and informed U.S. interactions with the Muslim world for decades to come. Many informed Americans shared Kennedy's views on imperialism and revolution, but they disagreed with Kennedy's conclusions. Kennedy's speech and the reactions to it are symbolic of the general ambivalence that American observers felt about the Algerian War. The war brought to the fore a crucial paradox in American ideology. Americans in general thought of themselves as the standard-bearers of freedom, and they looked to their own war for independence against Great Britain in the eighteenth century to frame

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[14] Levering, 23.
[15] Small, 172.
[16] See: "The State of the News Media 2007: An Annual Report on American Journalism," http://www.stateofthenewsmedia.org/2007/index.asp. Project for Excellence in Journalism, Journalism.org, 7 April 2007

their generally anti-colonial worldview. Thus, the American attentive public refrained from offering whole-hearted support for the French during the war. Further, it often criticized the French government and saw European settlers in Algeria, known as the *pieds noirs*, as right-wing extremists. Despite U.S. criticism of the French, however, American opinion leaders also refused to offer strong support for the Algerian nationalists, led by the National Liberation Front (FLN). This paradox can be explained by the suspicion and fear with which American leaders and the informed public traditionally viewed violent revolutions. According to the eminent historians Frank Ninkovich and Walter LaFeber, Americans in general preferred stable regimes and "modernization" in Third World countries, modeled after "modern" American society.[17]

In addition to worries about violent revolution, which were compounded by Cold War concerns in Europe, the Algerian War also confronted Americans with another factor unique to independence movements in North Africa, the Middle East, and parts of Southeast Asia: Islam. As people who prided themselves on being "modern," American observers felt significant anxiety about Islam and its supposed antipathy toward modernity. Such anxiety often manifested itself in American opinion leaders' depictions of the Muslims of Algeria as a backward people and of the FLN as a group of fanatical terrorists. American anxiety about Islam especially manifested itself in journalists' focus on the veil, or *hijab*, worn by Algerian Muslim women. Thus, informed Americans' view of Islamic society played a significant role in their hesitancy to support Algerians' revolutionary nationalism, despite general American anti-imperial ideals and desire for decolonization.

Attentive Americans had to manage their conflicting attitudes toward the Algerian War, which resulted in the lack of decision as to which side to support. The informed American public's moral dilemma was only relieved when the French Fourth Republic collapsed and Charles de Gaulle

[17] For an extended discussion on American views of imperialism and revolution, see: Frank Ninkovich, *The United States and Imperialism* (Malden, MA: Blackwell Publishers, 2001); Walter LaFeber, *Inevitable Revolutions: The United States in Central America*, 2nd ed. (New York: W.W. Norton & Company, 1993).

returned to power in the summer of 1958. To the American observers' relief, de Gaulle offered an alternative to the stark choice between hard-line French imperialists and Muslim nationalists. De Gaulle's return raised Americans' hopes that the Algerian War could come to a peaceful conclusion, for he promised from the outset to put an end to the conflict. Thus, they supported him whole-heartedly, especially in the U.S. press.[18]

The Algerian War was perhaps the bloodiest episode in the process of decolonization that swept the globe in the twentieth century. At least half a million people died during the eight-year conflict, and a majority of the one million European-descended *pieds noirs* of Algeria took part in a mass exodus when the country gained its independence in 1962.[19] According to historian Matthew Connelly, the Algerian War was "extreme in almost every way."[20] Algerian nationalists, represented by the Algerian National Liberation Front, or FLN, waged a brutal guerrilla war against the French colonial apparatus and the *pieds noirs* who called Algeria home. They engaged in terrorist bombings of European targets and violence against fellow Muslims, both in Algeria and in the metropole, who either were loyal to the French or seemed insufficiently supportive of the revolution. The French, for their part, responded to the outbreak of revolution in Algeria with both conventional military violence and the use of internationally condemned practices, such as torture, illegal arrest, indefinite internment, and massacres of Algerian civilians. The *pieds noirs* contributed to the bloodshed by engaging in terrorist activities of their own.

The violence in Algeria had repercussions far beyond the colony's borders. The conflict was strong enough to topple the French Fourth Republic in May 1958 and return General Charles de Gaulle to power in France. It also shocked foreign observers around the globe and influenced other

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[18] This support was only whole-hearted when De Gaulle first came to power, and it only holds true for his Algerian policies. Relations between De Gaulle and American leaders soured quickly when he attempted to craft an independent French policy regarding NATO, nuclear power, and other Cold War issues; see: Costigliola, 118-159.
[19] Matthew Connelly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era* (Oxford: Oxford University Press, 2002), xiii.
[20] Ibid., 9.

anti-colonial movements in Africa and Asia. As the French tried desperately to portray the Algerian War as a domestic conflict, it became increasingly clear as the war dragged on that it was an issue of international concern. Indeed, Connelly argues persuasively that the true revolution in Algeria took place in the international arena.[21]

Kennedy was not wrong, then, when he argued, "Algeria [is] a matter of international, and consequently American, concern."[22] Informed Americans and U.S. policymakers indeed were very concerned with the war, and they took part in the international debate it generated. The robust support of the United States in particular for either side may have made a great difference in the conflict's outcome. As the sole superpower in the West, American military support could have helped the French to crush the Algerian nationalists, or it could have given the Algerians a much-needed boost in their fight against the militarily superior French. Strong declarations of American moral support would have been nearly as effective as military aid. Moral support for the French could have weakened the FLN's will to resist, while declarations of support for the FLN could have signaled to the French that they were fighting a losing battle against the tide of decolonization. Both sides knew that American support could mean the difference between victory and defeat, so both the French and the FLN waged a war for American sympathy and public opinion that neither side won.[23] Americans' hesitancy to support either side in the Algerian War perhaps contributed to the prolongation of the conflict, because neither combatant could count on U.S. help in winning a decisive victory.

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[21] Ibid., 4.

[22] Kennedy, "Imperialism," 10781.

[23] For an extended discussion of French and Algerian efforts to secure U.S. support, see: Connelly, 119-141. Connelly describes French propaganda efforts aimed at Americans. Such propaganda included films and articles aimed at American audiences, as well as efforts to lobby both the *New York Times* and *Time-Life*'s Henry Luce in an attempt to gain their support for French war efforts. Connelly also describes FLN efforts to secure American support through their propaganda office in New York City. Connelly calls this war for U.S. public opinion "The Battle of New York." Connelly, however, concludes that the FLN won the war for world sympathy, especially in the United States. I disagree, as this article will demonstrate.

Informed Americans not only hesitated to support French efforts in Algeria, but also offered outright criticism of the Fourth Republic's war to hold on to its colony. Such criticism usually stemmed from Americans' anti-imperialist ideology and from traditional American antipathy toward the French. Historian Frank Costigliola describes American leaders' perceptions of their difficult French allies as "needlessly stubborn or vacillating, proud, independent, and other-minded."[24] In fact, Costigliola continues, Americans tended to interpret French disputes with the U.S. or conflicting French and U.S. values and lifestyles as "evidence of French inferiority."[25] Thus, "Particularly from 1940 to 1958, Americans often stereotyped France as pathological or as negatively feminine."[26] The French, therefore, were "emotional, hypersensitive, frivolous, impractical, [and] unrestrained . . . Meanwhile Americans usually cast themselves in a 'masculine' mode – rational, calm, pragmatic, and efficient."[27]

Indeed, the attentive American public often expressed criticism of the French Republic's war in Algeria in these terms. A common theme of criticism in the American media was that the French government was weak and indecisive. For example, *Time* magazine had nothing but harsh words when assessing the Fourth Republic's decision to oust Premier Felix Gaillard from office over the controversy surrounding the French Army's bombing of the supposedly FLN-friendly town of Sakiet in neighboring Tunisia. Calling the fall of Gaillard's government "another one of those periodic paroxysms of French politics," *Time* condemned France's "national reluctance for hard decisions" regarding "the increasingly absurd legal fiction that revolt-torn Algeria is just another French province."[28] Implying that the French were unlike the decisive Americans, *Time* continued, "Once again the French Assembly voted to evade truths and postpone consequences," so it "was

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[24] Costigliola, 2.
[25] Ibid.
[26] Ibid.
[27] Ibid., 4.
[28] "France: The Guillotine Falls," *Time* LXXI, no. 17, 28 April 1958, 23.

left with an administration but no government, a condition which seems to suit" the French, "so long as the trains run [and] the grapes ripen."[29] *Time*'s contempt for the French government is clear here, as it depicts the French governmental system as chaotic and indecisive. As a consequence, the weak French were refusing to take responsibility and act decisively to end "their frustrating and interminable war in Algeria."[30] Indeed, contempt for the French was a common theme in *Time*. It called the Fourth Republic "twelve years of muddle," marked by "political impotence."[31] *Time* also pathologized France by calling it a "sick nation."[32] Even the more sympathetic *New York Times* depicted the Fourth Republic in derogatory terms. One correspondent claimed that the French National Assembly liked to "indulge in its favorite game of overthrowing successive Cabinets," and that French politicians were "unable to agree on anything except their opposition to the existing Government."[33]

In assessing France's efforts to keep Algeria within its empire, influential U.S. publications agreed that the Fourth Republic was delusional and unrealistic in persisting to believe that it could "pacify" Algeria.[34] Even the *New York Times* concluded, "France has sought to solve the problem [of colonial nationalism] by legalistic constructions which did not withstand reality . . . Algeria is a case in point."[35] French emotions regarding Algeria commonly came under attack, as well. *Time* deemed the French "testy," and the *New York Times* claimed, "If you feel bitterness and resentment over the attitude of the world toward Algeria you are a Frenchman." The paper criticized the French for dealing with Algeria "in an atmosphere of passions, not political realities or that logic of

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[29] Ibid.
[30] "France: The Insider," *Time* LXXI, no. 17, 28 April 1958, 24.
[31] "France: The Fifth Republic," *Time* LXXII, no. 15, 13 October 1958, 24. "France: 'I Am Ready," *Time* LXXI, no. 21, 26 May 1958, 28.
[32] "France: De Gaulle to Power," *Time* LXXI, no. 23, 9 June 1958, 23.
[33] "Paris and Algiers," *New York Times*, 23 May 1958, 22.
[34] "France: 'Would You Be So Cowardly,'" *Time* LXX, no. 4, 22 July 1957, 23. "France: 'I Am Ready,'" *Time* LXXI, no. 21, 26 May 1958, 28. "North Africa: Algeria: Death," *Time* LXX, no. 11, 9 September 1957, 37.
[35] "The Issue in France," *New York Times*, 25 May 1958, E10.

which the French are supposed to be such exponents."[36] Therefore, it is clear that American media criticism of the French during the Algerian War stemmed in part from stereotypes of the French as weak, indecisive, emotional, and pathological. However, such criticisms of the French also stemmed from American anti-imperialism.

Historian Frank Ninkovich has argued that anti-imperialism has been a major component of American ideology throughout U.S. history.[37] He argues that American anti-imperialism tended to focus on the harmful effects of the European "diplomacy of imperialism" on international relations prior to the 1940's, but that moral condemnation of colonialism became the prominent form of U.S. anti-imperialism following World War II. At that time, "American policymakers finally began to acknowledge openly that colonial rule was deeply inconsistent with their desire to create a harmonious world based on liberal principles."[38] After 1945, Ninkovich maintains, Americans combined their progressive and Wilsonian opposition to European imperialism and their own revolutionary tradition with moral outrage over European treatment of Third World peoples, so they "openly called for the end of colonialism as a matter of global social justice."[39] French conduct in Algeria clearly demonstrated to Americans that imperialism was politically undesirable and morally wrong. In the case of the Algerian War, American observers most often focused their anti-imperial critique on the atrocities committed by the French against the Algerian populace.[40] American journalists lamented, "To keep Algeria French, the Paris government . . . winked at atrocities worthy

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[36] "France: The Duellists," *Time* LXXI, no. 22, 2 June 1958, 18. "France and Africa," *The New York Times*, 1 March 1958, 16.

[37] Frank Ninkovich, *The United States and Imperialism* (Malden, MA: Blackwell Publishers, 2001), 3.

[38] Ninkovich, 200-201. Robert David Johnson has located this moral condemnation of imperialism at an even earlier period, when the "peace progressives" in Congress gained ascendancy in the 1920's and put anti-imperialism at the core of U.S. ideology. See: Robert David Johnson, *The Peace Progressives and American Foreign Relations* (Cambridge, MA: Harvard University Press, 1995).

[39] Ninkovich, 234.

[40] See: *New York Times* and *Time* magazine for 1957 and 1958, i.e., "Ordeal by Torture: The Question," *Time* LXXI, no. 23, 9 June 1958, 98; "Four Algerians Executed," *New York Times*, 9 January 1958, 3.

of Hitler's SS."[41] Even worse were the *pieds noirs* in Algeria, whom informed Americans viewed as right-wing extremists.[42] Kennedy's pronouncements in his 1957 speech that decolonization was the way of the future echoed the sentiments of many Americans interested in foreign affairs, who believed that decolonization was necessary, for colonialism clearly turned their allies into barbarians and threatened to turn the Third World against the West.[43]

Despite a strong anti-imperial ideology in the United States, however, the vast majority of informed Americans did not offer their overwhelming support to Algeria's FLN. This was due to a fundamental dilemma. According to Ninkovich, imperialism and anti-imperialism went hand-in-hand in the U.S. Thus, despite their opposition to formal empire, "Americans retained their belief in the economic and cultural development of the non-industrial world *and* in the eventual cooperation of like-minded developed societies."[44] While many Americans believed that colonialism was unjust, they still believed that the West, led by the U.S., had a mission to "modernize" supposedly backward peoples. Racism in the United States was rampant in the 1950's. This sense of superiority and belief in modernization was combined with traditional American antipathy toward violent revolution, despite the revolutionary origins of the United States. From the time of the French Revolution, Americans tended to prefer stability to chaos, and they intervened numerous times in foreign insurrections against the revolutionaries in order to restore order, from the Bolshevik Revolution to various upheavals in Central America.[45]

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[41] "Algeria: The Reluctant Rebel," *Time* LXXII, no. 15, 13 October 1958, 25.

[42] For depictions of the *pieds noirs*, see: *Time* and the *New York Times* from 1957 and 1958, i.e., Henry Tanner, "Army in Full Control in Algeria," *New York Times*, 29 June 1958, E4, and "Algeria: Vanishing Idols," *Time* LXXI, no. 25, 23 June 1958, 21.

[43] "Reluctant Rebel," *Time*, 25.

[44] Ninkovich, 249.

[45] For a discussion of Woodrow Wilson's fear of violent revolution and his interventions in Mexico and Russia, see: Arno J. Mayer, *Politics and Diplomacy of Peacemaking: Containment and Counterrevolution at Versailles, 1918-1919* (New York: Alfred A. Knopf, 1967). For a discussion of American anti-revolutionary intervention in Central America, see: Walter LaFeber, *Inevitable Revolutions: The United States in Central America*, 2nd ed. (New York: W.W. Norton & Company, 1993); David F. Schmitz, *Thank God They're On Our Side: The United States & Right-Wing Dictatorships, 1921-1965* (Chapel Hill: The University of North Carolina Press, 1999).

To further complicate matters, the United States was engaged in a Cold War with the Soviet Union. Satisfying their Western European allies was crucial to U.S. policy in Europe, so American policymakers often found themselves propping up the decaying British and French empires in order to maintain the NATO alliance. Keeping the Third World allied with the West was also crucial in the Cold War, however, so American leaders had to tread a fine line in attempting to please both the Europeans and the peoples of Africa and Asia. Ninkovich concludes, "The American attitude, then, was quite conflicted. It was comprised in equal measures of an understanding of the need for decolonization, a distrust of the political capacity of those same dependent peoples, and a willingness to subordinate anti-imperialist concerns to the exigencies of Cold War globalism."[46]

This dissonance in American thought revealed itself when members of the attentive American public were unable to offer strong support for the Algerians. Despite their anti-imperial sentiments and lack of support for the French, these Americans' concerns about violent revolution and modernization were more decisive in the formation of their views of Algerian Muslims and the FLN. Their concern about modernization caused these Americans to dwell on the inferiority of the Muslim masses, especially as represented by the practice of veiling Muslim women, and their fears of violent revolution oftentimes led them to depict the FLN as a fanatical group of terrorists.

Western anxiety about the nature of Islamic societies and Pan-Arabism often manifested itself as a fascination with and condemnation of the Muslim woman's veil, known as the *hijab* or *haik*. Veiling practices varied by region in Muslim societies, but the most prevalent type of veil worn in Algeria was a long, diaphanous white robe, which covered the entire body, topped with a veil that covered both the hair and the face from the nose down. The intent of veiling was to separate the sexes. It supposedly protected men from female sexuality (manifest in women's hair) and protected

[46] Ninkovich, 236-237.

women from the sexual attention of men.[47] All that was visible of an Algerian woman to a Western observer was her eyes, which made her an object of curiosity, fetish, and pity. Confronted with a creature deprived of her individuality or freedom, the Western world responded by attempting to persuade the Muslim communities in Algeria to unveil their women. Westernized Muslims, too, focused on unveiling their women as part of the key to transforming their society in order to compete with the West.[48]

Franz Fanon, the Martinique-born theorist of African independence movements and an ardent supporter of the Algerian nationalists, wrote an extensive tirade about the Western focus on the veil in his 1959 polemic, *A Dying Colonialism.* Fanon deplored the fact that the veil "generally suffices to characterize Arab society."[49] The French, he argued, were so obsessed with the veil, which they interpreted as a "medieval and barbaric" symbol of women's oppression, that they undertook to uplift Algerian women by waging war on it.[50] Of course, since the colonizers were trying to eradicate the veil, Fanon argued that the colonized chose to cling to veiling practices as a form of resistance against colonialism. Fanon asserted, "The veil was worn because tradition demanded a rigid separation of the sexes, but also because the occupier *was bent on unveiling Algeria.*"[51] Left to its own devices, Fanon suggested, Muslim society's treatment of women, symbolized by the veil, might have improved and evolved over time. Ironically, then, he argued that French efforts to liberate Algeria's women actually had the opposite effect. Fanon claimed that only the outbreak of the revolution allowed Muslim society to relax its strict dress code for women. As the revolution increasingly required more innovative methods in combating the enemy, the rebels began to use

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[47] For a discussion of the purpose of the *hijab*, see: the chapter entitled, "Women and Religion," in Shawn Meghan Burn, *Women Across Cultures: A Global Perspective*, 2nd ed. (New York: McGraw-Hill Companies, Inc., 2005). See also: Marjane Satrapi, *Persepolis: The Story of a Childhood* (New York: Pantheon, 2003).

[48] Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992), 144-168.

[49] Franz Fanon, *A Dying Colonialism* (New York: Grove Press, English Translation, 1965), 35.

[50] Ibid., 38.

[51] Ibid., 63.

women as informants, messengers, lookouts, and, later, as agents to plant bombs in the European sections of Algiers and other cities. This involvement of women necessarily led to fluid veiling practices, for female insurgents often unveiled in order to appear European so that they could infiltrate the European areas of Algeria. Conversely, many women also used the billowy *haik* to hide bombs and weapons on their persons from French army checkpoints. Fanon's main point was that Western observers were unfairly obsessed with the veiling of Algerian women in their assessment of Algerian Muslim society.[52]

American views on the subject were directly influenced by the French, who did indeed attempt to eradicate Muslim veiling practices in Algeria, as Fanon described. According to historian Todd Shepard, "[T]he minds and bodies of Algeria's 'Muslim' women quickly became central to French efforts to win the larger war of international opinion."[53] French colonialists pushed for Algerian unveiling in order to help "modernize" Algeria, for French arguments about the necessity of maintaining control of the colony often centered on the benefits of French "development" of Algeria's society and economy. French feminists, too, criticized the veil as a means of oppression utilized by misogynist Muslim men.[54] Sophisticated U.S. journalists seized upon these French critiques and brought the "Battle of the Veil" to a wider audience.

For example, on July 13, 1958, the *New York Times* Sunday Magazine ran a feature article by Hal Lehrman, a well-known foreign correspondent and member of the Council on Foreign Relations, entitled, "Battle of the Veil in Algeria."[55] The key to this battle was the "unveiling" of

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[52] See: Fanon's discussion of veiling in his chapter, "Algeria Unveiled," in *A Dying Colonialism*, 23-68. Ironically, Fanon often proves Western observer's points about the fundamental misogyny of Algerian society (although Fanon was not Algerian) because, despite his discussion of Algerian women's brave contributions to the revolution, he often depicts Algerian women as superstitious, stupid, and less comprehending of events than Algerian men. He also does not advocate female leadership in the revolution. To him, the women are mere tools born of necessity.

[53] Todd Shepard, *Inventing Decolonization: The Algerian War and the Remaking of France* (Ithaca: Cornell University Press, 2006), 186-187.

[54] Ibid., 189.

[55] This was the only Sunday Magazine article in the *New York Times* that focused on Algeria during the entire period under examination in this paper.

Muslim women on May 16, 1958, staged by the European-directed "Feminine Solidarity" movement. During the military and *pieds noir* uprising in Algeria that began earlier that week, a small group of Muslim women removed their veils in what Shepard calls "a well-choreographed ceremony to reveal smiling faces" in front of eager news cameras.[56] While the women removed their *haiks*, they shouted, "*'Kif-kif la francaise!'* which Lehrman characterized as "strife-torn Algeria's latest war cry." The phrase means, "'Let us be just like the French lady!' – a sentiment," according to Lehrman, "that is menacing only to the immemorial superiority of the Moslem male."[57] Lehrman also described a "flurry of veil-burning" after the *colons* and French military seized power in Algiers on May 13.[58]

With neither a discussion of *which* Algerian women were taking up this "battle cry" nor any mention of how widespread the phenomenon was, Lehrman gave his audience the impression that the revolt of the women was a major phenomenon in Algeria. Implicit in Lehrman's account of the "abysmal inferiority, ignorance and exclusion" of the Algerian Muslim women was a view of the non-European, Muslim men of Algeria as tyrannical and distinctly not "modern."[59] This view of the Muslim world was not unusual. While the typical Muslim woman of Algeria, according to Lehrman, is secluded in her home or is forced to perform manual labor, the man "rides the donkey, dozes or puffs his hubble-bubble pipe at the coffeehouse."[60] It was these men who were seeking their independence from France. Lehrman's assessment, then, implies that Algerian men would not make good democrats – not yet – for they ascribed to a legal system that gave men vastly more rights than

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[56] Shepard, 187.
[57] Hal Lehrman, "Battle of the Veil in Algeria," *New York Times Sunday Magazine*, 13 July 1957, SM14.
[58] Ibid.
[59] Ibid.
[60] Ibid.

women, condoned polygamy, and allowed a father to choose his daughter's husband, "to the extent, if he wishes, of selling her like an animal."[61]

Lehrman contrasted the backwards and oppressive Algerian men with the seemingly benevolent French. The French, at least, ascribed to Western gender roles, which Lehrman assumed were superior. To him, the West offered general gender equality, while Muslims offered only oppression for women. French (especially *pieds noir)* women, on their own initiative, reached out to uplift their Muslim sisters. The French colonial administration, too, undertook efforts to bring about a "simple, steady advance toward freedom by instruction in it," which included efforts to bring more Algerian girls into formal schools and to expose Muslim women to the benefits of modernity.[62] Avoiding mention of French atrocities in Algeria and omitting the fact that France granted its own women the right to vote only in 1947, Lehrman portrays the French as the "good guys," the bearers of modernity and civilization to a clearly backward part of the world. Lehrman essentially encourages his American readers to support French modernizing efforts in Algeria. While he agreed that the bloodshed needed to end, he favored continued French presence in Algeria through a federation, for the Algerians he described were not yet ready for full independence. Algerian men's oppressive treatment of their women indicated political immaturity; they had to be taught how to behave and how to institute "modern," rational legal codes. Lehrman's article offered perhaps the most positive assessment of French conduct in Algeria, while at the same time painting a clearly negative picture of Algeria's Muslims for his American audience.

According to Todd Shepard, then, "The Algerian Revolution brought into focus and onto the world stage the long history of French fixation on the veil; once again, the veil worked as a sign both of all that was alien, pre-modern, and regressive in Muslim and Arab cultures . . . In the late 1950's, the symbol of the 'falling veil' anchored official French efforts to present their fight against

[61] Ibid., SM15.
[62] Ibid., SM15-SM16.

the F.L.N. as a crusade for modernity."[63] Obviously, it was a crusade that was roundly applauded by journalists in the United States, and Americans in general could sympathize with French efforts to modernize the supposedly backward Muslims.

In addition to serving as a symbol of oppression (and its removal a symbol of emancipation), the Algerian woman's *haik* could symbolize inscrutability. Showing only her eyes, the *haik* concealed rather than revealed the nature of the woman. Similarly, in a political cartoon published in *The New York Times*, the white *haik* symbolized the inscrutability of an entire people. In the cartoon, Secretary of State John Foster Dulles stands between two veiled women, one labeled "Nationalist Argument" and the other "French Argument." The caption reads, "Perhaps by turning Moslem I could marry them both," poking fun at the Muslim practice of polygamy.[64] Here the veil symbolizes the equally incomprehensible, perhaps irrational, demands of both the French and the FLN. Secretary Dulles, like the American informed public, is pulled between two foreign women and cannot choose which side to support.

Beyond symbolism, Algeria's Muslim women took on a new importance once de Gaulle returned to power in May 1958. A flurry of American news articles stressed women's inclusion in the new Fifth Republic's political system and touted de Gaulle's attention to them. American observers of the referendum on de Gaulle's constitution for the Fifth Republic in the autumn of 1958 focused on de Gaulle's extension of the franchise to veiled Algerian women. For example, one *New York Times* article about the campaign for a "yes" vote on de Gaulle's constitution described French military men campaigning in front of "groups of veiled women." For the French, the support of Algerian women was crucial, so they had to make sure that the women both wanted to vote and that they would be permitted to vote by their fathers and husbands. The article stressed that de Gaulle's supporters portrayed women's voting as complimentary to Muslim tradition: "They

[63] Shepard, 189.
[64] Editorial Cartoon, *New York Times*, 7 July 1957, 116.

make sure, above all, that it is understood that Moslem women will have separate polling stations where they can lift their veils and permit a woman registrar to check their identity without their being seen by any man."[65] Similarly, the photographs accompanying the September 27, 1958 article "De Gaulle Urges Big Charter Vote" made sure to depict a veiled Muslim woman casting her "yes" vote in front of a European official.[66] Another front-page *New York Times* article the same day described a "white-robed, smiling Moslem woman with lowered veil present[ing] herself with a registration card" to vote, despite FLN threats of reprisals against Muslims who took part in the referendum.[67] *Time* magazine similarly took delight in the seemingly overwhelming support for de Gaulle among Algerian women in the September elections. One article stated triumphantly, "Moslem women swathed in traditional robes waited patiently to cast the first vote of their lives. At Mostaganem, one pregnant Moslem woman defied doctor's orders to take her place in line and produced her baby right in the polling station. In impressive numbers, they voted for De Gaulle."[68]

A December 4, 1958, *New York Times* article also included a photograph of de Gaulle with Muslim women, some veiled completely and others with only their hair covered, in order to stress de Gaulle's direct appeal to Muslim women in 1958 to support his government.[69] De Gaulle, the "Liberator" of France during World War II, here becomes the liberator of Algerian Muslim women. The mere act of voting was a step toward emancipation and modernization for these women, as one journalist argued:

> Often the French appeal to Moslem women takes the form of a simple human effort to bring some light and pleasure into their dark and joyless lives. Some women who attended a meeting in Marengo, southwest of Algiers, a few days ago saw and spoke to each other for the first time since they went to school together years ago. Since

[65] Henry Tanner, "Army Drive Spurs the Algeria Vote," *New York Times*, 13 September, 1958, 6.
[66] Robert C. Doty, "De Gaulle Urges Big Charter Vote," *New York Times*, 27 September 1958, 3.
[67] Thomas F. Brady, "Moslems Go to Polls," *New York Times*, 27 September 1958, 1, 2.
[68] "*Oui* to De Gaulle," *Time* LXXII, no. 14, 6 October 1958, 25.
[69] Henry Tanner, "De Gaulle Paying 5th Algeria Visit," *New York Times*, 4 December 1958, 3.

> then, they had lived as near neighbors, each behind the windowless walls of her dwelling.[70]

Another group of women, driven to a coastal town on the Mediterranean eight miles from their homes by French campaigners, "were overwhelmed. They had never seen the sea."[71] Nearly every journalist who mentioned Algerian women stressed that they "never had the right to vote before."[72] Following de Gaulle's referendum victory in late September, some Muslim women even came forth as candidates for local office in Algeria during the November 1958 elections.[73] These press depictions reinforced the fact that Muslim women had been oppressed by their men, the very men who hypocritically sought independence for themselves. The implication was that such women would continue to be oppressed were it not for de Gaulle and his civilizing mission.

Criticisms of the Muslim population of Algeria went far beyond the condemnation of their treatment of women. The Muslim masses were most commonly portrayed as poor, pitiful, terrorized by both the FLN and the *pieds noirs*, and too childlike to understand clearly what was occurring in their country. Like rabbits, their explosive birth rate caused both French and other Western observers to fret over the "teeming millions" of Muslims in Algeria.[74] Lehrman asserted that Algeria's "galloping demography" was its curse, which stemmed mainly from the fact that, in Algeria, "women are little more than child-bearing machines."[75] Such uncontrolled overpopulation threatened to overwhelm the European minority of Algeria while at the same time causing conditions like overcrowding, unemployment, and food shortages, which could lead to crime, violence, and more open insurrection. The people at *Time* magazine, for example, argued, "No matter how glamorous Charles Boyer made it seem, the Casbah in Algiers is a squalid slum

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[70] Henry Tanner, "Algerian Women Get Gaullist Bid," *New York Times*, 17 September 1958, 4.
[71] Tanner, "Algerian Women," 4.
[72] Henry Tanner, "Wins in Algeria by Bigger Margin," *New York Times*, 29 September 1958, 1. See: "France: The Fifth Republic," *Time* LXXII, no. 15, 13 October 1958, 28.
[73] Henry Tanner, "Election Failure in Algeria is Seen," *New York Times*, 10 November 1958, 11.
[74] "Liberty, Equality, Fraternity," *New York Times*, 6 September 1958, 16.
[75] Lehrman, "Battle of the Veil," SM16.

overpopulated by 80,000 natives, where pimps and petty thieves dart about labrynthian alleyways, secret passages and connecting rooftops." Nothing could be more exotic, or appear more chaotic and inferior, to the average American.

The Muslims were also depicted as the passive victims of the violence of both the French Army and the FLN. During the Battle of Algiers, "terrified Moslems in the area shrieked and scattered."[76] Following the attempted *coup d'Etat* by the *colons* and Army in Algeria on May 13, 1958, thousands of Muslims came to Algiers to celebrate the return of de Gaulle hand-in-hand with the Europeans. *Time* recognized, "Terrorized for almost four years by the F.L.N. on one hand and the Europeans on the other, the Moslems of Algeria – particularly in the cities – have greeted the promise of integration [offered by the *colons*] with immense relief." However, like children, "Without entirely understanding what is happening or why they are suddenly embraced as brothers, they have been carried away" by "the chance to go to town and celebrate, with all expenses paid [any Muslim who demonstrated in support of de Gaulle was not to lose a day's pay]."[77] The Muslims are portrayed like teenagers besotted with a pop star. They are depicted as supporting de Gaulle without having a true understanding of him. "By the mere fact of talking recently with Algerian nationalist leaders, he has in Moslem eyes recognized Algerian nationalism. And to the average Algerian, who has little use for institutions and great respect for individual leaders, De Gaulle stands for power and authority in the old-fashioned tribal sense."[78] Like savage children, this implies, these people require a strong authority figure to keep them in line. To American observers, the Muslims obviously were not intelligent enough to grasp the meaning of the events of May 1958. The implication is that such a pitiful and childlike people would be unable to handle complete independence from France.

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[76] "Algeria: Death," *Time* LXX, no. 11, 9 September 1957, 37.
[77] "Algeria: Cheaper Than War," *Time* LXXI, no. 22, 2 June 1958, 19.
[78] "Cheaper Than War," *Time*: 19.

A more damning *New York Times* editorial, which mistakenly defined all of the Muslims in Algeria as Arab (when most were of Berber descent), stated simply, "[T]he only state to which all Arabs owe allegiance is a state of mind."[79] The Muslim "state of mind," of course, appeared irrational and dangerous to American observers.[80] Pan-Arabism posed a real threat to the Western alliance against Communism. The *New York Times* echoed this Cold War fear when it commented that "Nasserization" of not only Algeria but also of its neighbors, Morocco and Tunisia, was as scary a prospect as Communist infiltration into North Africa.[81] Even pro-independence Senator Kennedy feared that the freedom-seeking Algerians could be lured into the Communist camp.[82] American concern about foreign influence in Algeria betrayed a mindset that assumed the Muslims of Algeria were incapable of forming their own ideology about the world; therefore, like children, they were extremely susceptible to foreign suggestion. Because they could be dazzled by the promises of Pan-Arabism or of Communism (often conflated in American opinion), continued French influence, even if it was merely the influence of France's political culture, was clearly desirable to the alternative.

Despite American opinion leaders' clearly derogatory perceptions of the Muslim masses, they reserved their harshest criticisms for the FLN. In describing the initial Algerian revolt on V-E Day in 1945, *Time* magazine in 1958 described the rebel precursors to the FLN in terms reminiscent of how Native Americans were depicted in Wild West novels. Following a scuffle with the police, who tried to take away the rebels' banners that said, "Down with Colonialism," someone fired a shot: "In a sudden fury, bands of Moslems took off through Setif, savagely attacking every European they saw with clubs, knives, and hatchets. And as word of the Setif 'uprising' spread

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[79] "Arab Turmoil: Atlantic to Mideast," *New York Times*, 16 February 1958, E1.
[80] For the most influential and extensive discussion of Western (including American) perceptions of Muslim societies, see: Edward Said, *Orientalism* (New York: Vintage Books, 1979).
[81] Thomas F. Brady, "Tunisia Sees Algerian 'Poison' Spreading," *New York Times*, 16 February 1958, E5. See also: "Algiers, Cairo, and Baghdad," *New York Times*, 16 February 1958, E8. Nasser's nationalization of the Suez Canal in 1956 was fresh in the attentive public's mind.
[82] Kennedy, "Imperialism," 10786.

through the rugged mountains of Kabylia, bloodthirsty Berber bands, killing, pillaging and looting, set off on the warpath against the area's 200,000 Europeans."[83] Such imagery is evocative of Indian raids against American settlers on the western frontier, and American readers in the 1950's could be counted upon to make that connection and to sympathize with the white settlers in 1945 Algeria, as they had been taught to sympathize with white settlers in American history, Wild West novels, and movie Westerns.

The FLN of the Algerian War was the direct descendant of this wild horde of savage Muslims from the Setif uprising. It is not surprising that the most common portrayal of the FLN and its sympathizers was that of single-minded "fanatics" who terrorized both the "civilized" Europeans and the pitiful mass of their fellow Muslims.[84] To the *New York Times*, the FLN leadership, which established a provisional government in exile in Cairo in September 1958, was both "extreme" and "intransigent" in its demands for nothing short of immediate and complete independence from de Gaulle.[85] The *New York Times* also described the FLN as illegitimate, calling it "ultra-militant" and stating that it "has no mandate from the Algerian people and is in fact fighting not only the French but also the more moderate Algerian elements which might constitute a majority."[86] *Time* magazine described the FLN as "an organization which in the name of Algerian nationalism wages merciless war on France," whose leaders have "little in common with the hopeless, half-starved Moslem peasants who make up the mass of Algeria's population."[87] *Time* lamented, "Dirty and cruel, the Algerian rebellion is a war of torture and treachery, of ambush and sabotage."[88] In addition to terrorizing Europeans and Muslims, American writers suggested that the

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[83] "Algeria: The Reluctant Rebel," *Time* LXXII, no. 15, 13 October 1958, 27.
[84] For such descriptions, see: "Algeria: Death," *Time*, 37; "Algeria: Death of a Diehard," *Time* LXXI, no. 23, 9 June 1958, 29.
[85] "The Algerian 'Government," *New York Times*, 20 September 1958, 18.
[86] "The Voice of Africa," *The New York Times*, 23 April 1958, 32.
[87] "Reluctant Rebel," *Time*, 25.
[88] Ibid.

FLN also had no compunction about terrorizing its own members with "the time-honored method of liquidating an unsuccessful and 'fractional' leader."[89]

Despite the fact that many informed Americans sympathized with the FLN's desire for independence, they found its violence unacceptable. *Time* magazine reported an incident in September 1957 that occurred during the infamous "Battle of the Casbah" that American audiences probably found shocking. Allegedly, French paratroopers cornered two of the FLN's "top terrorists" in the Casbah section of Algiers. After resisting for an hour, the rebels indicated that they would surrender if the French commanding officer promised that they would not be tortured. Once the French agreed and called a cease-fire, the rebels lowered a "token of surrender" from a window, which turned out to be a bomb. The bomb exploded, wounding three of the French officers who had walked over to retrieve it. The incident ended after another two hours' siege with the combat death of one of the rebels and a suicide bombing by the other rebel, which killed his mistress and destroyed the house.[90] The rebels' detonation of a bomb after their pretense of surrender could only be interpreted as dishonorable, and the impulse to become a suicide bomber was alien to American society. Americans saw the targeting of civilians as criminal "terrorist" activity, not legitimate warfare. The FLN often set off bombs in French cafes and other areas of heavy civilian traffic in Algeria. Therefore, U.S. audiences could only see these men as terrorists. Then, as now, Americans could not condone terrorist activity.

Despite the FLN's brutality, its leaders, unlike the Muslim masses, were not perceived as childlike or stupid. These men were educated, elite, and often spoke French better than Arabic. They utilized "the classic tactics of civil strife, sabotage and guerrilla warfare . . . with terrible effectiveness and a remarkable display of coordination."[91] Although American journalists saw most

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[89] "Death of a Diehard," *Time*, 29.
[90] "Algeria: Death," *Time*, 37.
[91] "Algerian Terror in France," *New York Times*, 27 August 1958, 28.

as ruthless and fanatical, they also recognized that the FLN leadership successfully "aimed at combining the fighting in Algeria with diplomatic maneuvers and appeals to world opinion."[92] They were even slick enough to "wheedle" their way into Kwame Nkrumah's Accra Conference in the spring of 1958, where M'Hammed Yazid, FLN observer at the UN, was able to "steal the show" and garner support from the previously hesitant governments of Ghana, Liberia, and Ethiopia for the FLN cause.[93] FLN leaders also proved persuasive enough to convince the leaders of Morocco and Tunisia to offer them unqualified support, which ran the risk of France breaking off relations with both countries.[94] Support for the FLN by members of the United Nations also plagued France throughout the war, especially during 1957, when the UN proposed a resolution on the Algerian War. More pernicious, Egypt's Nasser lent his support to the Algerian nationalists, and the specter of Communist bloc support was never far from the minds of Western observers.[95] The American opinion leaders saw the FLN as cunning and capable, but never worthy of support.

In the final analysis, the conflict between informed Americans' anti-imperialist, anti-French ideology, which pre-disposed them to criticize French warfare in Algeria, and their anxiety about the backward Algerian Muslim society and the fanatics of the FLN prevented the attentive American public from throwing its weight behind either of the combatants. Presidents Eisenhower too was unable to choose which side to support. Since they could not bring themselves to support either side, despite Senator Kennedy's exhortations that they support the FLN, informed Americans stood and watched as the French and Algerians engaged in a bloody conflict that seemed like it would never end. When Charles de Gaulle unexpectedly regained power in France in May 1958, he offered an alternative to both the hard-line imperialism of the French Fourth Republic and *pieds noirs* and the

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[92] "Death of a Diehard," *Time*, 29.
[93] "Ghana: The African Personality," *Time* LXXI, no. 17, 28 April 1958, 30.
[94] "North Africa: The Threat of Worse," *Time* LXXI, no. 19, 12 May 1958, 27. See also: "North African Unity," *New York Times*, 2 May 1958, 26.
[95] "The Mediterranean: Flames of Violence," *Time* LXXI, no. 25, 23 June 1958, 18.

fanatical nationalism of the Muslim FLN. The fact that American observers were nearly unanimous in their support for de Gaulle once he returned to power, notwithstanding the tension that characterized his World War II relationship with Washington, demonstrated their relief at being offered a way out of their ideological dilemma.[96] The leader of the "Free French" during WWII was not known as an imperialist, and he came to power with the promise that he would devise a peaceful solution to the crisis in Algeria. This appealed to the anti-imperial consciences of de Gaulle's American enthusiasts. De Gaulle also seemed the perfect antidote to the "weak" and "effeminate" French leadership, for he was decisive, strong, and decidedly masculine. Costigliola has noted that de Gaulle's rise to power positively affected U.S. perceptions of the French, for "coding of the French as feminine diminished sharply after 1958, when patriarchal de Gaulle came to power and replaced the weak, diffused parliamentary government of the Fourth Republic."[97] Indeed, de Gaulle's creation of "the strong, executive-dominated regime of the Fifth Republic" and his immediate inclusion of the Algerian Muslims, especially women, in French politics seemed promising.[98] Thereafter, Americans concerned about foreign affairs resolved their internal conflict about whom to support in the Algerian War by offering moral support for de Gaulle's efforts to broker a peace in Algeria, although peace would not come for another four years.

While the Algerian War ended decades ago, it should not be forgotten. The war exposed a critical paradox in American views toward the Third World. It demonstrated that Americans'

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[96] See: "France: 'I Am Ready,'" *Time* LXXI, no. 21, 26 May 1958, 24-29; "France: The Duellists" and "Algeria: Cheaper Than War," *Time* LXXI, no. 22, 2 June 1958, 18-20; "France: De Gaulle to Power" and "Algeria: The Organizer," *Time* LXXI, no. 23, 9 June 1958, 23-29; "France: The Providential Man" and "Algeria: Successful Mission," *Time* LXXI, no. 24, 16 June 1958, 19-21; "France: The Beautiful Road," *Time* LXXI, no. 25, 23 June 1958, 20-21; "France: *Oui* to De Gaulle," *Time* LXXII, no. 14, 6 October 1958, 25; "France: The Fifth Republic," *Time* LXXII, no. 15, 13 October 1958, 24-25; "France: Winner and Champion," *Time* LXXII, no. 17, 27 October 1958, 22-23; "France: 'The Peace of the Brave,'" *Time* LXXII, no. 18, 3 November 1958, 24-25; "France: The Page of Progress," *Time* LXXII, no. 24, 15 December 1958, 22-23. See also: *New York Times* coverage of de Gaulle's return to power from May 1958 through January 1958, i.e., "Acclaim for de Gaulle," *New York Times*, 20 June 1958, 22; "Assurances from France," *New York Times*, 2 July 1958, 28; "De Gaulle's Rain Check," *New York Times*, 11 July 1958, 22; and Henry Giniger, "De Gaulle Opens Drive to Sell Constitution," *New York Times*, 24 August 1958, E4.

[97] Costigliola, 4-5.

[98] Ibid., 5.

professions of anti-imperialism were tempered by beliefs in the West's civilizing mission and by an anti-revolutionary disposition. Since most of the world gained its freedom by the end of the twentieth century, and since the Cold War has ended, it might seem that such concerns about the Third World are no longer relevant. However, informed American attitudes toward the Algerian War revealed a deeper anxiety about the Muslim world that American society has been unable to resolve. To many Americans, Algeria's Muslims were inscrutable, backward, irrational, childlike, and potentially fanatical. De Gaulle, to their relief, kept these potentially dangerous Muslims in check when he took power and negotiated peace with the nationalists. The American attentive public escaped the need to deal directly with an Islamic society in that instance. However, the American government and people faced Muslim movements directly again and again in the four decades following the war in Algeria and, now, indefinitely into the twenty-first century. Educated Americans' inability to view the Muslims in Algeria as rational equals would inform these later encounters with other Muslim societies, and anxiety about Muslim "fanatics" and "terrorists" still pervades American society today.

A State of Faith: Tocqueville's Civil Apologetic

By

Jonathan Wilfred Wilson
Syracuse University

"No doubt the reader has noticed the preamble to these regulations," remarked Alexis de Tocqueville.[1] The young French aristocrat and reformer was referring to New England's seventeenth-century provisions for universal public education. He pointed out that the Puritan education code opened with the declaration that "one chief project of that old deluder, Satan, [is] to keep men from the knowledge of the scriptures."[2] Tocqueville mused on the spiritual nature of this civil law, advancing it as an illustration of the fact that "in America it is religion which leads to enlightenment and the observance of divine laws which leads men to liberty."[3] This line encapsulates one of the chief themes of Tocqueville's *Democracy in America* (1835 and 1840): religious faith can be an essential companion to egalitarian democracy. After a nine-month tour of the United States, Tocqueville concluded that America's example provided reason for his fellow nineteenth-century liberals to embrace religion.

Historians and political scientists debate the nature of Tocqueville's claim. Does *Democracy in America* advocate religion on a politically functional basis, for the sake of democratic expedience, or on a substantive basis, for the sake of conviction? (One scholar has characterized the same alternatives as "strategy" and "sincerity."[4]) In other words, did Tocqueville really believe in the metaphysical claims of the religion he was advancing? In many ways, the text and Tocqueville's life story suggest that he did not. Although Tocqueville argued in *Democracy* that religion is not only

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[1] Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence (New York: Anchor Books, Doubleday & Co., 1969; Harper & Row Perennial Library, 1988), 45.
[2] Ibid.
[3] Ibid.
[4] James M. Sloat, "The Subtle Significance of Sincere Belief: Tocqueville's Account of Religious Belief and Democratic Stability," *Journal of Church and State* 42.4 (Fall 2000): 759.

compatible with, but even necessary to human freedom, he did not accompany this political appeal with traditional metaphysical arguments. In other words, contrary to what would be expected if the book's approach is substantive and devout, the author did not direct his appeal to individual conscience. Furthermore, Tocqueville's own spiritual convictions are difficult to define; although he participated in Catholic services, he expressed grave and persistent doubts about their content, as this article will show. This might lead readers to conclude that he respected religion for its utility rather than for its truthfulness.

Nevertheless, while Tocqueville's personal beliefs are relevant to the discussion, they were ambiguous enough to preclude an easy answer to the question. On one hand, a philosopher with such doubts as he expressed seems unlikely to have been a champion of sincere, substantive faith. On the other, a philosopher with such spiritual longings as he confessed seems unlikely to have advocated merely expedient forms. Despite Tocqueville's doubts about the particulars of Catholicism, the religion he followed formally if not earnestly, we have little evidence that he entirely rejected the metaphysical content of the faith. Rather, Tocqueville's descriptions of himself indicate a desire, if not an ability, to believe substantively. In addition, his writings suggest that he believed that the sources of human desires (including religious desires) lie in something beyond humanity. He apparently believed in the existence of God and a spiritual aspect to reality, even if he doubted the validity of particular religions.

In fact, if Tocqueville's own belief in Catholicism was difficult even for him to establish, defend, or (on the other hand) overcome, perhaps readers should set aside the question of religious content altogether. This is the perspective that the current article will advance. Tocqueville was employing neither a politically functional nor a substantive argument for religious forms. Instead, he argued that religion, broadly speaking, is already a core part of fulfilled human existence in democratic societies as well as aristocratic ones. In his understanding, religion and democracy run

parallel as components of the ideal human life. Furthermore, he believed that specific religious institutions derive from higher spiritual truths, which exist prior to both democracy and organized religion. In other words, if Tocqueville's religion is expedient, it is religiously as well as politically expedient.

From its author's perspective, *Democracy in America* was not an attempt to promote religion as either true or useful, but rather an attempt to remove the most prominent barrier to its acceptance on either basis. It is in this sense that the book may be seen as an apologetic work. Reacting to other French liberals, who tended to attack religion as a threat to human liberty, Tocqueville collected evidence that religion—which he viewed as humanity's natural outlook—is compatible with freedom after all.

Support for a Functional Interpretation

Certainly, good arguments can be made for a functional understanding of Tocqueville's religion. Not least convincing is the argument that Tocqueville lacked firm doctrinal conviction for most of his life. The fact that he persisted in attending Catholic services despite his doubts suggests that his perspective on religion was functional, and the fact that he advocated religion on the basis of compatibility with democracy despite these doubts, reinforces the impression.[5]

In a personal letter written just a few years after the publication of *Democracy*, the young nobleman confessed frankly,

> I am not a believer (which I am far from saying in order to praise myself), but nonbeliever that I am, I have never been able to keep myself from feeling profound emotion when reading the gospel. Several of the most important doctrines contained there have always struck me as absolutely new, and the collection forms something entirely different from the body of philosophical ideas and moral laws that had previously governed human societies.[6]

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[5] Tocqueville, 295; this establishes Tocqueville as a "practicing Catholic" able to sympathize particularly with Catholic priests during his trip through the United States.

[6] Tocqueville to Arthur de Gobineau, 20 October 1843, my translation; quoted in Jean-Claude Lamberti, *Tocqueville et les deux démocraties* (Paris: Presses Universitaires de France, 1983), 205.

Thus, while Tocqueville was emotionally moved by the concepts of Christianity, he did not consider himself a sincere believer in their propositional accuracy. He was not proud of his incredulity, perhaps because he admired the social implications of the gospel; while doubting the doctrines, he acknowledged their moral usefulness. This functional respect for Christianity, especially as it played out in American society, is evident in *Democracy*; presumably, sincere faith is not.

Historians trace Tocqueville's remorseful doubt to an incident or phase in his youth when he chanced upon the work of disbelieving philosophers in his father's library. "These books," writes George Wilson Pierson, "without making an atheist of the fifteen-year-old student, shook his faith irreparably."[7] Decades later, Tocqueville described the intensity of the experience: "I felt all at once the sensation described by those who have witnessed earthquakes, when the ground moves under their feet, walls around them, ceilings over their heads, furnishings in their hands, all nature before their eyes."[8] He had already used the same metaphor in a letter from Philadelphia in 1831, which, while avoiding specific reference to religion, explained that his youthful struggle with uncertainty forced him into a form of general agnosticism: "I ultimately convinced myself that the search for absolute, *demonstrable* truth, like the quest for perfect happiness, was an effort directed toward the impossible."[9]

Doris Goldstein offers the possibility that Tocqueville eventually recovered from the emotional turmoil this event caused him, but she notes that he never overcame his doubt.[10] Certainly, he never welcomed the resulting lack of belief, but it presents a difficulty to anyone who would argue that *Democracy* urges its readers to substantive faith. This apparently would require the

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[7] George Wilson Pierson, *Tocqueville in America* (Baltimore: Johns Hopkins University Press, 1996), 17.

[8] Tocqueville to Mme. Swetchine [26 February 1857], in Agnès Antoine, *L'impensé de la démocratie: Tocqueville, la citoyenneté et la religion* (Paris: Librairie Arthème Fayard, 2003), 175; my translation.

[9] Tocqueville to Charles Stoffels, 22 October 1831, emphasis in original; in *Selected Letters on Politics and Society*, ed. and trans. Roger Boesche, James Toupin (Berkeley: University of California Press, 1985), 63-64.

[10] Doris S. Goldstein, *Trial of Faith: Religion and Politics in Tocqueville's Thought* (New York: Elsevier Scientific Publishing, 1975), 5.

author to have admonished his readers to embrace what he could not. Having lost his faith in 1820, denied the possibility of certainty in 1831, and affirmed himself an infidel in 1843, Tocqueville seems not to have held any firm religious conviction when he penned *Democracy*.

Sanford Kessler adds that the "utilitarian approach to religion" adopted by Tocqueville in the book shows that the writer had an essentially secular and skeptical orientation. "The starting point for Tocqueville's analysis," Kessler writes, "is not the Bible, but the human need for metaphysical certainty. Tocqueville discusses this need exclusively in terms of temporal rather than otherworldly happiness, rarely mentioning service to God as the proper end of faith."[11] For example, Tocqueville described the "principal source of religious beliefs among democratic peoples" this way:

> For without ideas in common, no common action would be possible, and without common action, men might exist, but there could be no body social. So for society to exist and, even more, for society to prosper, it is essential that all the minds of the citizens should always be rallied and held together by some leading ideas; and that could never happen unless each of them sometimes came to draw his opinions from the same source and was ready to accept some beliefs ready made.[12]

Furthermore, Kessler charges that Tocqueville was ready to alter the content of religious faith when necessary to serve the needs of democracy, even rejecting central themes of Christianity as democratically inexpedient.[13] Such flexibility seems to be the very definition of a functional approach to religion.

Perhaps the gravest objection that can be posed to a substantive interpretation comes from the end of Tocqueville's chapter on "how religious beliefs at times turn the thoughts of Americans toward spiritual things."[14] This passage near the end of the book presents Tocqueville's proposal for

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[11] Sanford Kessler, *Tocqueville's Civil Religion: American Christianity and the Prospects for Freedom* (Albany: State University of New York Press, 1994), 31-32.

[12] Tocqueville, 433-434.

[13] For example, see: Kessler notes that Tocqueville seemed to contradict well-established Christian teachings on humility. See: Kessler, 35-36; Tocqueville, 632.

[14] Tocqueville, 542.

an alternative to an established church. Given the salutary effects of even minimal religion in a free population (even "when one believes no more than that after death the divine principle embodied in man is absorbed into God or goes to animate some other creature"[15]), the author explained, legislators should take steps to promote spirituality without creating an official religion. To this end, politicians may find it useful to dissemble:

> What means are then left to the authorities to lead men back toward spiritual opinions or to hold them within the religion thereby suggested? . . . I think that the only effective means which governments can use to make the doctrine of the immortality of the soul respected is daily to act as if they believed it themselves. I think that it is only by conforming scrupulously to religious morality in great affairs that they can flatter themselves that they are teaching the citizens to understand it and to love and respect it in little matters.[16]

So Tocqueville advocated a form of religious sentiment having minimal doctrinal content, fostered by society for the sake of its temporal benefits, and disseminated through insincere observance if necessary. While he may have embraced his doctrinal minimum, the immortality of the soul, as substantively true, Tocqueville seems to have framed his appeal in *Democracy* in functional terms. He assured his audience that religion does not need to be substantively true to be beneficial.

Support for a Substantive Interpretation

On the other hand, we may observe that the foremost characteristic of *Democracy*'s religion is its practice by pious individuals and communities in America. Some practitioners' observance reflected consciousness of social utility, yet that utility resulted largely from the substantive convictions of other people. Tocqueville was hardly blind to this. In the United States, he noted approvingly, religion was powerful precisely because it limited itself to private conviction rather than public authority, so that "its influence is more lasting" than in Europe; "it functions in one sphere

[15] Ibid., 544.
[16] Ibid., 546.

only, but it pervades it and dominates there without effort."[17] Elsewhere in *Democracy* he added, "In this way Christianity has kept a strong hold over the minds of Americans, and—this is the point I wish to emphasize—its power is not just that of a philosophy which has been examined and accepted, but that of a religion which has been believed in without discussion."[18]

Although social pressure reinforced the religious tone of American society by suppressing doubts, in other words, that pressure came from the primacy of the genuine believers rather than from "the political organization."[19] In contemporary Europe, meanwhile, the lack of such powerful heartfelt belief was allowing society to descend to an unnatural state of skepticism, in which the unbelievers marginalized the believers and the uncertain.[20] Thus, we see that Tocqueville recognized that the religiosity of the United States was the result of substantive faith, although it was bolstered by the functional respect shown to religion by American unbelievers. By appealing to this model as an appropriate one for other democratic societies to emulate, Tocqueville seems to have undercut a purely functional interpretation. "While he does not call people to the altar of religious belief," as James Sloat writes, "he certainly hopes that many will go there and remain faithful, sincere, and confident in their belief."[21] Tocqueville was aware that his recommendations for religious society required at least some practitioners to base their observance on substantive conviction.

Cynthia Hinckley presents a further reason for interpreting Tocqueville's religion substantively. "Scholars," she writes, "have mistaken the distinction between genuine religion and organized religion for a distinction between organized religion and civil (mythical) religion."[22] According to her analysis, Tocqueville viewed the visible forms of religion as "a species" or "a

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[17] Ibid., 299.
[18] Ibid., 432.
[19] Ibid.
[20] Ibid., 300.
[21] Sloat, 779.
[22] Cynthia J. Hinckley, "Tocqueville on Religious Truth and Political Necessity," *Polity* 23.1 (Fall 1990): 52.

reflection of the highest sort of religion."[23] While Tocqueville questioned the substantive accuracy of Christian doctrine, he accepted the substantive truthfulness of its spiritual core. Hinckley quotes a letter Tocqueville wrote in 1837, which defined "what an established worship is to religion—a form which powerful minds, whether for good or evil, break through, but which serves as a protecting barrier to the weak and ordinary."[24] If this view is accurate, Tocqueville's grave doubts about the specifics of Christianity did not threaten his belief in higher spiritual truths from which organized religion derives. Thus, *Democracy*'s vagueness and flexibility on theological particulars result not from insincerity but from an authentic religious conviction, however unorthodox that conviction may have been. In addition, Hinckley notes, while Tocqueville naturally wished to be as inclusive as possible for the sake of building a strong democratic society, not all religions were acceptable to him. His religious orientation was specifically Christian.[25]

Goldstein concludes from a similar analysis that the debate over Tocqueville's Christianity is "essentially a matter of nomenclature. Unquestionably, he thought in terms of the God revealed in the Gospel, and of the basic philosophical and ethical tenets of Christianity. . . . But he was unconcerned with the doctrinal differences that separated the various Christian Churches."[26] Behind his Catholicism, which he could not help questioning, was at least a form of deism, which led him at times to restrain his doubts. William Johnston summarizes this view: "Tocqueville is said to have practiced as a Catholic while harboring doubts about Catholicism's many dogmas. In other words, he may have been a Christian before he was a Catholic and a philosopher before he was a Christian, the priority being as important as the practice."[27]

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[23] Ibid., 51.

[24] Tocqueville to Louis de Kergolay, 1837; quoted in Hinckley, "Tocqueville on Religious Truth," 51.

[25] Hinckley, "Tocqueville on Religious Truth," 41, 48-49.

[26] Goldstein, 9.

[27] William E. Johnston, Jr., "Finding the Common Good Amidst Democracy's Strange Melancholy: Tocqueville on Religion and the American's 'Disgust with Life,'" *Journal of Religion* 75.1 (January 1995): 60n.

When interpreting *Democracy in America,* therefore, we may find it worthwhile to examine more closely Tocqueville's own attitudes toward religion. It is not enough to note that Tocqueville harbored doubts about the doctrinal content of Catholicism; his doubts do not prove that he did not encourage others to hold sincere faith, nor that he denied that Catholicism reflects a measure of substantive truth.

First, we should note that while Tocqueville clearly lacked firm faith in the Catholicism he practiced, his persistent doubts did not induce him to adopt hostility toward sincere, zealous belief. This set him apart from many of his fellow liberals, whom he accused of attacking religion unjustly: "But they have seen religion in the ranks of their adversaries, and that is enough for them; some of them openly attack it, and the others do not dare to defend it."[28] Tocqueville, by contrast, displayed only remorse at his inability to overcome his doubts. During his travels in America, he explained in a letter that he had embraced life's uncertainty as an act of resignation, a step required in order to emerge from despair; he avoided metaphysical speculation as a self-inflicted torment.[29]

"The crisis Tocqueville experienced in about the 1820s," Agnès Antoine writes, "does not constitute an isolated case. It is characteristic, on the contrary, of the post-revolutionary generation hit by the *mal du siècle*; in other words, the generation that experienced human existence in a disenchanted world."[30] Tocqueville was the victim of a common sort of "existential malaise"; he tried to overcome it by focusing on the certainties of the present life, but this was not enough.[31] "If it were sufficient only to want to believe," Tocqueville wrote a friend, "I would have been devout a

[28] Tocqueville, 17.
[29] Boesche, 64. Tocqueville to Stoffels, 22 October 1831.
[30] Antoine, 175, my translation.
[31] Ibid.

long time ago."[32] That feeling of helplessness may be an important element in a proper understanding of Tocqueville's work.

An interesting remark in *Democracy* implies that Tocqueville drew a distinction between such a condition of uncertainty and a condition of actual unbelief. Describing what he saw as Europe's unnaturally aggressive secularism, the author noted that his society was characterized by new breeds of people afraid to identify with Christianity. These included Christians unwilling to claim their faith, but also "others in a permanent state of doubt who already pretend no longer to believe."[33] According to Tocqueville, then, it is possible to have persistent questions without becoming a non-Christian; in fact, claiming a loss of faith when one is merely uncertain is disingenuous. Tocqueville did tell Gobineau in 1843 that he had lost his faith, but he was not always able to describe his spiritual state so succinctly, and *Democracy* never betrays a truly skeptical outlook. Instead, Tocqueville's book was an attempt to balance the certain needs of this world with the appealing uncertainties of the next.

Tocqueville at times sensed a related tension between reason and revelation, pragmatism and zeal, even within the religious observance he saw in America. Despite the ubiquitous influence of religion in the United States, he wrote to Louis de Kergolay from New York, "either I am badly mistaken or there is a great store of doubt and indifference hidden underneath these external forms."[34] From America's Protestant milieu, which involved a struggle to balance authority and reason, two extremes seemed to be emerging: fervent Catholicism on one side and Unitarian deism on the other. America, like the author himself, wrestled with both "religious and irreligious instincts," and neither extreme provided satisfaction for the soul.[35] Pure authority "gives rise to real

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[32] Antoine, 176; my translation.
[33] Tocqueville, 300.
[34] Tocqueville to Louis de Kergolay, 29 June 1831; in Boesche, 48.
[35] Ibid., 50.

and profound beliefs; but it . . . creates divisions on earth that should exist only in the other life"; conversely, pure reason "is an inert work, without strength and almost without life."[36] This tension was one cause of "the misery of our nature"—not just the American nature, but also that of the rest of modern humanity.[37] Tocqueville saw his own uncertainty mirrored in American society, which for the moment had resolved the difficulty by settling for pluralistic religious observance.

Second, after observing that Tocqueville did not evince hostility toward religion, we should note that he indicated that truly effective (functional) religion requires genuine belief. He not only described an American religiosity that was effective because it incorporated substantive belief, as noted in the previous section; he also specifically prescribed substantive belief as a precondition of full functionality.

In the ninth chapter of the second volume of *Democracy,* for example, Tocqueville briefly departed from his pragmatic language. He had been explaining that the American religious model was appropriate to democracies because it made allowance for self-interest, allowing it to combat the destructive tendencies of individualism. He did not wish, however, for the reader to interpret the religion he was describing as a purely self-serving observance. On the contrary, he explained that religious people act not only out of desire for gain (reward in the afterlife) but also because they love God for his own sake:

> Christianity does, it is true, teach that we must prefer others to ourselves in order to gain heaven. But Christianity also teaches that we must do good to our fellows for the love of God. That is a sublime utterance; man's mind filled with understanding of God's thought; he sees that order is God's plan, in freedom labors for this great design, ever sacrificing his private interests for this wondrous ordering of all that is, and expecting no other reward than the joy of contemplating it.[38]

Thus, Tocqueville observed that at least part of the civic utility of religion comes from a substantive belief in a personal God. This passage cannot easily be emptied of theological sincerity; the socially

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[36] Ibid., 53.
[37] Ibid.
[38] Tocqueville, 529.

useful Christianity described here is contingent upon faith in God's existence. Furthermore, even this religion's appeal to self-interest, compatible as it seems to be with a functional orientation, requires faith in the reality of the afterlife. Therefore, although Tocqueville was commending this religion for its practical benefits, he was also deliberately portraying it as genuine belief.

A similar emphasis on sincerity may be seen in Tocqueville's correspondence during his research for the book. In the same letter that told Kergolay about America's struggle to reconcile reason and authority, Tocqueville lingered over the potential consequences of Unitarianism's rapid growth. "Can deism ever be suitable for all classes of people?" he wondered. "Especially for those who have the most need to have the bridle of religion? This is what I cannot convince myself of."[39] He proposed that sincerely held doctrine is a crucial element in religious observance, even for those holding only a minimal faith, and even when their religion's external forms are purely functional:

> I confess that what I see here disposes me more than I ever was before to believing that what is called natural religion could suffice for the superior classes of society, *provided that the belief in the two or three great truths that it teaches is real* and that something of an external religion mixes and ostensibly unites men in the public profession of these truths. By contrast, the people either will become what they once were and still are in all parts of the world, or they will see in this natural religion only the absence of any belief in the afterlife and they will fall steadily into the single doctrine of self-interest.[40]

At this point early in his trip through America, then, Tocqueville rejected as functionally useless all forms of religion that are devoid of doctrinal substance. For most people, sincere faith in dogmas is necessary if the "bridle of religion" is to be effective. Even the "superior classes" must accept sincerely the fewer truths that are accessible through nature and reason, although they may preserve mythological external ceremonies. Thus, while Tocqueville at this stage admitted that non-revealed religion may be useful, he nevertheless declined to recommend purely functional religion.

Third, having noted the role of substantive faith within Tocqueville's functional arguments, we should also observe the importance of his quasi-religious understanding of democracy itself. A

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[39] Tocqueville to Louis de Kergolay, 29 June 1831; in Boesche, 52; emphasis added.
[40] Ibid.

key part of Tocqueville's appeal for religious faith, concerned as it was with suitability to modern democracy, was the fact that he claimed that democracy is providentially ordained. Tocqueville saw political liberty, like spiritual belief, as originating beyond humanity. He did not view human freedom as its own justification; he believed in a spiritual purpose behind the progress of liberty.

> If patient observation and sincere meditation have led men of the present day to recognize that both the past and the future of their history consist in the gradual and measured advance of equality, that discovery in itself gives this progress the sacred character of the will of the Sovereign Master. In that case effort to halt democracy appears as a fight against God Himself, and nations have no alternative but to acquiesce in the social state imposed by Providence.[41]

> Am I to believe that the Creator made man in order to let him struggle endlessly through the intellectual squalor now surrounding us? I cannot believe that; God intends a calmer and more stable future for the peoples of Europe; I do not know His designs but shall not give up believing therein because I cannot fathom them, and should prefer to doubt my own understanding rather than His justice.[42]

Thus, when Tocqueville advocated religion as necessary to the success of democracy, he was not choosing a functional orientation over a substantive one. Rather, he was presenting a substantive argument for religion's validity. In America, where sincere religion was stronger than in Europe, the people were in better harmony with God's plans. (Not coincidentally, Tocqueville's introduction to *Democracy* emphasized three times within the space of two pages that the modern march of democracy was occurring in "the Christian world."[43]) In Tocqueville's view, democracy and religion are both natural within a providential order, so the compatibility of the two illustrates the validity of both under God.[44]

Fourth, having recognized that Tocqueville viewed both freedom and faith as elements of a divine order, we should respect the fact that he did not believe himself to be proposing religion as an artificial, human creation. In recommending that democratic societies accept religious systems,

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[41] Tocqueville, 12.

[42] Ibid., 18.

[43] Ibid., 11-12.

[44] Note that Tocqueville did not merely use compatibility to argue for the acceptance of religion among democrats; he also used it to argue for accommodation of democracy among believers. See: Ibid., 16-17.

he was not recommending that they invent an observance for their own purposes. Instead, he was encouraging them to acknowledge something that he believed already constitutes an ineradicable "sublime instinct."[45] Repeatedly in *Democracy,* Tocqueville stressed that religion, apart from either substantive or functional considerations, is a core part of fulfilled human existence. "It is by a sort of intellectual aberration, and in a way, by doing moral violence to their own nature," he wrote, "that men detach themselves from their religious beliefs; an invincible inclination draws them back. Incredulity is an accident; faith is the only permanent state of mankind."[46] However much authority may find itself at odds with reason, in Tocqueville's view, the impulse to recognize authority refuses to leave human hearts. This is because the impulse did not originate with humanity. "It was not man who implanted in himself the taste for the infinite and love of what is immortal," Tocqueville assured his readers.[47] "These sublime instincts are not the offspring of some caprice of the will; their foundations are embedded in nature; they exist despite man's efforts. Man may hinder and distort them, but he cannot destroy them."[48] This spiritual impulse is communicated by external as well as internal stimuli: "God does not Himself need to speak for us to find sure signs of His will; it is enough to observe the customary progress of nature and the continuous tendency of events; I know, without special revelation, that the stars follow orbits in space traced by His finger."[49]

This view of religion is significant for us in several ways. It helps explain Tocqueville's own conflicted Christian observance, clarifying his rationale for identifying himself as Catholic despite a level of uncertainty approaching disbelief. It also helps explain the ease with which Tocqueville sometimes set aside distinctions between substantive and functional faith when discussing the proper role of religion in democratic society. He could insist that theological sincerity is necessary

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[45] Ibid., 535.
[46] Ibid., 297.
[47] Ibid., 534-535.
[48] Ibid., 535.
[49] Ibid., 12.

yet tolerate mutually exclusive doctrinal systems because he believed that religion is a natural part of fulfilled existence. He took for granted that humans need religion, apart from considerations of content. For doubters, therefore, embracing religion does not require the construction of a synthetic, functional system; it involves only the recognition of a substantive inner need, which has been planted in the soul by God. "I have neither the right nor the intention to examine the means by which God inspires a sense of religious belief into the heart of man," Tocqueville wrote in *Democracy*. "At the moment I am only looking at religions from a purely human point of view."[50] From this perspective, as Johnston comments, "it was reasonable for people to be religious, even if their religions were not themselves always reasonable, just as it was reasonable for people to be opinionated even when many or most opinions were without reason."[51]

Tocqueville's Civil Apologetic

As Tocqueville noted above, he carefully limited the scope of his discussion in *Democracy*. Although he wished to establish the necessity of religion from the human community's standpoint, he intended to go no further. He felt himself justified in skirting the question of the truth-value of various religious systems: "Though it is very important for man as an individual that his religion should be true, that is not the case for society."[52] As a social observer, he decided to refrain from addressing questions beyond his field—questions which, the American experience demonstrated, could be ignored safely. More importantly, however, he avoided addressing these questions because he had never felt comfortable with such speculation.

From early on, Tocqueville's philosophical method had been supremely practical and down-to-earth. Although he was intellectually inclined, he had turned his attention to the visible effects

[50] Ibid., 445.
[51] Johnston, 65.
[52] Tocqueville, 290.

that abstract ideas have in human experience, avoiding overly theoretical endeavors. "Like you, my dear friend," he wrote to Claude-François de Corcelle in 1855, "I have never had much taste for metaphysics, perhaps because I never seriously devoted myself to it, and because it has always seemed to me that good sense led to the goal it contemplates as well as metaphysics."[53] Nevertheless, he admitted that he did recognize "the influence that metaphysical opinions have had on things that seemed the most distant from them and even on the condition of society."[54] To Gobineau two years earlier, he had written, "I did not become sufficiently German in studying the German language for the novelty or philosophical merit of an idea to make me forget the moral or political effect that it can produce."[55] For Tocqueville, philosophy was a practical field first and last.

The explanations given above for that approach, however, mask the real origins of Tocqueville's pragmatism. His 1831 letter to Stoffels, written while the memory was still fresh, reveals a more important (and painful) cause. The epistemological crisis Tocqueville endured as a youth had transformed his intellectual life:

> When I first began to reflect, I believed that the world was full of demonstrated truths; that it was only a matter of looking carefully in order to see them. But when I sought to apply myself to considering the objects, I perceived nothing but inextricable doubts. . . . I can say that then I fought with doubt hand to hand, and that it is rare to do so with more despair. Well! I ultimately convinced myself that the search for absolute, *demonstrable* truth, like the quest for perfect happiness, was an effort directed toward the impossible. . . . That is why I have always considered metaphysics and all the purely theoretical sciences, which serve for nothing in the reality of life, to be voluntary torment that man has consented to inflict on himself.[56]

The young man had emerged from this trial with a disinclination to trouble himself with the unsolvable problems of philosophy—including religious questions. Nevertheless, he had persisted in his intellectual activity, merely turning his attention to more concrete matters. "It is certain," writes Antoine, "that his philosophy of action, and more particularly his concept of politics . . .

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[53] Tocqueville to Claude-François de Corcelle, 16 October 1855; in Boesche, 320.
[54] Ibid.
[55] Tocqueville to Arthur de Gobineau, 20 December 1853; in Boesche, 303.
[56] Tocqueville to Charles Stoffels, 22 October 1831; in Boesche, 64; emphasis in original.

constitutes a response to this existential malaise, just like his own involvement in public life after 1839."[57]

For Tocqueville, the substantive truth of religion, beyond a minimal theism, was largely inaccessible to human inquiry. He managed the distress this caused him by focusing his efforts on what was accessible: the state of humanity on earth. His inquiries in this field led him to the conviction that religion is a universal human need, and that this need is especially acute in modern democracies.[58] He never gave up his personal desire for Christian faith, though, and at times tried to set aside his doubts.[59] "When I have a decision to make," he told Stoffels, "I weigh the pros and cons with great care, and instead of despairing at not being able to arrive at complete conviction, I proceed toward the goal that seems most probable to me, and I proceed toward it as though I did not doubt at all."[60] In *Democracy,* he even described the process by which a disciplined mind seeks contentment in religion:

> Even if he does feel some doubt about the object of his hopes, he will not easily let that hold him back, and he will think it wise to risk some of the good things of this world to save his claims to the immense inheritance promised in the next.
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> "If we make a mistake by thinking the Christian religion true," Pascal has said, "we have no great thing to lose. But if we make a mistake by believing it false, how dreadful is our case."[61]

According to Tocqueville, this is as close as a questioning mind can come to substantive faith. He found himself able to identify the need for and the advantages of religion, and he could even argue that humanity has no choice but to embrace religion if it wants fulfillment in life, but he could do little to erase doubts about the content of theology. His helplessness to do that distressed him.

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[57] Antoine, 175, my translation.

[58] Tocqueville, 294: "Despotism may be able to do without faith, but freedom cannot."

[59] Ibid., 434: "No philosopher in the world, however great, can help believing a million things on trust from others or assuming the truth of many things besides those he has proved."

[60] Tocqueville to Charles Stoffels, 22 October 1831; in Boesche, 64.

[61] Tocqueville, 529.

We have seen that Tocqueville's philosophical approach limited his options as an observer of religion. We have also seen that he cherished faith as a core human experience, but was unable to settle his own opinions, let alone propagate his observance effectively. His intellectualism prevented total silence, yet he scrupulously avoided metaphysical speculation, not least because his own beliefs were so tenuous. As a European liberal thinker, however, he faced a form of religious skepticism that flourished in soil he did feel comfortable tending: political philosophy. Returning from his American tour, Tocqueville finally found himself in a position to do away with at least one objection to the faith he admired. This is the heart of *Democracy in America*'s approach to religion.

Tocqueville's introduction to the book explained that he felt himself to be reacting to troubling developments in French public life. "I search my memory in vain, and find nothing sadder or more pitiable than that which happens before our eyes,"[62] he wrote. Mired in political disputes, religious people repudiated the democracy their faith should have been nurturing:

> Christianity, which has declared all men equal in the sight of God, cannot hesitate to acknowledge all citizens equal before the law. But by a strange concatenation of events, religion for the moment has become entangled with those institutions which democracy overthrows, and so it is often brought to rebuff the equality which it loves and to abuse freedom as its adversary, whereas by taking it by the hand it could sanctify its striving.

Meanwhile, French democrats repudiated the faith that would have protected their social ideals:

> I think these latter should hasten to call religion to their aid, for they must know that one cannot establish the reign of liberty without that of mores, and mores cannot be firmly founded without beliefs. But they have seen religion in the ranks of their adversaries, and that is enough for them; some of them openly attack it, and the others do not dare defend it.[63]

Both parties were posing a threat to the exercise of religion in the modern world. Tocqueville desired to show them that the American example proved the compatibility of faith and freedom, contrary to the opinions of many in Europe.

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[62] Ibid., 16-17.
[63] Ibid.

"Though I seldom mentioned France," Tocqueville explained in a letter, "I did not write a page [of *Democracy*] without thinking of her, and placing her as it were before me."[64] It is significant that his introduction to the book contains an explanation of "the last seven hundred years" of French history—a history lending itself to Tocqueville's providential view of democracy.[65] He wrote the book about the United States in order to address the concerns of French thinkers, particularly French thinkers hostile to religion.

The eighteenth century, Tocqueville believed, had given rise to a dangerous kind of radicalism, in which religious skepticism was "an all-prevailing passion, fierce, intolerant, and predatory."[66] This anti-religious radicalism, intent upon destroying a Church it perceived as hostile to human liberty and happiness, had drowned out the remaining voices of belief in France, and while the atheistic fervor of the Revolution had died down by Tocqueville's time, it had spawned "revolutionaries of a hitherto unknown breed: men who carried audacity to the point of sheer insanity." These revolutionaries had spread out from France to the rest of the world and were continuing to influence the development of modern democracy.[67] Against this generation of thinkers, Tocqueville defended the viability of Christianity in the democratic world by presenting the example of the United States, where "the boldest political theories of the eighteenth-century philosophers are put so effectively into place" yet where every citizen viewed religion as essential to the state.[68] His goal in all of this was not to institute religion but to defend it; his functional arguments in favor of religion were reactions to functional objections.

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[64] Tocqueville to Louis Kergolay, n.d.; quoted in Cynthia J. Hinckley, "Tocqueville on Religion and Modernity: Making Catholicism Safe for Liberal Democracy," *Journal of Church and State* 32.2 (Spring 1990): 325.
[65] Tocqueville, 11.
[66] Tocqueville, *The Old Régime and the French Revolution*, trans. Stuart Gilbert (Garden City: Doubleday Anchor Books, 1955), 149.
[67] Ibid., 157.
[68] Ibid., 153.

"I seek to discover," Tocqueville wrote in the second volume of *Democracy*, "how [religions] can most easily preserve their power in the democratic centuries which lie before us."[69] Part of his program was to persuade liberals of not only the validity but even the necessity of faith in a democratic context; another was to convince religious leaders to adapt to the sensibilities of free people; another was to persuade political leaders to help their people look beyond the concerns of the present day. Tocqueville explained that his ultimate aim in all of this was to bring modern humanity "back, by a long and roundabout path, to a state of faith."[70]

Thus, we see in Tocqueville's work an appeal neither for personal acceptance of the tenets of Christianity nor for the perpetuation of religious functions in the absence of real faith—although the author pointed out that either could be useful. It was not substantive belief in an organized religion that inspired Tocqueville's plea; he argued that external observances should be changed as necessary. Neither, however, was he inspired solely by the general need of democracy for religious support; he believed that democracy, like religion, was merely another instrument in the hands of Providence. Instead, it was the intellectual viability of a condition of belief, so important to the human spirit, that Tocqueville felt he was defending. Unable to resolve his own doubts about the truthfulness of Christianity, yet conscious of a divine impulsion to believe, Tocqueville included in *Democracy in America* the only sort of apologetic he could write. This was not enough to remove his own uncertainty, but it did dispose of the most immediate objection to the faith he longed for. Tocqueville had other doubts, but he was convinced that misgivings about religion's compatibility with democracy should not be among them.

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[69] Tocqueville, 445.
[70] Ibid., 549.

Beyond Tragedy: NATO's Intervention in The Former Yugoslavia

By

Gavin Murray-Miller
University of Virginia

Tragedy is born from an awareness of existential horror and absurdity.[1] It brings forth the "terrifying aspects of existence," as Karl Jaspers noted, making us conscious of the "strange and sinister fate" which we cannot escape.[2] With the disintegration of Yugoslavia in 1991, the horrors and bloodshed that abounded left little doubt in popular perceptions that what was occurring constituted a modern "tragedy." The narrative offered by analysts and historians has, for the most part, relied on "explanation by emplotment," a story structured by an overarching conception of the tragic.[3] Such explanations have focused on themes of old hatreds and an "excess of memory" that tore the fabric of Yugoslav society to shreds, on diffidence, factional politics, and half-hearted initiatives resulting in Western inertia, or a "clash of civilizations" shaped by larger historical forces dominating the present. No matter how the event has been dissected, an air of fatality and misfortune persists to loom over the wreckage of the Balkans.[4]

Rather than a narrative of tragedy, however, it is tempting to view the Balkan conflict as an anatomy of power and *Realpolitik*. The humanitarian and irenic discourse that surrounded the Yugoslav civil war and provided the context for military intervention nourished a conception of tragedy. Yet moral language proved to be more rhetoric than reality as policy makers constructed a

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[1] See: Friedrich Nietzsche, *The Birth of Tragedy*, trans. by Francis Golffing (New York: Doubleday, 1956), section VII passim.
[2] Karl Jaspers, *Tragedy Is Not Enough*, trans. by Herald Reiche, (Hamden: Archon, 1969), 41, 45.
[3] See: Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: Johns Hopkins University Press, 1973), 7-11.
[4] Examples of such works include: Susan L. Woodward, *Balkan Tragedy: Chaos and Disillusion After the Cold War* (Washington, D.C.: Brookings Institution, 1995); Robert D. Kaplan, *Balkan Ghosts: A Journey Through History* (New York: St. Martin's Press, 1993); Paul Ricoeur, "Memory—Forgetting—History," *Meaning and Representation in History*, Jörn Rüsen, ed. (New York: Berghahn Books, 2006); Joyce P. Kaufman, *NATO and the Former Yugoslavia: Crisis, Conflict, and The Atlantic Alliance* (Lanham: Rowman and Littlefield, 2002); Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (London: The Free Press, 1997).

particular interpretation of the crisis conducive to economic and strategic ends. The convergence of international interests on a small corner of Eastern Europe transcended the ethnic struggles destabilizing the region with the fighting between Serbs, Croats, and Bosniaks concealing the global dimensions that came to frame the conflict. Far from promoting peace, intervention exacerbated and even encouraged violence in some instances as the exigencies dictated by *Realpolitik*, *Machtpolitik*, and strategic concerns led to the brutalization of warfare tactics, culminating in the 1995 NATO bombing of Sarajevo. What began as a humanitarian and peacekeeping mission led by the UN quickly became a struggle for influence in the region between NATO, Russia, and terrorist organizations.

European and American politicians played an instrumental role in shaping popular conceptions of the Yugoslav conflict, championing broad ideals in their condemnation of Serb nationalists who stood accused of systematic murder, violations of international law, and genocidal practices in their endeavors to carve out a Greater Serbia. Human rights, democracy, and self-determination became facets of a familiar discourse during the early 1990s that served to undermine the territorial integrity of the Yugoslav state and provide the legal pretext for military action. Idealistic rhetoric and demands for adherence to international law tended, however, to conceal the numerous interests that prompted action on behalf of the European Community [EC] and the US. As US Assistant for National Security Affairs, Anthony Lake, acknowledged in 1993, "Our humanitarian actions nurture the American public's support for our engagements abroad."[5] Assistant Secretary of State Richard Holbrooke had a similar assessment, claiming, "in the long run our strategic interests and human rights supported and reinforced each other . . . ."[6] *Realpolitik* asserts a conception of politics as fundamentally amoral; yet it does not reject using moral claims to achieve

[5] Anthony Lake, "From Containment to Enlargement," (21 September 1993), in *The Clinton Foreign Policy Reader: Presidential Speeches with Commentary*, eds. Alvin Z. Rubinstein , Albina Shayevich, and Boris Zlotnikov, (Armonk: M.E. Sharpe, 2000), 25.
[6] Richard Holbrooke, *To End a War* (New York: Random House, 1998), 367.

political ends. The extent to which humanitarian and irenic concerns could "reinforce" US interests was based upon the extent to which power could be rationalized and directed against an evil "other." Ideals imbued with universal attributes came to serve as strategic weapons capable of eroding national sovereignty and justifying force, transforming them into a mechanism through which power could be rationalized and actively asserted.

The relationship between foreign policy and force has been defined explicitly by the realist school that sees power as the primary currency in the defense of national interests and security. The international environment, according to realists, is predicated upon anarchy and self-interest, with the use of force being essential in the promotion of security concerns over other states.[7] This Hobbesian perspective has played a definitive role in US foreign policy throughout the twentieth century and has been instrumental in shaping predominant conceptions of national interests and security objectives.[8] While realism provides a valuable framework for policy and ideological analysis, the abstract nature of "national interests" ascribed to realist thinking does not offer a useful criterion for addressing the nature of power in itself.[9] Indeed, "national interests" make up part of the discourse of power that legitimates the use of force. Realism, in this sense, constitutes an ideological justification of force, not a critique of power's instrumentality.

Whereas realists tend to equate power with force, a more dynamic understanding of power emphasizes its concern with securing the conditions under which the implementation of control and force cannot be contested. In this analysis, the degree to which power can be exercised effectively is dependent on the degree to which a specific interpretation or knowledge attains authority as the dominant interpretation. "The sense of the real," Nietzsche states, "is the means of acquiring the

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[7] For an analysis of the realist perspective on power and force, see: Hans Morgenthau, *Politics Among Nations* (New York: Alfred A. Knopf, 1973).

[8] Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003), 70-76.

[9] See: James David Meernik, *The Political Use of Military Force in US Foreign Policy* (Cornwall: Ashgate, 2004), 24-25.

power to shape things according to our wish."[10] The powerful are capable of structuring the world in which others live and defining the reality others must operate within, actualizing influence and control through the "production of truth."[11] Power is not, however, simply limited to demarcating the interpretive bounds of the real; in its most aggressive form, it actively creates social, economic, and even physical realities.[12] It is not enough to "grasp a certain amount of reality," according to Nietzsche; one seeks to "become master of it, in order to press it into service."[13]

The production of knowledge is not reliant on rational argument, and can, at times, stand in opposition to rationality. As Bent Flyvbjerg has noted, "rationality is part of the power of the weak," since those who must rely on rational argument lack the power to mold reality to their will.[14] In the context of power, rationality functions as a means of arriving at an objective and devising strategies for the implementation and maintenance of domination. Modes of action are distinct from the elaboration, transformation, and organization of power, which is founded upon *rationalization* rather than rationality.[15] Rationality and rationalization can, nevertheless, complement one another in certain instances, delineating the link between prescribed objectives and their justification. Rationalization legitimizes the modes through which power is implemented—whether constituting social and economic pressures, the effects of discourse, or the threat of violence—and is closely tied to the interplay of reality and *Realpolitik*.

Assessed within a context where reality bends to power's design, the Yugoslav conflict becomes an anatomical sketch of power in action. Politically-motivated interpretations of the event laid the ground work for intervention, as principles and ideals functioned as factors in the

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[10] Friedrich Nietzsche, *The Will to Power*, trans. by Walter Kaufman (New York: Vintage, 1968), 272.
[11] Foucault, "Questions of Method," in *The Essential Foucault*, Paul Robinow and Nikolas Rose, eds. (New York: The New Press, 2003), 252.
[12] Bent Flyvbjerg, *Rationality and Power: Democracy in Practice*, trans. by Steven Sampson (Chicago: University of Chicago Press, 1998), 226-27.
[13] Nietzsche, *The Will to Power*, 267.
[14] Flyvbjerg, 37.
[15] Foucault, "The Subject and Power," Robinow, 141.

delegitimization of national sovereignty and the rationalization of military force. Concerns shrouded in ethical and idealistic language became instruments in justifying the pursuit of economic and strategic interests determined by *Realpolitik*, underscoring notions of modern-day "barbarism" and victimization which constructed a vision of contemporary tragedy.

From "Ethnic Conflict" to "Ethnic Cleansing"

In 1991, newspapers and the media reported on the "civil war" and "ethnic conflict" that was unfolding in Yugoslavia.[16] Within a year, however, the tone of the media had profoundly shifted. "Civil war" had become replaced with "war of aggression," while "ethnic conflict" was now construed as Serb "genocide."[17] These latter descriptive terms corresponded with the international recognition of the various Balkan republics seeking independence from the Serb-dominated Yugoslav state. Unlike the more neutral language of "civil war" and "ethnic conflict," the new terminology implied the need for urgent action, conjuring up images of Hitlerite aggression and the Holocaust. Prominent Jewish spokespeople, including author and Holocaust survivor Elie Wiesel, expressed outrage over the atrocities being committed in Yugoslavia, claiming that the international community had a moral obligation to intervene in the conflict.[18] Images of Serb "concentration camps" packed with emaciated Bosnian refugees began appearing on every Western news program in 1992, inspiring indignation and calls for international efforts to halt the brutality.[19]

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[16] For instance, see: John Tagliabue, "Yugoslavia Fails to Oust Militias," *New York Times* 27 June 1991, sec. A, 1; David Binder, "U.S. Voices Regret on Yugoslav Crisis," *New York Times* 27 June 1991, sec. A, 10; Chuck Sudetic, "New Fighting Erupts as Yugoslav Leaders Confer," *New York Times* 23 July 1991, sec. A, 3; "Chiefs At Odds Over EC, Croatia," *Christian Science Monitor* 30 August 1991, 4.

[17] Slaven Letica, "Labeling Theory and the Wars in Croatia and Bosnia-Herzegovia," in *The Conceit of Innocence: Losing the Conscience of the West in the War Against Bosnia*, Stepan G. Meštrović, ed. (College Station: Texas A and M University Press, 1997), 143-146.

[18] See: Elie Wiesel, "Mark of Cain: War's Madness Rages on in the Balkans and Our 'Culture' Continues to Let It Happen," *The Record* (Ontario), 26 October 1992, A9; Thomas A. Tanner, "A Lesson Unlearned in Yugoslavia? As Whispers of Genocide Grow Louder, Global Action Has Been Scant," *The Boston Globe*, 9 August 1992, city edition, 69.

[19] In her execration of Serb ethnic cleansing, former British Prime Minister Margaret Thatcher called on NATO to carry out "direct strikes" to halt such brutality. See: Thatcher, "Stop the Excuses. Help Bosnia Now," *New York Times*, 6 August 1992, sec. A, 23. After investigating rumors of "death camps" and mass executions in Bosnia, however, US

The rhetoric adopted by pundits, activists, and statesmen evinced a prevailing anti-Serb attitude that became a staple of Western political discourse throughout the 1990s. During efforts to gain support for the recognition of Croatia and Slovenia in 1991, German Chancellor Helmut Kohl and the Christian Democratic Union [CDU] worked vigorously to cast Serbia and militant Serbs in Bosnia and the Krajina as impediments to peace.[20] The Dutch Foreign Minister, Hans van den Broek, had a different interpretation of the circumstances, claiming, "All sides seem to be guilty of the cease-fire violations. If there is no political will for peace in Yugoslavia, there is no substitute through outside action."[21] Yet European opinion fell in line with German estimations following the EC's recognition of the Balkan republics in January 1992. François Mitterand's statement that November was ironically telling when he remarked, "Serbia is now the aggressor, even if the origin of the conflict is more remote."[22]

Through the remarks and accusations of European and American politicians, the subject "Serb" came to be equated with the horrors of Nazism, while Bosniaks and Croats were cast as victims of Nazi-style aggression.[23] Speaking on CNN in August 1993, Senator Joseph Biden painted a demoralizing image of Serbs as "illiterates, degenerates, baby killers and rapists."[24] Serbian atrocities represented, according to Margaret Thatcher, "the barbarities of Hitler's and Stalin's policies toward other nations."[25] Appearing on *Meet the Press* in August 1995, Richard Holbrooke

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Deputy Secretary of State Lawrence Eagleburger reported that no proof of systematic killing could be substantiated, claiming, "I think it's best to say the evidence is unpleasant conditions." See: David Binder, "U.S. Finds No Proof of Mass Killing at Serb Camps," *New York Times,* 23 August 1992, sec. 1, 18.

[20] John Tagliabue, "Kohl Threatens Serbia Over Cease-Fire Violations," *New York Times*, 8 August 1991, sec. A, 8.

[21] Alan Riding, "Europeans Retreat on a Peace Force for Croatia," *New York Times*, 20 September 1991, sec. A, 6.

[22] Quoted in Sonia Lucarelli, *Europe and the Breakup of Yugoslavia: A Political Failure in Search of a Scholarly Explanation* (The Hague: Kluwer Law International, 2000), 34.

[23] See: Milan Brdar, "Humanitarian Intervention and the (De)Nazification Thesis as a Functional Simulacrum," in Aleksander Jokic, ed., *Lessons of Kosovo: The Dangers of Humanitarian Intervention* (Ontario: Broad View, 2004), 153-169.

[24] Quoted in Marjorie Cohn, "The Myth of Humanitarian Intervention in Kosovo," in ibid., 122.

[25] Thatcher, "Stop the Excuses. Help Bosnia Now," sec. A, 23.

described the execution of 7,000 Bosniak Muslims at Srebrenica as "a crime against humanity of the sort that we have rarely seen in Europe, and not since the days of Himmler and Stalin."[26]

The dual emphasis on Nazi-style atrocities and explicit Serb culpability belied the often ambiguous realities of ethnic warfare. Croat and Bosniak victimization was not as clearly defined as some made it appear. The Croatian government of Franjo Tudman openly acknowledged that it authorized violence against Serb civilians in the Krajina. "In some cases they dynamite homes with families inside," claimed Zvonimir Cicak, head of the Croatian Helsinki Committee for Human Rights. "Whole families were killed. Many were wounded."[27] Meeting with a reporter from the *Toronto Star*, Nasir Oric, leader of a Bosniak resistance movement, played video tapes of his military manouevres against Bosnian Serbs. "We launched those guys to the moon," he boasted while showing footage of a bombing raid carried out on a house.[28] In spite of such actualities, however, media pundits and politicians continued to express moral outrage over the atrocities and crimes against humanity committed by Serb nationalists against Croat and Bosniak victims.

"There are no moral phenomena," Nietzsche claims; "there is only a moral interpretation of these phenomena."[29] It is, however, essential to question who is doing the interpreting and in what context these interpretations are constructed. In 1993, James Harff, the director of the Ruder & Finn public relations firm, freely admitted that his company had been hired by the republics of Croatia and Bosnia-Herzegovina to demonize the Serbs and draw the support of Jewish organizations by equating the Serbs with Nazis in the public imagination. "We are professionals. We had a job to do and we did it," Harff stated. "We are not paid to be moral."[30]

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[26] Holbrooke, 90.
[27] David Binder, "Croatia Forced Thousands from Homes, Rights Group Says," *New York Times*, 8 December 1993. Croatian Foreign Minister Mate Granic acknowledged the destruction of 7,000 houses belonging to civilians.
[28] Bill Schiller, "Fearsome Muslim Warlord Eludes Bosnian Serb Forces," *The Toronto Star*, 16 July 1995.
[29] Nietzsche, "Critique of the Highest Values Hitherto," *The Will to Power*, 149.
[30] Quoted in Brdar, "Humanitarian Intervention and the (De)Natzification Thesis," fn 171.

Seeking to build international support for its platform, the CDU undertook an ambitious campaign to emphasize the brutality of the Serbs and the plight of the oppressed Slovenes and Croats seeking the right of national self-determination.[41] "If we Germans think everything in Europe can stay just as it was," the chairman of the CDU, Volker Rühe, stated in a radio address, "if we accept the status quo and do not recognize the right of self determination in Slovenia and Croatia, then we have no moral or political credibility."[42] In public speeches, Chancellor Kohl repeatedly stressed Serb intransigence to cooperation, claiming their hope of carving out a Greater Serbia was obstructing a peaceful resolution to the conflict. Desiring to strike a powerful chord with the German public, Foreign Minister Hans-Dietrich Genscher reinforced popular perceptions of Serbian President Slobodan Milošević, comparing him to Adolf Hitler.[43]

Building support at home, Kohl still had to contend with his other European partners. In the autumn of 1991, he applied diplomatic pressure on the EC, making it clear that Germany would not accept a passive stance and, if necessary, was willing to extend recognition to the two republics unilaterally.[44] The threat of a German *Alleingang* which would jeopardize a common European front coupled with fears of unrestrained German expansion eastward provoked France and Britain to accept the recognition of Slovenia and Croatia in January 1992, followed by Bosnia-Hertzegovia in March. With legitimacy conferred upon the various Balkan republics, the Yugoslav civil war was transformed into an international affair with Serb attempts to forge a Greater Serbia now

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by recognizing the independence of the Balkan republics was essential to intervention since territorial integrity is protected in Article Two of the UN Charter: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity of political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." See: <http://www.un.org/aboutun/charter/>, accessed on 13 November 2006.

[40] Chuck Sudetic, "Serbs Denounce Breakup of Yugoslavia," *New York Times*, 17 January 1992, sec. A, 3. Serb propaganda during the war often accused Germany of desiring to establish a "Fourth Reich" stretching from the Rhein to the Adriatic. Such accusations appear, however, grossly exaggerated.

[41] Kaufman, 75-76; Christopher Bluth, *German and the Future of European Security* (New York: St. Martin's Press, 2000), 88-90.

[42] Stephen Kinzer, "Kohl Threatens to End German Aid to Yugoslavia," *New York Times*, 2 July 1991, sec. A, 8.

[43] Lucarelli, 139.

[44] Stephen Kinzer, "Europe, Backing Germany, Accept Yugoslav Breakup," *New York Times*, 16 January 1992, Sec. A, 10.

constituting a violation of internationally recognized borders.[45] The UN Security Council approved the creation of a Protection Force that would be deployed to Croatia and Bosnia to carry out peacekeeping operations and humanitarian efforts by "all necessary means."[46] With the UN and EC now obliged to take an active role in the Yugoslav crisis and public opinion growing increasingly hostile toward the Serbs, Chancellor Kohl could rightly consider his efforts "a great triumph of German foreign policy."[47]

In many ways, German initiatives set the parameters for the Balkan conflict. Kohl and the CDU had successfully promoted national interests by internationalizing the Yugoslav civil war. Moral appeals underscoring Serb brutality and the right of national self-determination had rationalized a reformulated *Ostpolitik* and led to the invalidation of Yugoslavia's territorial integrity. German officials consciously took an active role in shaping these circumstances, with Serb aggression now construed not only as modern barbarism, but as defiance to international authority.

Objecting to EC recognition of Slovenia and Croatia in 1992, the Serbian politician Mihajlo Marković claimed that Europe's actions were "neither democratic nor *rational*."[48] Rationality is, as Flyvbjerg claims, the instrument of the weak. Those with power need not depend on rational argument, since power is used to mold reality and, consequently, the context of rationality. Media campaigns rife with anti-Serb sentiments had successfully constructed an identity for the Serbs as modern-day Nazis.[49] The coercive measures employed by Germany—most importantly the threat

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[45] In her defense of Bosnia in August 1992, former British Prime Minister Margaret Thatcher execrated Serb belligerence against "the legal and internationally recognized government of the Bosnian republic." See: Margaret Thatcher, "Stop the Excuses. Help Bosnia Now," *New York Times*, 6 August 1992, sec. A, 23. US Secretary of State Warren Christopher similarly denounced the actions of the Serbs which challenged "the principle that internationally recognized borders should not be altered by force." Quoted in: Marshall Freeman Harris, "Clinton's 'European' Bosnia Polices," in Meštrović, 241.

[46] Quoted in Lucarelli, 37.

[47] Ibid., 129.

[48] Sudetic, "Serbia Denounces Breakup of Yugoslavia," *New York Times*, 17 January 1992, sec. A, 3, emphasis added.

[49] For perceptions of the Serbs before the media campaigns of 1991-1992, see: Henry Kamm, "In One Yugoslav Province, Serbs Fear the Ethnic Albanians," *New York Times*, 28 April 1986; David Binder, "In Yugoslavia, Rising Ethnic Strife Brings Fears of Worse Civil Conflict," *New York Times*, 1 November 1987; Jackson Diehl, "Protests Oust Leaders of Yugoslav Province," *Washington Post*, 7 October 1988.

of *Alleingang*—to secure EC compliance with Bonn's foreign policy resulted in the dissolution of the Yugoslav state and the birth of three independent republics. As the dynamics of power came to shape the realities of the Balkan crisis—whether by imposing identities, redefining national boundaries, or construing intervention within a humanitarian and irenic framework—the logic of rationalization trumped appeals to rationality.

Providing the Means to Kill and Heal

In September 1993, Anthony Lake, chief advisor to the president on the Yugoslav crisis, gave a speech at Johns Hopkins University, urging, "The conflict in Bosnia deserves American engagement: it is a vast humanitarian tragedy; it is driven by ethnic barbarism; [and] it stemmed from aggression against an independent state . . . ."[50] Over a year after the launching of the joint UN-EC humanitarian intervention, tragedy, barbarism, and aggression persisted to make up the standard lexicon of the Balkan war, with horrific accounts of rape, slaughter, and systematic execution drawing NATO into the war and eliciting concerns from US officials.

American politicians had become part of the growing anti-Serb chorus in 1992, expressing sympathy for the victimized Croats and Bosniaks following the effective media campaigns. "[We] clearly have a humanitarian interest in helping to prevent . . . the continuing slaughter of innocents in Bosnia," President Bill Clinton affirmed in 1994.[51] Various officials in the Clinton administration began to publicly remark on America's global role in helping to resolve international crisis and foster democratic principles abroad, seeking to garner support for US participation in the abortive UN-EC peacekeeping mission. Anthony Lake was not reticent when it came to articulating America's place in the new world order: "Rather than throw our hands up in despair at the complexities of the post-

[50] Rubenstein, 25.
[51] Douglas Jehl, "Conflict in the Balkans; Clinton Outlines U.S. Interest in Bosnia Air Strike," *New York* Times, 10 February 1994, sec. A, 14.

cold-war era . . . we are helping to create a world where tolerance, freedom and democracy prevail."[52]

"Americans are idealists," claims Robert Kagan. ". . . But they have no experience of promoting ideals successfully without power."[53] Idealism and power do share a reciprocal relationship within the purview of American foreign policy, with presumptions of moral authority based upon the maintenance of American global leadership and, therefore, the defense of US interests. Because policy makers believe that American ideals can flourish only in a world which they actively shape, power becomes an objective in itself rather than merely a means to an end. Moreover, since the use of force often undermines the principles that it claims to uphold—such as the preservation of peace, humanitarian concerns, or adherence to international law—the dual concepts of idealism and *Machtpolitik* are reconciled within a Machiavellian framework which consequently employs moral and legal principles to rationalize the use of force.

The escalation of violence which accompanied humanitarian and peace efforts in the Balkans illuminated the antagonism between ideals and interests. Between 1991 and 1995, the Yugoslav civil war mushroomed into a conflict of global proportions stretching from Washington to Tehran. As the Balkans became the locus of international power rivalries, strategic interests and security concerns came to necessitate deeper US engagement. As Clinton told congressional leaders, "our contribution to resolving the Bosnian conflict will be proportionate to our interests—no more and no less."[54] American interests in the post-Cold War era, whether predicated on security concerns or hegemonic aims, came to eclipse humanitarian and peace initiatives and subordinated them to the realities of *Machtpolitik* on the battlefield.

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[52] Jason DeParle, "The Man Inside Bill Clinton's Foreign Policy," *New York Times,* 20 August 2005, sec. 6, 33.
[53] Kagan, 95.
[54] Jehl, sec. A, 14.

The Yugoslav crisis erupted at a moment when US policy makers were re-orienting America's global strategies. The Defense Planning Guidance memo drawn up by the Pentagon in February 1992 outlined the broad objectives of American defense policy in the post-Soviet world. While citing the need to secure American access to international oil reserves and thwart nuclear proliferation, the memo also addressed the necessity of "deterring potential competitors from even aspiring to a larger regional or global role," amounting to a clear declaration of American hegemony.[55]

The post-Soviet world entailed a redefinition of NATO. NATO had served as a collective security alliance during the years of the Cold War to protect Western Europe from Soviet encroachment, buttressing American transatlantic supremacy. It was, according to Richard Holbrooke, "the Atlantic institution that mattered most, the one in which the United States was the core member."[56] With the collapse of the Eastern communist regimes in 1989, US policy makers sought to transform NATO from a defense alliance into a proactive military institution which could promote neo-liberal reforms in struggling democracies and advance American security interests abroad.[57] In the view of Madeleine Albright, the democratizing function NATO served was nothing new, and indeed constituted a fundamental aspect of NATO's *raison d'être*. "It brought the former fascist nations, first Italy, then Germany, then Spain, back into the families of European

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[55] See: "Excerpts From Pentagon's Plan: 'Prevent The Re-Emergence of a New Rival'," *New York Times* (8 March 1992); "Pentagon's New World View," *The Washington Post*, 24 May 1992, sec. A, 23. The memo was leaked to the press shortly after circulating through the Pentagon, much to the chagrin of the US government. Officials denied that the opinions in the "draft" reflected US policy, although it had been sent to Colin Powell, and all four military chiefs of staff. While Pentagon spokesmen Peter Williams disavowed the memo in public, he affirmed that "its basic thrust mirrors the public statements and testimony of Defense Secretary Dick Cheney." See: Patrick E. Tyler, "Senior U.S. Officials Assail Lone-Superpower Policy," *New York Times*, 11 March 1992, sec. A, 6.

[56] Holbrooke, 28.

[57] Vassilis K. Fouskas, *Zones of Conflict: US Foreign Policy in the Balkans and the Greater Middle East* (London: Pluto Press, 2003), 42-43.

democracies."[58] Inclusive within this mission, however, was the determination to promote certain values which were conducive to American interests and security.

Pentagon officials stressed the need to maintain the Alliance in a post-Cold War world, worrying about "the emergence of a European-only security arrangement which would undermine NATO" and jeopardize American hegemony.[59] Expanding the reach of NATO was essential to the maintenance of America's global leadership and had been discussed by policy makers as early as 1990, prior to the collapse of the USSR.[60] Significant to the aim of NATO enlargement was America's ambivalent relations with a post-Soviet Russia, a nation with weak democratic traditions whose intentions as a prevailing regional power in Eurasia remained ambiguous at best. "NATO enlargement advanced US interests in dealing with one of the country's foremost strategic challenges," former member of the US National Security Council, Daniel Benjamin, claimed in 2000 after NATO membership had been extended to Hungary, Poland, and the Czech Republic: "coping with a post-Communist Russia whose trajectory remains in question."[61]

Doubts over Russian intention were influential in shaping American objectives in Yugoslavia. Historically, Serbia's Slavic national identity as well as economic and political orientation had served to buttress Russian influence in the Balkan region. Moscow's pro-Serbian

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[58] Quoted in David S. Yost, *NATO Transformed: The Alliance's New Roles in International Security* (Washington, D.C.: United States Institute for Peace Press, 1998), 70.

[59] Quoted in "Excerpts From Pentagon's Plan: 'Prevent The Re-Emergence of a New Rival'," *New York Times*. In the wake of the Cold War, France and Germany both aspired to establish a strong European defense force that would be tied to the process of integrating the former communist states into the European Community and creating a geo-strategic Continental axis. See: Jacques Attali, "A Continental Architecture," in Perry Anderson and Peter Gowan, eds., *The Question of Europe* (London: Verso, 1997), 345-56.

[60] Philip Zelikow, "NATO Expansion Wasn't Ruled Out," *International Herald Tribune*, 10 August 1995, online archives, <http://www.iht.com/articles/1995/08/10/edzel.t.php>, accessed on 17 November 2006. For an analysis of the contentious debates surrounding the issue of European defense strategy, see: Brian C. Rathburn, *Partisan Interventions: European Party Politics and Peace Enforcement in the Balkans* (Ithaca: Cornell University Press, 2004). For a detailed study on the transformation of NATO from a defense alliance into a proactive military institution, see: Yost, *NATO Transformed.* It was suggested that were America to remain indifferent to Eastern Europe, the possibility of Russo-German "collision or collusion" could threatened American defense interests in the region. Henry Kissinger warned that "American abdication would produce a political earthquake threatening vital American interests." See: Congress, Senate, Committee of Foreign Relations, *The Debate on NATO Enlargement: Hearing Before the Committee of Foreign Relations*, 105th Congress, 1st session, 2, 9, 22, 28, 30 October, 5 November, 1997 (Washington: US Government Printing Office, 1998), 184.

[61] Quoted in Fouskas, 49.

policies, founded upon longstanding Russian security and economic interests, were maintained throughout the 1990s in spite of certain tensions.[62] Seeking to infiltrate and shape the regions which had once lain behind the Iron Curtain, US policy makers could not ignore the internal tensions mounting in Yugoslavia as the country slid into civil war.[63] As early as 1992, a senior State Department official acknowledged that ousting Slobodan Milošević, head of the reformed Serbian Communist Party, was a policy goal of the Bush administration.[64] Washington provided Milošević's political opponents with financial and logistical resources in the hopes of "democratizing" the country, including the funding of media outlets like the independent Studio-B and TV-Politika. Support would continue throughout the decade, with broadcasting equipment and suitcases full of money crossing the Serbian border via Eastern Europe.[65] Lauding American efforts in 1999, Senator Gordon Smith would state pointedly, "Milosevic [*sic*] must get this message: his days in power are over."[66]

Yet misgivings over Russian influence in the Balkans constituted only a secondary concern for the US. The discovery of international aid channeled to Bosniak Muslims and Alija Izetbegovic, leader of the quasi-fundamentalist Muslim Party of Democratic Action, provided greater cause for alarm in Washington. In 1993, the Clinton administration was informed that Iran, Turkey, and Saudi Arabia were among the chief contributors to the Bosnian war effort, with mortars, surface-to-

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[62] Janus Bugajski, *Cold Peace: Russia's New Imperialism* (Westport: Praeger, 2004), 170-73.

[63] The disintegration of the USSR not only permitted the US to expand its influence through Eastern Europe, but also gave it a free hand to deepen its involvement in the Middle East. According to Jacob Heilbrunn and Michael Lind, "we should view the Balkans as the western frontier of America's rapidly expanding sphere of influence in the Middle East." See: Heilbrunn and Lind, "The Third American Empire," *New York Times*, 2 January 1996, sec. A, 15.

[64] David Binder, "U.S. is Backing Serbian President's Internal Foes," *New York Times*, 19 November 1992, sec. A, 11.

[65] Steven Erlanger, "Milosevic, Trailing in Polls, Rails Against NATO," *New York Times* , 20 September 2000, sec. A, 3.

[66] U.S. Congress, Senate, European Affairs Subcommittee of Foreign Relations, *The Prospects for Democracy in Yugoslavia: Hearing Before the European Affairs Subcommittee of the Senate Foreign Relations Committee*, 106th Congress, 1st session, 29 July 1999 (Washington, D.C.: U.S. Government Printing Office, 2000), 2. Russia's desire to maintain influence in the Balkans compelled Moscow to funnel covert economic and military aid to the Serbs during the war, violating the UN arms embargo. Serb secessionists and the Yugoslav People's Army received $300 million worth of T-55 tanks and antiaircraft missiles in 1993, fueling the Serbian war machine. Yugoslav air forces were further outfitted with long-range surface-to-air missiles and various rockets systems, while Russian military personnel provided training for Serb special forces and enlisted Russian mercenaries in the war effort. See: Bugajski, 191-92; Huntington, 284.

air rockets, rifles, and jeeps flooding into Bosnia labeled as "humanitarian aid."[67] The knowledge that Iran was sending Republican Guards to organize extremist guerilla units in Bosnia prompted one US official to warn that "The Iranians see this as a way to get at the soft underbelly of Europe."[68] Startled by the growing influence of rival Islamic powers across the border, Turkish Foreign Minister Hikmet Cetin cautioned in late 1992 that if the West failed to take an active role in the conflict, Turkey would find it "difficult" to restrain other Muslim states from participating in the conflict.[69]

Middle Eastern states were not, however, the only benefactors of the Bosniaks. Radical mujahideen leaders had begun to arrive in Bosnia by early 1992, calling upon the international Islamic community to support their Bosniak brethren against the infidel.[70] Many of these Islamic jihadis—such as Abu Abdel Aziz and Abu Sulaiman al-Makki—had come from Afghanistan and had connections with international terrorist organizations, most explicitly al-Qaeda. Abu Abdel Aziz had met personally with senior members of al-Qaeda in Zagreb in early 1992, stating his primary goal was "to establish a base for operations in Europe against al Qaeda's true enemy, the United States."[71] By the end of 1992, al-Qaeda had set up recruitment camps in the Balkans and was actively training Islamic military brigades, turning Bosnia into a potential base for international jihad. These activities were funded by an extensive network of Islamic philanthropic organizations,[72] all of which were ostensibly sending humanitarian aid to the Bosniak Muslims.[73]

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[67] See: David Binder, "Slovenia Reports A Weapons Cache," *New York Times*, 14 October 1993, sec. A, 14.
[68] Quoted in Huntington, 287.
[69] John K. Cooley, "Just Say 'No' to Modern-Day Crusades in the Balkans," *International Herald Tribune*, 21 October 1992, online archives, <http://www.iht.com/articles/1992/10/21/edco_3.php>, accessed on 17 November 2006.
[70] See: Chuck Sudetic, "Muslims From Abroad Join in War Against Serbs," *New York Times* (14 November 1992).
[71] Quoted in Evan F. Kohlmann, *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network* (Oxford: Berg, 2004), 19.
[72] Including *Hay'at al-Igbatha al-Islamiyya al-'Alamiyya* [IIRO] and the Benevolence International Foundation [BIF], both of which had bases in the United States and both of which were singled out as conduits for terrorist aid by the US government following the September 11 attacks.
[73] Kohlmann, *Al-Qaida's Jihad in Europe*, 15-30, 36-42.

The need to combat the rise of Islamic influence on the European periphery was urgent. Clinton refused, however, to send US ground troops into the Balkans, fearing that the situation could become another Vietnam. "We don't want our people in there basically in a shooting gallery," he insisted.[74] Commenting on the Bosnian situation in 1993, Richard Holbrooke offered a promising alternative. Warning that "these shipments [from Islamic countries] will continue—and they will increase," he advised allowing a "covert arms supply to the Bosnian Muslims, *so that Bosnia's outside support no longer comes from the Islamic nations.*"[75] Just over a year later, Holbrooke was appointed Assistant Secretary of State for European and Canadian Affairs, becoming the chief US policy maker for the Balkans.

According to Dutch intelligence files, America actively supported the Bosnian army alongside Iran and other Middle Eastern powers, flouting the UN arms embargo in an attempt to contain and control radical Islamic influences in the region.[76] The Pentagon contracted the Virginia-based Military Professional Resources International, a mercenary firm headed by retired US military officers, to train the Croatian army and later the Kosovo Liberation Army.[77] Germany contributed its share of aid to Croatia, consisting of Mig-21 fighter jets and technicians to assist in logistics.[78] "Muslim and Christian powers outside the Balkans have begun to bang the drums and peal the bells for sectarian warfare in the Balkans," claimed one reporter in 1992. "Worse, they are mixing arms and munitions with their relief shipments, providing the means to kill along with the means to heal."[79]

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[74] Quoted in Yost, 197.

[75] Holbrooke, 51-52, italics in original.

[76] Richard J. Aldrich, "America Used Islamists to Arm the Bosnian Muslims," *The Guardian* (London), 22 April 2002, 16. Also see: Roger Cohen, "Retired U.S. General to Aid Muslim-Croat Federation," *New York Times*, 24 January 1995, sec. A, 3.

[77] Majorie Cohn, "The Myth of Humanitarian Intervention in Kosovo," in Jokic, *Lessons of Kosovo*, fn 144. Also see: P.W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca: Cornell University Press, 2003).

[78] Huntington, 282-83.

[79] Cooley, "Just Say 'No' to Modern-Day Crusades in the Balkans," *International Herald Tribune*, online archives, <http://www.iht.com/articles/1992/10/21/edco_3.php>, accessed on 17 November 2006.

As the Croatian and Bosnian fronts intensified, the necessities of national security and power politics came to play a decisive role in shaping the character of humanitarian efforts. Providing the means to both "heal" and "kill," the intentions of humanitarian assistance remain questionable. Governments concealed their role in promoting regional violence, representing politically-motivated ends as humanitarian in nature. Sponsoring violence was not solely a practice of Milošević, whose aid to Serb secessionists in the Krajina and Bosnia was denounced by the US and the UN as an obstacle to peace. The international community played a crucial part in the perpetuation and escalation of violence as the Balkan conflict progressed.

Viewing the situation on the ground as a war zone, US and NATO officials placed a strong emphasis on strategic gains over humanitarian considerations. Comparing Bosnia to the Gulf War, one NATO commander commented on the shift in focus from "saving civilian lives to curbing aggression by Belgrade in its bid to carve out a Greater Serbia."[80] Meeting with Croatian officials in 1995, Richard Holbrooke articulated his hope that a Croatian offensive against the Serbs in the Krajina that August could consolidate territorial gains to serve as bargaining chips when peace negotiations resumed. Conscious of the "abuse of Serb civilians" and the "brutal treatment of Serbs that followed most Croatian military successes," he nevertheless encouraged Croatian Defense Minister Gojka Susak to proceed with the attack.[81] As Holbrooke anticipated, the Croats showed no mercy, driving more than 200,000 Serbs from their homes and farms.[82]

The failure of the Bosnian army to achieve a decisive victory over the Serbs and the escalation of violence in the spring of 1995 resulted in the NATO-conducted Operation Deliberate Force, an intensive air and land assault against Serb strongholds in and around Sarajevo that drove

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[80] Joseph Fitchett, "Western Strategists See Bosnia as a War Zone, Not a Charity Case," *International Herald Tribune*, 22 December 1992, online archives, <http://www.iht.com/articles/1992/12/22/opti.php>, accessed on 18 November 2006.

[81] Holbrooke, 166

[82] Carlotta Gall and Marlise Simons, "Croatia in Turmoil After Agreeing to Send 2 to Tribunal," *New York Times*, 9 July 2001, sec. A, 3.

the warring parties into submission. During the air strikes, *The Economist* cynically observed that "Bill Clinton seems to have decided, rather suddenly, that the Bosnian war should be settled before next year's American presidential election."[83] In November, Clinton gave a speech at the White House to encourage support for the Dayton Peace Accords, a treaty brokered by NATO which authorized the deployment of 20,000 US troops to Bosnia, establishing a permanent American presence in the Balkans.[84] Recounting the gruesome details of rape, Serb ethnic cleansing, and concentration camps which had now come to an end, Clinton affirmed that America had "worked with our European allies in search of peace," defending the just principles of democracy, human rights, and national self-determination.[85]

The conflict between ideals and interests was played out on the Balkan battlefields, as strategic concerns and *Machtpolitik* came to determine American actions. The "search for peace" acclaimed by Clinton entailed destructive measures incompatible with humanitarian intentions or crisis-resolution objectives.[86] While ideals may not have guided policy initiatives, they did play an instrumental role in rationalizing the use of force. As Anthony Lake maintained in 1993, "we should not oppose using our military forces for humanitarian purposes."[87] In the final assessment, however, these two concepts appeared to be inverted.

Bosnia Revisited

In 1999, Bill Clinton defended the "just and necessary" bombing of Yugoslavia being carried out by NATO, claiming "when ethnic conflict turns into ethnic cleansing, where we can make a difference we must try . . . ." This time the victims of the "murder and expulsion" ordered by

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[83] Quoted in Kaufman, 121.
[84] After the 1999 humanitarian intervention against Serbia, the US would build Camp Bondsteel in Kosovo, the largest military base constructed since the Vietnam War and described by Senator Joseph Biden as "sprawling."
[85] Clinton, "The Dayton Accords: Imposing Peace for Bosnia," 27 November 1995, Rubinstein, 175.
[86] For a defense of American interventionism and "low intensity" military engagements, see: Max Boot, *The Savages Wars of Peace: Small Wars and the Rise of American Power* (New York: Basic Books, 2002).
[87] Lake, "From Containment to Enlargement," Rubinstein, 25.

Milošević were the ethnic Albanians in the Serbian province of Kosovo. While the "brutal methods" employed by Serb nationalists against Kosovars were indeed "familiar," so too was the rhetoric used by the president which underscored the humanitarian intent of NATO's current military campaign.[88] In spite of the similarities drawn between Bosnia and Kosovo, however, there remained one important distinction: the humanitarian intervention in Kosovo was being carried out without a UN Security Council mandate against a sovereign state and was, therefore, a violation of international law.

NATO's campaign in 1999 was a resolute declaration that humanitarian concerns could supercede the limitations posed by international law. This assertion was, strictly speaking, nothing new, since violations of international law had occurred during the Yugoslav conflict of the early 1990s under the pretext of humanitarian and peacekeeping efforts. As David Rieff has claimed, "when the Kosovo crisis came to a boil once more in 1998, the NATO powers were fully prepared to fight the *Bosnian* war against the Serbs."[89] In the politics of a post-Soviet era, human rights and irenic objectives constitute a language of power, one effectively used by the Clinton Administration and NATO during the Balkan intervention. Whereas ideology once provided the rationale underpinning the use of force,[90] the end of the Cold War has required new strategies of rationalization in the defense of national and global interests. Shrouded in a discourse of moral authority, the dynamics of power have the potential to demarcate the bounds of the real, creating belligerents and war criminals, victims of ethnic barbarism, and causes carried out in the name of international peace and human rights.

This mode of power in global politics possesses strong implications for the future of the post-Cold War world, calling into question the sovereignty of the nation-state and the universality of

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[88] William Jefferson Clinton, "A Just and Necessary War," *New York Times*, 23 May 1999, sec. 4, 17.
[89] David Rieff, "Milošević in Retrospect," *The Virginia Quarterly Review* 82, no. 3 (Summer 2006): 12, Italics in original.
[90] See: Noam Chomsky, *Necessary Illusions: Thought Control in Democratic Societies* (Boston: South End, 1989), 21-28, 181-84.

international law. As the course of events during the Yugoslav conflict illustrated, sovereignty is conditioned by power and cannot be taken as a *fait accompli*. Extending recognition to the break-away republics in 1992, the EC and US effectively nullified the sovereignty of the Yugoslav state. The principles of sovereignty and territorial integrity were, however, used to condemn Serb aggression against the internationally recognized Balkan governments and establish a legal pretext for military intervention. In 1999, "humanitarian" motives jettisoned the issue of sovereignty and international law altogether. Power produces its own rationality, one which is protean and constantly shaped by given circumstances.[91] Within this framework, the nation state becomes subjective, its existential security speculative despite the guarantees provided by the legal norms of the international community.

To persist in considering Yugoslavia a modern-day "tragedy" is misleading. Tragedy illuminates the horrific aspects of existence, as Karl Jaspers has claimed. It delineates man's struggle against implacable forces, rendering him the victim of an inescapable and brutal fate.[92] Humanitarian causes need a conception of the tragic if they are to mobilize wide-spread support and justify political ends because it crystallizes the notion of insufferable horror and helplessness endured by the innocent. In this appeal to conscience the mechanisms of power are constantly at play, producing a reality conducive to the designs of those ostensibly armed with the legitimacy of moral authority.

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[91] Flyvbjerg, 36.
[92] Jaspers, 44-45.

The Dynamics of Constitutionalism and Legality in Titoist Yugoslavia

By

Robert Niebuhr
Boston College

The brutal dismemberment of Yugoslavia in the early 1990s forced many scholars to question prior analyses about the integrity of the nation-state and the lasting consequences of a Yugoslav identity. Journalists covered the war extensively and saw in the inter-ethnic struggle decades of pent-up ethnic animosity and rabid nationalism. Some historians have also interpreted events as representative of age-old hatreds, while the great majority has taken a less primordialistic approach to the history of Yugoslavia in the twentieth century.[1] The warfare that Eric Hobsbawm describes as making the twentieth century the "age of extremes" nicely brackets any study of modern Yugoslavia. Warfare served as the uniting force between the Kingdom of Serbia with the Croats and Slovenes in 1919, and as the great divider when German military prowess destroyed Yugoslav unity in 1941. World War II subsequently served as the launching pad for Josef Broz Tito's Partisan resistance movement. Tito emerged from World War II as the head of the most powerful military-political movement in Yugoslavia having premised his victory on the defeat of the foreign invaders and their domestic collaborators.[2] After the war, Tito's system operated within a

[1] For examples of primordialist-based journalism see Anatole Shub, "After Tito—Who Can Keep Together the Serbs, Croats, Slovenes, Macedonians, Bosnian Moslems, Albanians, Hungarians, and Montenegrins?" *New York Times*, January 6, 1972, SM38. "The empire [Hapsburg, to which both Croatia and parts of Serbia fell under] was undermined by the conflicts among the various 'nations' … Even more bitter nationalist conflict – especially between the Croats and Serbs – swept away the interwar Yugoslav monarchy, too, in the fratricidal chaos of World War II." Also Richard Burt, "Tito is Taken Seriously, and His Succession Even More So," *New York Times*, October 16, 1977, 172. "Predictably, few of these groups [Serbs, Croats, Slovenes, et cetera] have a history of happy co-existence: The best known and most volatile situation exists in Croatia, where as recently as 1971 local citizens rioted in protest against 'Serbian rule.'" For an example in scholarship, see: Raymond Duncan, and G. Paul Holman, *Ethnic Nationalism and Regional Conflict* (Oxford: Westview Press, 1994), 28. They argue that the wars of the 1990s resulted from a "combination of economic and political forces [that] intensified ancient ethnic antagonism."

[2] Tito was described by the Yugoslav press as the model Yugoslav Communist and the father of the nation. See for instance: "Privrženost Titovu putu i njegovu djelu," *Vjesnik* (Zagreb), February 24, 1987, 4. "Tito je radio i stvarao u ime vremena koje je svojim djelom obilježio, ali i u ime budućnosti svoga naroda i svih naprednih snaga svijeta." (He took his part for the future of the state and its own people and for everything moving forward as a world force). *All

world paradigm dominated by the United States and the Soviet Union. The tenuous international situation facing Yugoslavia during the Cold War forced the Yugoslav ruling elites to continually recognize and address their own weaknesses in both domestic and foreign politics. Elites oftentimes employed legal means as part of the wider effort to build legitimacy but this effort fell short of creating a lasting significance. By the end of the Cold War, warfare erupted once again in Yugoslavia, breaking apart Tito's federation and signaling the end of an era.

This essay strives to understand the constant adaptations within Tito's Yugoslavia by analyzing the construction and adaptation of the state vis-à-vis three constitutions from 1946, 1963, and 1974 with an eye towards seeing the role of ideology as paramount in building and maintaining the state through socialism. This analysis speaks to the question of why the study of Yugoslav constitutions is important. Why would a communist regime whose convoluted rhetoric catered to a realization of ideological ends use legal means to enforce law? I argue that Yugoslav elites attempted to use the constitutions as both a guide and as a rational foundation towards constructing a workable socialist reality.

Each successive constitution catered to a different generation and tried to solidify state power. The dynamics of change within all aspects of Yugoslav society can thus be measured in part by the language and usage of the three important constitutions of Tito's Yugoslavia. While the 1946 Constitution took for granted the common struggle of liberation, the 1963 Constitution solidified Yugoslavia's path outside of Moscow's guiding hand, and, by 1974, the constitution developed into a highly legalistic and ideological document that better sought to define the state and its relationship with the people in federal-national terms. The role of ideology fits in with Odd Arne Westad's view of the Cold War as essentially a competition between competing systems, each trying to "prove the

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translations by author unless otherwise noted.

universal applicability" of its ideology.[3] Yugoslavia operated within this Cold War system and tried to forge its identity without alienating either dominant bloc—ideology was but one factor in that constant refashioning. The first part of this paper briefly outlines the broader historical changes in Yugoslav until the last constitution was enacted in 1974, while the second part takes an in-depth look at the key constitutional issues.

Part One: Communist Yugoslavia: A Brief Sketch

Chaos and violence marked Yugoslavia in World War II. After Axis forces crushed the Royal Yugoslav Army in April of 1941, the Germans divided the country into zones of occupation and awarded territory to neighboring countries. In Croatia, the Germans installed Ante Pavelić, the leader of the radical Ustaša Party, who then sought to create an ethnically-pure Croatian state. As a result, he killed thousands of Serbs, Roma, Jews, and others, but the situation in nearby Serbia was little better.[4] In Serbia, Draža Mihailović (later General and War Minister) served as head of the army of the government-in-exile and led the so-called Chetnik movement. Mihailović failed to resist the Axis forces effectively and his poor geographical position—mainly centered in the mountains of Southern Serbia and Bosnia-Hercegovina—seriously handicapped his effort to build legitimacy for himself and the exiled government.

Josip Broz Tito not only wrestled power from the Axis occupiers during World War II, but also battled hard against domestic competitors like Mihailović or Pavelić. Tito effectively took control of the Communist Party and made his struggle a war of liberation. The communists needed

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[3] Odd Arne Westad, *The Global Cold War: Third World Intervention and the Making of Our Times* (Cambridge: Cambridge University Press, 2006), 4.

[4] Information on the Pavelić regime continues to cause controversy. The amount of people murdered, remains hotly contested. Some authors argue that hundreds of thousands of Serbs were murdered, while others claim less than 100,000 perished. According to John Lampe, *Yugoslavia as History: Twice there was a Country* (Cambridge: Cambridge University Press, 1996), 204: "From this regime sprang the most savage intolerance seen anywhere in Europe during the Second World War, outside of the Nazi regime itself. Its overriding purpose was to create an ethnically pure Croatian state from which Serbs, Jews, and Gypsies would be permanently cleansed."

to do far more than beat the Germans and domestic enemies; they needed to win enough support to form a coherent and effective state with popular roots. To accomplish these goals, the Partisan forces staunchly resisted the German occupiers despite stiff reprisals. The Partisans also benefited from fighting the Chetniks and Ustaša, since they both represented controversial and unpopular goals without a pan-Yugoslav perspective. Later, after the Partisans secured victory and Tito ruled Yugoslavia, the new Yugoslav People's Army (JNA) described the Chetniks as possessing a "quisling character" with soldiers of "poor quality, eager for plunder and lacking in ideological convictions;" and, furthermore, the JNA contended that because of "its [Chetnik] archaic forms o[f] organization and unqualified officers, it could not serve as the army of counter-revolution."[5] The brutal nature of the Ustaša regime also fed communist propaganda, and the struggle for a communist victory was made even easier.

Once Tito secured power in 1945, he firmly established communism in the new Yugoslav state. Communist Yugoslavia at first benefited from a close relationship with the Soviet Union but soon tensions between the two capitals increased. The key problems facing Tito following the end of World War II included his involvement in the Greek Civil War and the struggle with Italy over control of Trieste. In neither case did Tito act in accordance with Stalin's views and eventually Tito backed down in both cases and pursued other ways of securing legitimacy.[6] In 1948, Yugoslavia faced catastrophic difficulties when the Soviet Union ejected Yugoslavia from the Cominform (Communist Information Bureau) and thus isolated Tito's government from the communist world. Intellectual bankruptcy in the face of Soviet accusations led Tito to embark on a course of national

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[5] Vitomir Grbac, "Collected Documents and Data on the Liberation War of the Yugoslav Peoples," *Vojnoistorijski glasnik*, 1:3 (1969): 216.

[6] Tito focused at this time and into the early 1950s on dealing with domestic enemies. An estimated 280,000 Yugoslavs fled Tito's communist regime in 1945 into Austria, including many Chetnik and other anticommunist fighters. The British forces in control of Austria repatriated these Yugoslavs, which resulted in their wholesale slaughter or imprisonment by Tito's army. For more, see: Zika Prvulovich, *Serbia Between the Swastika and the Red Star* (Birmingham: Lazarica Press, 1986), 2. While this source is undoubtedly flawed, the fact remains that such things went on and Tito's regime did violate human rights in order to achieve power after World War II. More balance is found in Ivo Banac, *With Stalin Against Tito: Cominformist Splits in Yugoslav Communism* (Ithaca, NY: Cornell University Press, 1988).

communism, after declaring that "no one has the right to love his country less than the Soviet Union."[7] As a result, Yugoslav elites needed to reevaluate their policies and the ideological framework towards building socialism. After significantly altering the Soviet-inspired 1946 Constitution, elites turned towards the maintenance of their power. To that end, Yugoslav leaders were not only concerned with their domestic popularity, but also seriously contemplated how to create a true Marxist state.

In crafting a Marxist state, the chief Yugoslav ideologues turned towards a policy of self-management that stressed the nature of a decentralized administration of industry, agriculture, and government. At first, self-management spoke to merely the working class, but the concept expanded to include virtually every sector of society with the exception of the armed forces.[8] Miljenko Živković, a Yugoslav military thinker, reckoned self-management to be the answer to questions of divisions throughout society. Because "self-management and self-directing societal relations form the basis of the unity of the classes, political and national interests, as well as all nations and nationalities," Yugoslav leaders confidently boasted of their success in uniting the citizenry and building Marxism.[9] While the Tito-Stalin split of 1948 emphasized their proper path towards Marxism, the Yugoslav leaders also worked hard at stemming inter-ethnic tensions within the country and attempted to create a legitimate Yugoslav identity.

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[7] Criticisms by Moscow reached epic proportions, labeling Tito a "fascist stooge" and the LCY as a "Trotskyite organization." See: Vladimir Dedijer, *Tito Speaks: His Self Portrait and Struggle with Stalin* (London: Weidenfeld and Nicolson, 1954). Tito quoted by Dedijer, 353.

[8] The JNA was cited time and again by Yugoslavs as being the only Yugoslav institution that was not self-managed. Many Yugoslav elites claimed that a military could not function under self-management due to inherent hierarchy issues prevalent in any army. Yet it is interesting to note that one of the justifications for the creation and strengthening of the Territorial Defense Forces (TDF) was the self-management system based on self-directing principles. Namely, the TDF (operating on an equal level with the JNA) allowed Yugoslav citizens to participate in the defense of the country but in an organization that was inherently opposed to self-management. For examples of this consult Colonel-General Viktor Bubanj in *Teritorijalna odbrana* (Beograd: Vojnoizdavački zavod, 1970), 7; Miljenko Živković, *Teritorijalna obrana Jugoslavije* (Beograd: Vojnoizdavački zavod, 1985), 180.

[9] Miljenko Živković, *Teritorijalna obrana Jugoslavije* (Beograd: Vojnoizdavački zavod, 1985), 61. "Samoupravljanje i samoupravni društveni odnosi utemeljuju jedinstvo klasnih, političkih i nacionalnih interesa svih naroda i narodnosti."

The nature of the national question remains vital in understanding Yugoslav state-building. The first Yugoslavia was created in 1919 under Serbian hegemony—Serbian king, army, and civil-bureaucratic institutions—which ignored the other nationalities in a centralist state.[10] The other ethnic groups within the new Yugoslav state—Slovenes, Croats, Bosnian-Muslims, Macedonians, and Albanians— had no recent history of independence and thus no sovereign state institutions upon which to fall back. Struggles between competing notions of what a "Yugoslavia" should look like prompted many politicians to escape into parochial politics, and even the Communist Party—first established in the early 1920s—fell victim to differing national views.[11] The interwar period was a very difficult time for the Communist Party in Yugoslavia and only during the war did Tito make substantive efforts to create a new federal state representing all groups.[12] While prior to the war the

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[10] Refer to the *Program Saveza Komunista Jugoslavije: Usvojen na sednom kongresu saveza komunista Jugoslavije* (Beograd: Komunist, 1962), 144. "Nerešeno nacionalno pitanje bilo je jedna od osnovnih suprotnosti koje se razdirale društveno-politički život buržoaske Jugoslavije." (The unsettled national question was one of the elements from the opposition which tormented our social-political life in bourgeois Yugoslavia).

[11] See: Pedro Ramet, *Nationalism and Federalism in Yugoslavia, 1963-1983* (Bloomington: University of Indiana Press, 1984), 48-58. Ramet notes 6 phases in the development of the Communist Party in Yugoslavia regarding the nationalities question, with the last two being pertinent to this study. Those two phases are understood as "(5) 1943-64, formal federalism, characterized by the disjunction of republics and nationalities and the concept of "Yugoslavism"; and (6) 1964 to the present, abandonment of Yugoslavism and the emergence of genuine federalism, expressed by the equation of republics and nationalities and, thus, of interrepublican and interethnic relations." Ramet further concedes that a seventh phase might be argued beginning in 1974 "with the passage of the new constitution and the introduction of the principle of collective leadership. Certainly, the post-1974 period has seen a renewed emphasis on what is called the 'Yugoslav socialist patriotism' as well as a conscious restructuring of decision making … in effect creating a concert system in Yugoslavia" (48).

[12] There was a difference in how people in Yugoslavia were categorized and thus to what extent they enjoyed certain rights. For example, as early as the 1946 constitution national minorities were allowed to "enjoy the right to and protection of their own cultural development and the free use of their own language." From part one, chapter three, article thirteen, *Constitution of the Federal Peoples Republic of Yugoslavia* (Washington, DC: Embassy of the Federal People's Republic of Yugoslavia, 1946), 8. Kosovo was granted in the 1946 Constitution the status of an autonomous region due chiefly to its ethnic composition as having a large Albanian population. As time passed, the Albanian population increased while the Serbian population decreased. Thus, the 1974 constitution saw the increase in status for Kosovo from autonomous region to autonomous province like Vojvojdina. The wording of the personal protection afforded to citizens in the provinces was equal with that of citizens in the republics. See: Articles Three, Four, and Five, *Ustav Socijalističke Federativne Republike Jugoslavije* (Zagreb: Narodne Novine, 1975), 23-24. "Socijalistička Republika je država utemeljena na suverenosti naroda i na vlasti i samoupravljanju radničke klase i svih radnih ljudi te socijalistička samoupravna demokratska zajednica radnih ljudi i građana i ravnopravnih naroda i narodnosti." (The Socialist Republics are states based on the sovereignty of the people and the power of the self-management by the working class and all working people, and are socialist, self-managing democratic communities of the working people and citizens, and of nations and nationalities having equal rights. This classification of nations and nationalities tried to address the multiculturalism present in Yugoslavia). Officially, as stated in the constitution, all people were free and equal.

party suffered from state persecution it also suffered from the breakdown of the international communist leadership following the Nazi-Soviet Pact. World War II led to a thorough reorganization of the party and opened up an avenue of achieving power. The competing views of Yugoslav communists subsided with the war, transcending issues of nationality and striving towards a united front against fascism.

The primary problem for Yugoslav communists once they assumed power rested on how their system would best be administered in a multiethnic state or if the ethnic units should separate and follow communism on their own.[13] The terminology of ethnic classification changed to fit the new outlook of Tito's state. There existed what was called "nations," such as Croats, Macedonians, and Serbs, and "nationalities," such as Albanians and Hungarians. Nationalities in this new sense reflected minorities within Yugoslavia who possessed a titular state outside of Yugoslavia. Most nationalities numbered in the mere thousands without any potential to impact federal politics but Albanians existed as an exception. As the largest non-Slavic group, Albanians saw themselves disenfranchised in Yugoslavia partly because of an official hostility between leaders in Belgrade and Tirana.[14] The meetings that Tito's Partisans held during the war to devise a post-war state system took into account these complex national questions and tried to strike a deal amenable to all. Elites capitalized on these efforts with each new constitution and displayed how thinking could change to face issues such as republican borders, parity among the ethnicities, and the equality of language.

Eventually, it would be conceivable to imagine that even a primarily Albanian Kosovo would have been granted republic status had Yugoslavia endured and had the nature of the political system been more inclusive.

[13] This problem also plagued communists all over Europe. There was a sharp cleavage between the views of Lenin and Austrian Marxists for example, who saw the answer as federalism. The Soviet Union later developed a solution vis-à-vis Stalin in his 1913 article entitled *Marxism and the National Question* (*Prosveshcheniye*). In it, Stalin advocated the right of nations to self-determination and the right of nationalities in a plural-national community to regional autonomy. See Frits Honduis, *The Yugoslav Community of Nations* (The Hague: Mouton, 1968), 119-120.

[14] The changes in the classification of ethnic labels have led some scholars to believe that the consistent refusal by Tito and others to acknowledge minorities laid the basis for the future secessionist claims in the early 1990s. See: Sabrina P. Ramet, "Introduction: the roots of discord and the language of war," in Ramet and Ljubiša Adamovich, eds., *Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community* (Boulder: Westview Press, 1995), 5-6.

The regime even created a "Yugoslav" supranationality in the 1960s which could be chosen as a replacement for the traditional labels of ethnicity.

The regime reinforced the concept of a "Yugoslav" identity because elites imagined it as a vehicle to foster cooperation and help combat any antagonisms between ethnic groups. The success of this movement varied over time, having reached its zenith with the 1981 census when over 1.2 million people self-identified as "Yugoslav."[15] But this idea failed to garner lasting significance in part because many people in Yugoslavia saw it as a potential disruptive force in inter-ethic affairs. Vlado Beznik, secretary of the Republican Conference of the Socialist Alliance of Working People (SAWP) of Slovenia argued that, "Yugoslavism as a nationality is not only inappropriate but implies also the existence of some sort of supernation;" in contrast, he suggested that overcoming problems between nationalities could be solved only by the "drawing together and binding together of all the national collectivities that live in our community."[16] In the end, most people continued to identify themselves using traditional markers.

As of 1971, Yugoslav elites revised the classification system again to include Muslims as an option. Prior to that time, Muslims (primarily in Bosnia-Hercegovina) had to choose another ethnic label, such as Serb, Croat, or Yugoslav. Non-Serbs were increasingly concerned by the fact that Muslims overwhelmingly chose to label themselves as Serbs.[17] This phenomenon helped drive Yugoslav leaders to officially recognize various identities and lessen the consequences of problematic issues like ethnic inequality. Ethnicity or nationhood was important for communists

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[15] See: Ramet, 57. 237,077 people identified themselves as Yugoslavs in the 1971 census, a fourteen percent increase over 1961. Ten years later the figure would increase to 1,216,463.
[16] Vlado Beznik in Ramet, 57.
[17] See: Audrey Budding, "Serbian Nationalism in the Twentieth Century: Historical Background and Context," (29 May 2002) http://hague.bard.edu/icty_info.html (accessed October, 26 2004): 82. Figures are taken here for example as 61.5% identifying themselves as Serbs according to the 1956 Yugoslav *Who's Who*.

even before they took control in Yugoslavia but it was Tito who tried to realize the inclusive communist message and find a solution to the national problem through constitutional guarantees.[18]

Despite these attempts, national tensions erupted in 1971 in response to many issues that simmered since the establishment of Titoist Yugoslavia. Large-scale protests vocalized dissatisfactions that had emerged since the ousting of intelligence chief and Vice-President Aleksandar Ranković in 1966. Ranković's removal opened up the possibility of reforms because questions arose regarding the composition of the ruling clique around Tito, but also because the intelligence services suffered by losing a degree of control over regime opponents.

The emergence of problems in 1971—encouraged by a refashioning of power at the highest levels—came to center on the controversy over Serbo-Croatian as a literary language. The Croatian cultural organization, Matica Hrvatska, published a manifesto demanding a change in the federal constitution. The Croats sought protection for their variant of Serbo-Croatian (Croato-Serbian or simply Croatian) because many literary scholars felt that they suffered under Serbian hegemony. The cultural organization's demands came in the form of a famous document entitled, "Declaration on the Name and Position of the Croatian Literary Language," which asked for an affirmation of distinctly Croatian culture.[19] While the ruling elites accepted some of the demands as legitimate, Tito ensured that these protests would neither challenge his authority nor threaten to disrupt the cohesion of the state. What is significant is that Matica Hrvatska asked for constitutional protection because they clearly felt that such legal statements would reinforce their position and guarantee against future problems.

Coupled with the nationalist problems in Croatia following Ranković's ouster, tensions in the Serbian province of Kosovo increased from the late 1960s. The removal of Ranković as head of

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[18] Frits Honduis, *The Yugoslav Community of Nations* (The Hague: Mouton, 1968), 120.
[19] Gojko Vučković, *Ethic Cleavages and Conflict: The Sources of National Cohesion and Disintegration* (Brookfield: Ashgate, 1997), 117.

the secret police liberated Kosovar Albanians from an array of persecutions and harassments by his forces because no other champion of anti-Albanianism took Ranković's place. Further progress occurred in 1974, when Kosovo was elevated to autonomous provincial status, providing the Albanian elite with the hope that further elevation to republican status would come soon. The raising of Kosovo's status in 1974 to provincial status allowed for increased participation by Albanians in local government but failed to win widespread support. In the eyes of Kosovar Albanians, their region merited republic status based on the ethnic distribution that by 1990 consisted of 90 percent Albanians.[20]

From its inception, Yugoslavia was burdened with enormous responsibilities and problems owing to its own internal diversity; but these became more acute by the political environment created by the Cold War. Inside Yugoslavia, Tito needed to first secure and thereafter maintain the legitimacy of his regime. This meant that numerous political schemes such as self-management were used to quell the larger problems of nationalism as well as state and cultural centralism. Outside of Yugoslavia, the Cold War division of Europe between the Warsaw Pact, backed by the Soviet Union, and NATO, backed by the United States, left Yugoslavia with little flexibility in foreign policy. Forced to face difficult challenges, Yugoslavia succeeded throughout this entire period. The following section explores that success under the framework of the various Yugoslav constitutions.

Part Two: A Look at the Constitutions

Constitutional rhetoric serves as a gauge for how ruling elites sought to preserve their system in Yugoslavia. The development of the three major constitutions intersects with the evolution of political thought among Yugoslav elites. The 1946 Constitution was heavily influenced by the Soviet Union, owing to the closeness of the two nation's ideologies and an assumed amiable post-war

[20] See: Duncan and Holman, Jr., 27.

relationship.[21] Chief Yugoslav ideologue Edvard Kardelj, architect of the document (and all other constitutions and amendments), declared in 1946 that, "For us the model was the Soviet Constitution, since the Soviet federation is the most positive example of the solution of relations between peoples in the history of Mankind."[22] The reverence paid to the Soviets by Yugoslav elites was not uncommon prior to the Tito-Stalin split. As the only successful communist state prior to end of World War II, the Soviet Union had a god-like status among communists in Yugoslavia and elsewhere.

Like its Soviet example, the 1946 Constitution is divided between two main sections: the first is titled *Fundamental Principles*, while the other addresses the institutions of the state. Article One states:

> The Federal Peoples Republic of Yugoslavia is a federal people's state, republican in form, a community of peoples equal in rights who, on the basis of the right to self-determination, including the right of separation, have expressed their will to live together in a federative state[23]

The federal units were proclaimed to include: The People's Republic (PR) of Serbia; PR of Croatia; PR of Montenegro; PR of Macedonia; PR of Slovenia; PR of Bosnia and Hercegovina; and, within the PR of Serbia, the Autonomous Province of Vojvojdina and the Autonomous Region of Kosovo-Metohija.

The importance of this first article stems from its technical ambiguity that later perplexed many scholars both in- and outside of Yugoslavia. The idea that certain *peoples* came together and jointly desired to form a federation is nowhere clear since the broader concept of *people* itself was

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[21] See: for example, Nebojša Popov, *Srpska strana rata: trauma i katarza u istorijskom pamćenju* (Građanska Čitaonica, Beograd: 1996), 447. "Posle Ustava iz 1946, koji je zajedo s (kasnije nepromenjenim) grbom, bio samo neiventivna kopija 'velikog' Staljinovog sovjetskog Ustava iz 1936, na nov "samoupravljački" način prihvaćeni su novi ustavi 1953, 1963 i 1974. Oni su znatno izmenjeni 1967, 1968, 1971, 1981. i 1988 godine." (After the 1946 Constitution, which together with the (later unchangeable) coat of arms, was an uninventive copy of the 'big' Soviet Constitution from 1936 by Stalin, while in the new constitutions of 1953, 1963, and 1974 the concept of self-management was added. These constitutions were all amended in 1967, 1968, 1971, 1981, and 1988).

[22] Kardelj in Honduis, 137.

[23] Article One, *Constitution of the Federal Peoples Republic of Yugoslavia* (Washington, DC: Embassy of the Federal People's Republic of Yugoslavia, 1946): 5.

vague. Was this idea of the *people* merely the still tiny working class, as some supposed, or did it represent the inhabitants of the particular republics? Furthermore, Yugoslav elites scrutinized the issue of separation but they declared secession impossible. The constitution's architects incorporated the idea of separation in recognition of the eventual withering away of the state—they envisioned that secession would serve as the symbolic precursor to the communist paradise of stateless order. The issue of how to break apart would become important later since it was unclear who actually had volunteered to come together.[24]

After 1948, when the Soviet Union and Yugoslavia split, Tito sought a communist system without Soviet interference. It took some time before the Yugoslavs could operate as independent Marxists as seen by the slow transition in removing the cult of Stalin from Tito's message. As late as October 1948, at the Fourth Congress of the Communist Party of Yugoslavia, Tito still declared that Yugoslavs were worthy to carry on the great ideas of "Marx, Engels, Lenin, and Stalin."[25] With time, Tito succeeded in distancing himself from the Soviet leader and by the early 1950s changes to the Soviet-inspired constitution took place. The Constitutional Law of 1953 sought to redefine Yugoslavia as a communist state more in line with what Yugoslav elites regarded as *true* Marxism. However, by the end of the 1950s it was clear that the 1946 Constitution, in service but much amended by the laws of 1953, needed complete refashioning.

The development of a new constitution reflected many critiques both against the Soviet system and Soviet critiques of Yugoslavia. The Soviet Union lashed out against Tito's state as representative of rampant nationalism alongside a lack of democracy in the Communist Party.

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[24] For the sake of comparison with the 1936 Soviet Constitution, see: Aryeh L. Unger, *Constitutional Development in the USSR* (New York: Pica Press, 1982), 140-158. The relevant articles are thirteen and twenty-two through twenty-nine.

[25] *Četvrti Kongres SKOJ-a*, 12-14 Oktobra, 1948 (Beograd, 1948): 9. "Орденом Народног хероја својим дјелима у редовима народне омладине потврди још једанпут да је достојна великог повјерења наших народа, да је достојна и даље носити идеје Марска, Енгелса, Љењина и Стаљина."

Soviet criticisms included describing the Yugoslav police and bureaucracy as arbitrary.[26] Shocked, the Yugoslavs responded by remarking in numerous essays, speeches, and party conferences that the Soviet system was based on bureaucratic centralism. It was argued that the Soviet bureaucracy was a creature unto itself, making the eventual withering away of the state impossible. Stalin had corrupted the Soviet Union and perpetuated rather than weakened the interests of the state. Tito attacked the nature of the Soviet bureaucracy, the secret police (NKVD, later KGB), and the militia which had no resemblance to "state machinery which is withering away."[27] Kardelj went on to emphasize that a great cleavage existed between Soviet rhetoric and reality. This emphasis pointed out the lack of democracy and the huge bureaucratic regime run from the Kremlin.[28] The Yugoslav elites saw this kind of Soviet system as a form of despotism which suppressed and exploited the people.

Because the initial Yugoslav constitution and state apparatuses mirrored the Soviet example, the criticisms raised by Yugoslav elites such as Kardelj forced them to refashion their own system. Kardelj asserted in 1953 that the Yugoslav Federation had become, "above all a bearer of the social functions of a unified socialist community of the Yugoslav working people."[29] The assertion of the rights of the working people was deliberate since they were regarded as the backbone of Yugoslavia and the ones who would now take the initiative and work towards communism.

The role of the workers took on a special significance with the implementation of the concept of socialist self-management. In short, self-management triggered the federal state into undertaking significant decentralization. Prior to these reforms, the state was highly centralized and ruled in strict accordance with the Communist Party. All this changed after the split with the Soviet

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[26] See: Pierre Maurer, *The Tito-Stalin Split in Historical Perspective* (Bradford: Postgraduate School of Yugoslav Studies, University of Bradford, 1987), 15.
[27] Tito in Ivo Lapenna, *State and Law: Soviet and Yugoslav Theory* (New Haven: Yale University Press, 1964), 43.
[28] Ibid., 42.
[29] Kardelj in Hondius, 194.

Union because self-management became a means towards distinctive Yugoslav goals. Remaining true to traditional communist ideology, workers were seen as the backbone of life in Yugoslavia—to that end the Constitutional Law of 1953 stated in Article Two that "all power belonged to the working people, who exercised their power either directly (social self-management) or indirectly, through representative organs."[30] Workers and not the state owned the means of production in Yugoslavia and this difference meant that in order to maintain the logic of devolving authority to local levels, the state apparatuses must also keep pace. But before that change could take place, further developments regarding self-management needed reinforcing.

The decade following the enactment of the 1953 Constitutional Laws displayed to Yugoslav elites that a more thoroughgoing reform platform needed implementation. The resulting constitution in 1963 sought to clarify many of the issues raised during the prior decade and address some of the changing paradigms. The major issue that was clarified in the 1963 Constitution was again self-management. The basics of self-management laid out in 1953 meant that people would work to satisfy both the personal and common needs. The definition of the people was important since the constitution was written to acknowledge them as the cornerstone to the country's success. The introduction to the 1963 Constitution noted the following:

> The peoples of Yugoslavia, on the basis of the right of every people to self-determination, including the right to secession, upon the basis of their common struggle and their will freely declared in the People's Liberation War and Socialist Revolution, and in accord with their historical aspirations, aware that the further consolidation of their brotherhood and unity is to their common interest, have united in a federal republic of free and equal peoples and nationalities and have founded a socialist federalist community of working people, the Social Federal Republic of Yugoslavia, in which, in the interests of each people and of all of them together, they are achieving and developing[31]

These "peoples" were defined in Article One: "The Socialist Federal Republic of Yugoslavia is a federal state of voluntarily united and equal peoples and a socialist democratic community based on

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[30] Ibid., 196.

[31] *Constitution of the Socialist Federal Republic of Yugoslavia*, (Beograd, 1963): 3-4.

the powers of the working people and on self-government."[32] Here self-management took center stage alongside the recognition of worker's predominance in Yugoslavia. Self-management supposedly gave each Yugoslav citizen a stake in the regime and served to boost the popularity of the regime in the wake of ideological contradictions following the split with Stalin. The workers became the *de facto* center point of Yugoslav politics and represented the ideal Yugoslav identity. The ethnic issue is ignored in this article and the ambiguities are apparent with the leveling of *peoples* in the ethnic sense with "community of working people" in a broader sense. According to the constitution, the working people commanded greater authority and transcended ethnic boundaries to help build the nation. In contrast to the Soviet Union, which reserved party membership for only an elite vanguard, the Yugoslavs felt that in making the party more in touch with the workers (i.e., people), internal issues, like the question of nationality would become marginalized.[33]

While self-management commanded primary importance in 1963, the continued decentralization of the state forced further revision. The host of amendments that sprang forth in the later 1960s and early 1970s brought about the desire by the regime to refashion the functioning of the state. In 1971, deliberations began about writing a new constitution which further stressed issues of governance. Furthermore, this last constitution served to establish what a post-Tito Yugoslavia would look like. Based on Tito's conceptions of community, the Yugoslav Constitution of 1974 evolved into a system where socialism and social progress were inseparable from equality and freedom. The kind of state needed to govern that community was seen as a "multinational,

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[32] Ibid.: 12.

[33] The text of exactly what constituted self-management is important in understanding this concept. This definition is placed as Article Nine of the 1963 Constitution. See: Ibid.: 13-14. "Self-management in the working organization shall include in particular the right and duty of the working people .... In attaining self-government, the working people in the social-political communities shall decide on the course of economic and social development, on the distribution of the social product, and on the matters of common concern .... Any act violating the right to self-management of the working people is unconstitutional."

equal, self-managing, and cooperative federalism."[34] This constitution of 1974 was very important since for some historians it foreshadowed the dissolution of the federation.[35] What is important is to recognize that each constitution adapted to a different way of thinking as time progressed and served to continue the legitimate state-building of the Tito regime.[36] The Yugoslav experiment never seemed complete, and while this flexibility might have hampered its overall survivability, no indications point definitively at that playing the key role in the country's breakup in the 1990s.

When deliberations for the new 1974 Constitution occurred, many Yugoslavs emphasized the continued development of their government.[37] The 1974 Constitution sought significant change in the areas of socio-economic relations and the system of self-management, the communal and assembly systems, the functions of the federation, the participation and direct responsibility of the republics and autonomous provinces in the exercise of federal functions, and with respect to the judiciary and constitutional courts.[38] This constitution sought to clearly outline the realities of self-

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[34] Jovan Đordević, in *Constitution Makers on Constitution Making: The Experience of Eight Nations*, eds. Robert A. Goldwin, and Art Kaufman, (Washington, DC: American Enterprise Institute for Public Policy Research, 1983), 204.

[35] See: Robert Hayden, *The Beginning of the End of Federal Yugoslavia*, 3-4. Here Hayden says that the "'Slovenian amendment crisis' of 1989 [w]as the critical step in the disintegration of federal Yugoslavia" (3). Basing this failure on the 1974 Constitution, Hayden declares, "While the Yugoslav Constitution of 1974 was certainly unique, the issues of federal structure raised by the failure of this constitutional order are general" (4). Also see Robert Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor: University of Michigan Press, 1999).

[36] The theory behind this is that communist-led regimes introduced constitutions not as empty rhetoric, but rather as a better way to get at the relationship between society and the withering away of the state. Yugoslavia seems to be no exception and in many ways needed to appeal to society more since it came to power via a legitimate revolution and not through a Soviet-inspired regime change. Yugoslavia then had to remain popular and to do so, the government responded to society and adapted. See also: Valerie Bunce, in *State-Society Relations in Yugoslavia, 1945-1992*, eds. Melissa K. Bokovoy, Jill A. Irvine, and Carol S. Lilly (New York: St. Martin's Press, 1997), 347. Here Bunce argues that that such popular support explains one reason why Yugoslavia died in the violent manner that it did. While it is logical to assume that popular support would afford the regime freedom of movement, just the opposite was true because the state had to cater to its relatively politicized populace for fear of constantly losing support and creating mini-Titos—republican leaders who could wield local support and affect change. The need to not only maintain a popular regime, but a popular federal government was the utmost priority of the Yugoslav elites.

[37] For examples see: Stipe Šuvar in Othmar Haberl, *Parteiorganisation und die Nationale Frage in Jugoslavien* (Berlin: Osteuropa-Institut, 1976), 145. "Wenn wir den Fonds unserer Erkenntnisse ... betrachten, müssen wir zum Schluss kommen, dass auch das 1958 verabschiedete Programm des Bundes der Kommunisten Jugoslaviens veraltet ist. Unsere kommunistische Bewegung wird daher möglichst bald ein neues Programm verabschieden müssen, um die Konzeption eines Selbstverwaltungssozialismus bis zum Ende zu entwickeln." (If we possess the appropriate knowledge ... to look at, we must in the end come, that also in 1958 we said farewell to the program of the League of Communists of Yugoslavia. Our communist movement will as soon as possible adopt a new program in the spirit of a self-managing socialism until the end of development).

[38] *The Constitution of the Socialist Federal Republic of Yugoslavia*, (Ljubljana: Dopisna Delavska Univerza, 1974): 8.

management including the importance of "abolish[ing] of any kind of monopoly—either private-capitalist or state—of the means of production."[39] Like the prior constitution which solidified the role of the worker, the 1974 Constitution claimed outright that, "the socialist social system of the Socialist Federal Republic of Yugoslavia is based on the power of the working class and all working people and on relations among people as free and equal producers and creators whose labour serves exclusively for the satisfaction of their personal and common needs."[40] The League of Communists was recognized as the prime mover through its guiding ideological and political action in order to safeguard and further develop the socialist revolution and its results.[41] Regarding one aspect of the national question, the 1974 Constitution was clear in Article 170, which stated that any form of national injustice or incitement of hatred was unconstitutional and punishable by law.[42]

The 1974 Constitution also clarified some of the issues regarding the entities comprising Yugoslavia. With Kosovo's status raised to that of autonomous province status the federation seemed complete and catered to not only the dominant nations but also the biggest nationality groups. Each republic guaranteed its minorities—Serbs in Croatia for instance—the same rights that they would enjoy in their "home" republic. The extension of this to also include Kosovo—on the one hand helping to protect the province's Serbian minority, while on the other, giving a voice to the Albanian majority at the federal level—was a major step that worked towards improving Titoist Yugoslavia. This coincided with the movement of state power away from the center to elites on the local and republican levels.

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[39] Mijalko Todorović in *The Constitution of the Socialist Federal Republic of Yugoslavia*, (1974): 14.
[40] *The Constitution of the Socialist Federal Republic of Yugoslavia*, (1974): 55.
[41] Ibid., 73.
[42] Ibid., 176-77. "Citizens shall be guaranteed the right to opt for a nation or nationality and to express their national culture, and also the right to the free use of their language and alphabet. No citizen shall be obliged to state to which nation or nationality he belongs, nor to opt for any one of the nations or nationalities. Propagating or practicing national inequality, and any incitement of national, racial or religious hatred and intolerance shall be unconstitutional and punishable."

The last important issue raised by the 1974 Constitution was the incorporation of a rotating presidency. While Tito ruled as president for life, the 1970s brought about the realization of a post-Tito Yugoslavia scenario. The 1974 Constitution declared that the rotating presidency would include eight members who would rotate and share power. Within this framework, issues affecting the federation required consensus among all members. The most contentious issue that appeared later was the consensus on secession from the federation and the subsequent hijacking of the federal presidency by Serbian (republic) President Slobodan Milošević. In summary, this constitution served as the final opportunity under Tito's guiding hand to clarify the state and its communist goals for society.

The Yugoslav case is unique among the communist regimes of the time because a clear movement toward legality and rights built upon the constitutional rhetoric in place rather than ignored it. The break with the Soviet Union triggered the Yugoslav creation of a *Rechtstaat*, with public law as the basis for the socialist commonwealth. This broke with the Soviet and Soviet-dominated states which sought roughly a long continuance of a dictatorship of the proletariat, administrative rule by the party and its apparatus, and the temporary maintenance of a strong state system.[43] As a so-called liberal communist state, Yugoslavia enacted many changes that freed the judiciary, made the party's role more in tune with ideological training, and succeeded in making issues of law more than just rhetoric. Because Yugoslav leaders favored an incremental approach to change, the path towards decentralization, rule of law, and self-management occurred with intricate debate and experimentation.

What sets each constitution apart in this respect is the manner in which successive constitutions sought to decentralize and increase the power of nationality-based institutions.

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[43] For a full treatment on this subject see: Winston M. Fisk, "A Communist Rechtsstaat? The Case of Yugoslav Constitutionalism," in Leonard Shapiro, ed., *Political Opposition in One-Party States* (New York: John Wiley & Sons, Inc., 1972), 138-159. The above notes are taken from page 139.

Looking at these constitutions shows an increase in the manner in which these issues were treated and how this progression stands out in a larger context. The method of decentralization continually tried to bring the power of the state onto the local level to affect change there. The federal government, especially after 1974, was to be the glue which kept the union together while allowing the regional units—republics, provinces, and communes respectively—to operate where they best serviced the people.[44] But this move was not without controversy. Dobrica Ćosić, a member of the Central Committee, argued during the 1960s that decentralization led to bureaucratic nationalism and the exaltation of the federal state above the individual Yugoslav citizen. Ćosić claimed that the developmental tendencies of nationalism were not yet resolved in the Balkans and if current trends continued,

> [the national question] will remain the torment and the preoccupation of generations to come.... if the democratic forces of socialism do not win the final victory over bureaucratic and petty bourgeois forces and elements, then the Serbian people also might be inflamed by an old historic goal and national ideal – the unification of the Serbian people in a single state. No political imagination is needed to foresee the consequences of such a process[45]

Ćosić railed against decentralization as a method towards maintaining Yugoslav legitimacy. He felt that such efforts would only encourage regionalism and foster ethnic tensions. Ćosić was later dropped from the Central Committee in November of 1968 for his statements concerning not just decentralization, but rather his linkage of decentralization with the bogeyman of Yugoslav politics—nationalism.

Deliberate rhetoric to downplay troubles and acclaim communist accomplishments existed everywhere throughout Yugoslavia. Such was the spirit of the famous "Brotherhood and Unity" slogan Tito popularized. This can be seen also in the deliberate attempt to rein in any dominance by

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[44] See: Vladimir Bakarić in *Ustavna Reforma: Saopćenja sa kolokvija na pravnom fakultetu u Zagrebu* (Zagreb: Centar za aktualni politički studij, 1971), 8. Here Bakarić explains the functions of the federation and how it relates to other questions like those of economics.

[45] Ćosić in Budding, 35.

one group over another. Almost exclusively, Yugoslavs feared a Serbian predominance in Yugoslavia and tried to avoid such situations.[46] This is one of the major differences between the Soviet Union and Yugoslavia—Russians dominated the USSR and at times followed deliberate polices of Russification.[47] Only towards the end of Yugoslavia and after its demise did a virulent Serbian cause manifest itself, but in a very exclusivist manner. The attempt by any group to control or alter the identity of another group did not happen in the Yugoslav case and the constitutions all guaranteed such a case. Serbs were not mentioned as a special group, and the Serbian republic itself was splintered into a rump republic with two autonomous provinces. As a result, *all* peoples were considered to share the same rights and freedoms in Yugoslavia—even non-Slavs like Albanians, Hungarians, Italians, and Romanians.

Finally, the role of the party merits investigation. Even with decentralization, the party's role was continually strengthened with an eye towards emphasis on commonality and inclusiveness rather than competition and hatred.[48] Importantly, the LCY also was weakened at the federal level over time but retained a lot of power in ideological issues. Furthermore, the LCY devolved power to the republic-based parties where political elites had widespread support. In the 1970s, it was already recognized that a regional party position was more important than a federal one and a regional career could yield greater influence. The introduction of the 1963 Constitution provides a good summary of the party's important socio-political role throughout the entire Titoist period:

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[46] See: Hondius, 149. He notes that Serbia covered 34% of all territory while the Serbian population was 43% of the total (presumably, that figure also counts Serbs in Croatia and Bosnia-Hercegovina).

[47] For some examples of the Soviet case see: Eric D. Weitz, "Racial Politics Without the Concept of Race: Reevaluating Soviet Ethnic and National Purges." *Slavic Review* 61:1 (Spring 2002): 1-29.

[48] See: *Program Saveza Komunista Jugoslavije: Usvojen na sednom kongresu saveza komunista Jugoslavije* (Beograd: Komunist, 1962), 201-202. "Savez komunista Jugoslavije je organizovana politička snaga radničke klase i radnog naroda Jugoslavije .... Savez komunista Jugoslavije se u svojoj delatnosti rukovodi teorijom naučnog socijalizma .... Za sprovođenje u život svoje linije Savez komunista se bori političkom i idejnom aktivnošću u svim oblastima društveno-političkog života u svim društvenim organizavijama, organima i ustanovama." (The League of Communists of Yugoslavia is the organization of political force of the working classes and the working people of Yugoslavia ... The League of the Communists of Yugoslavia is with her own activities operating the scientific theory of socialism ... For the conveyance in life of our own line, the League of Communists works towards political and ideological activities in our regions of social-political life and in social organizations, organs, and institutions).

> The League of Communists of Yugoslavia, initiator and organizer of the People's Liberation War and Socialist Revolution, owing to the necessity of historical development, has become the leading organized force of the working class and working people in the development of socialism, and in the solidarity among the working people and of the brotherhood and unity of the peoples .... Under the conditions of the socialist democracy and social self-government, the League of Communists, with its guiding ideological and political work, is the prime mover of the political activity necessary to protect and to promote the achievements of the Socialist Revolution and socialist social relations, and especially, to strengthen the socialist social and democratic consciousness of the people[49]

As the so-called prime mover in Yugoslav politics, the party worked to enable all citizens to understand and work for the system. The party was arguably most successful and influential in the army. That branch of society remained the most steadfast proponent of Communist Yugoslavia even after the outbreak of hostilities in 1991.

As the Yugoslav state decentralized with each successive constitution in line with their ideology of communism, the most important state organ recentralized. The army in fact had been under tremendous pressure during the 1960s and was forced to accept the de facto predominance of the regionally-based Territorial Defense Forces (TDF). After 1971, the army managed to gain ground and recentralize while also neglecting the mantra of Yugoslav politics—that is, self-management. This trend continued and during the final months of Communist Yugoslavia, the army even took it upon itself to prepare cautiously for inter-republic fighting.[50] The army high command began a series of reorganization plans named *Jedinstvo* or unity. These operations re-allocated military forces to the re-drawn districts to the disadvantage of Slovenia and Croatia—this also fits within the greater trend of a Serbian dominance of the armed forces.[51] During the 1980s, the army sought to reign in the TDF and ensure the hegemony of the JNA. All this occurred according to the strict rules of and in the name of the LCY—the same LCY that operated towards decentralization and self-management in civil society.

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[49] See: *Constitution of the Socialist Federal Republic of Yugoslavia* (Beograd, 1963), 9-10.
[50] For more see: Davor Marijan, "'Jedinstvo'—posljednji ustroj JNA," *Polemos* 6:1-2 (January–June 2003): 11-47.
[51] See: Robert Niebuhr, "Life and Death of an Army: Yugoslavia, 1945-1991," (MA thesis, Arizona State University, 2004).

Conclusion

The final Yugoslav Constitution drafted in 1974 attempted to serve as a final piece of law confirming Yugoslavia as a *Rechtstaat*.[52] Despite the solidity of the 1974 Constitution, many elites believed in future revisions. According to the Yugoslav jurist Jovan Đorđević, "each constitution maintained continuity with the previous phases of the social and political development of Yugoslavia ... in this continuity each constitution not only extends but also surpasses previous constitutions. In this sense, the present [1974] Yugoslav Constitution is both a new and, to a considerable extent, an original political-legal act."[53] While new and original, the 1974 Constitution underwent dramatic stresses and eventually new constitutional explanations were sought. The death of Tito, riots and unrest in Kosovo in 1980-1981, and continued inter-ethnic tension (chiefly between Serbs and Slovenes and Croats and Serbs) all tested the 1974 Constitution. But the issues raised in the late 1980s that further propelled Yugoslavia towards dismemberment did not necessarily guarantee war. Numerous issues set apart those debates from prior rewritings; however, one thing is certain: Titoist Yugoslavia continually blazed its own historical course through difficult times and used the various constitutions as a way to garner legitimacy for the regime, both at home and abroad.

The continual refashioning of socialism played a large role in helping elites seek redefinition and a continuation of the separate Yugoslav idea. The strengthening of self-management, openness towards the West to facilitate its own communist development, and decentralization efforts all occurred under the auspices of building socialism.[54] The most important factors of change culminated in 1974 towards modifying the role of the federal government. This emerged in two forms: the first was the continued flight towards the autonomy of the republics; the second was the

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[52] For an exhaustive study of the 1974 Constitution see: Alan Bruce Wambold, "The National Question and the Evolution of the Yugoslav Constitution, 1971-1974," (doctoral dissertation, University of Virginia, 1976).
[53] Đorđević, 185.
[54] Regarding openness to West, Tito noted in 1949 in a speech in the Croatian town of Pula that, "When we sell our copper to buy machines, we do not sell conscience, but only our copper. With the machines received from the West, we will go on building socialism." Quoted in Maurer, 27.

issue of Tito's successor and the changing nature of how a rotating presidency would operate without losing too much influence to the republics.

In many ways the changes in 1974 were pragmatic and served limited ends. The evidence shows that pure pragmatism was not solely responsible for the many changes within Yugoslav constitutional law. The Communist Party sought ideological ends and in many ways the pursuit of those ends fostered dramatic changes within Yugoslavia. A terribly accurate pronouncement of the importance of historical ideology during the tumultuous final years of Yugoslavia by Admiral Petar Simić, a member of the LCY Presidium and head of the military branch of the League of Communists, declared prophetically,

> The military will confront with all its power and means anyone who wants to play hazardous games with the achievements of our liberation struggle and our socialist revolution…. The Communists in the Yugoslav People's Army express the conviction that they will win over those who are pushing our Yugoslav ship toward the rocks of catastrophe[55]

The army could not allow the extinguishing of their socialist revolution. After all, it was the army that achieved liberation and for a time secured the internal security of the state. The army stood as the gatekeepers to communism in Yugoslavia and served as a bulwark for the regime. When war broke out in Yugoslavia in 1991, the Yugoslav Army was in many respects the only force fighting for communism. In fact, the JNA operated under the letter of the constitution which proclaimed the army as the protector of the state's integrity.[56] This same language came from Tito

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[55] Simić in Henry Kamm, "Yugoslav Military Warns Feuding Politicians," *New York Times*, January 31, 1989, A3.

[56] The initial Yugoslav constitution of 1946 outlined the basic paradigm in which the army could function. Not surprisingly, its language was basic and direct: Article 134 reads, "The Yugoslav Army is the armed force of the Federal People's Republic of Yugoslavia. Its duty is to safeguard and defend the independence of the state and the freedom of the people. It is the guardian of the inviolability of the state frontiers and serves the maintenance of peace and security." Article 135 continues, "The Commander-in-Chief of the Yugoslav Army is appointed by the People's Assembly of the FPRY at a joint meeting of both Houses. The Commander-in-Chief directs the entire military and armed forces of the Federal People's Republic of Yugoslavia." *Constitution of the Federal People's Republic of Yugoslavia*, (Washington, DC, 1946): 46. Also see: Đorđo Novosel et al., *Savezni sekretarijat za narodnu odbranu I*, vol. 7.1, *Razvoj oružanih snaga SFRJ, 1945-1985* (Beograd: Vojnoizdavačka i novinski centar, 1990): 27. "kao garanciju neposredne bezbednosti i aktivnog učesnika u rešavanu postojećih problema." ([The JNA serves] like the guarantor of direct security and activity through the fighting of existing problems). For a later treatment from the 1974 Constitution see Article 240, *Ustav Socijaličke Federativne Republike Jugoslavije*, (Zagreb: Narodne Novine, 1975): 113-114. "Oružane snage Socijalističke Federativne Republike Jugoslavije štite nezavisnost, suverenitet, teritorijalnu cjelokupnost i ovim ustavom utvrđeno društveno uređenje

himself, but Tito emphasized that his understanding included the use of the army to maintain order even against domestic challenges. At the height of the ethnic tension in Croatia, on 22 December 1971, Tito explained that the army's primary task "is to defend our country from external enemies, but also to defend the achievements of our revolution inside the country, should that become necessary." This competing scenario was unimaginable for Tito, "but if it comes to shooting, the army too is here."[57]

After almost 46 years of unity, the situation did resort to shooting—the army desperately tried in vain to hold the country together in the face of the post-Cold War threats and realities.[58] Apparently, the very peoples who stood with Tito to unite in the Yugoslav Communist federation also decided time was ripe for a fresh start—ironically the secessionists used the very legality of the constitution and its ideological underpinnings as a way out, leaving socialism as an idea to wither away.[59]

In an effort to try to understand how Yugoslavia—as a relatively successful and functional state—collapsed alongside Soviet communism and the Cold War, I would point out that while constitutional change signaled greater rights and a positive evolution for a Yugoslav identity, negative factors carried the day. While the scholarly effort to bring nationalism into the equation

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Socijalističke Federativne Republike Jugoslavije. Oružane snage Socijalističke Federativne Republike Jugoslavije čine jedinstvenu cjelinu i sastoje se od Jugoslavenske narodne armije, kao zajedničke oružane sile svih naroda i narodnosti to svih radnih ljudi i građana, i od teritorijalne odbrane, kao najšireg oblika organiziranog oružanog općenarodnog otpora." (The armed forces of the Socialist Federal Republic of Yugoslavia shall protect the independence, sovereignty, territorial integrity, and the social system of the Socialist Federal Republic of Yugoslavia established by the present constitution. The armed forces of the Socialist Federal Republic of Yugoslavia shall make a unified whole and shall consist of the Yugoslav People's Army, as the common armed force of all the nations and nationalities and of all the working people and citizens, and of territorial defense, as the broadest form of organized total national armed resistance).

[57] Tito in Adam Roberts, *Nations in Arms: The Theory and Practice of Territorial Defense* (New York: Praeger Publisher, 1976), 202. Also see: Haberl, 159. "Gleichzeitig konnte sich Tito für Extremfall auf ein Instrument der Macht unbedingt verlassen, auf die Armee." Simultaneously Tito could rely for extreme cases on the instrument of power that really was left on the army.

[58] See: Budding, 64-65. "The JNA leadership's policies were not identical with those pursued by the Serbian leadership: in particular, some JNA leaders pursued the goal of a unified Yugoslavia even after Serbian leaders had abandoned it."

[59] This issue of legality with regard to secession crops up again in the case of Kosovo. Had Kosovo been a republic of Yugoslavia as Kosovar Albanians had demanded—most vocally in the 1981 riots—it is likely that Kosovo would have followed Slovenia, Croatia, and the other republics in their quest for independence in 1991-92. This case has been argued in depth by Robert Niebuhr, "Yugoslavia: The Final Showdown," unpublished conference paper, *Great Lakes Military History Conference*, (Grand Rapids, MI: 21 October 2006).

has its merits at times, Eric Hobsbawm, a contemporary historian of nationalism, argues that "nationalism was the beneficiary of these developments [dissolution] but not, in any serious sense, an important factor in bringing them about."[60] To him, "nations do not make states and nationalisms but the other way round."[61] Barry Posen, a political scientist, also argued that nationalism remains largely misunderstood. According to Posen, despite evidence to the contrary, "we invoke folk theories about ancient hatreds, or sorcerer leaders who have miraculously called them forth."[62] This essay focuses the evaluation of Yugoslav state-building vis-à-vis constitutional change and offers support to those "constructionalists" who see national identity, much like the state itself, as responding to constant refashioning.

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[60] Eric. J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 2000), 167.

[61] Ibid., 10. This statement by Hobsbawm draws on Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1983), 48-49. "But nationalism is *not* the awakening of an old, latent, dormant force, though that is how it does indeed present itself. It is in reality the consequence of a new form of social organization, based on deeply internalized, education-dependent high cultures, each protected by its own state….Nations as a natural, God-given way of classifying men, as an inherent though long-delayed political destiny, are a myth; nationalism, which sometimes takes pre-existing cultures and turns them into nations, sometimes invents them, and often obliterates pre-existing cultures: *that* is a reality, for better or worse, and in general an inescapable one."

[62] Barry Posen, "Nationalism, the Mass Army, and Military Power," *International Security* 18:2 (Autumn 1993): 80.

Sarah Livingstone Jay, 1756-1802: Dynamics of Domesticity, Patriotism and the American Revolution

By

Jennifer Janson
West Virginia University

Sarah Livingston Jay was a politically astute woman whose contributions to the success of the American Revolution and reconstruction of post-war society have long been underestimated. She understood the complex dynamics that underlay the decision to declare independence from Great Britain and the fragile subtleties that formed personal and international alliances necessary for success. Intelligent, educated and socially skilled, she used her personal gifts, her elite position and her familial connections to exert an influence on the course of events that would benefit her fledgling country. Jay was a dedicated patriot during and after the American Revolution. She used her social graces to take part in the male-dominated political world, while working within the domestic realm. A study of Sarah Livingston Jay reveals that more research should be conducted in the ways in which elite women used to great effect the space available to them. Further, Sarah Jay may represent how women, particularly elite women, chose to participate in the American Revolution from within the domestic realm.

Sarah Jay did not expound feminist views, write books or pamphlets, or speak publicly as did her male counterparts. Throughout the war and after, Mrs. Jay embraced her domestic role. Rather than rejecting her responsibilities as wife and mother, she performed them while taking on new spheres. Expressions of her patriotism can be found in the numerous private sacrifices she made during the American Revolution, as did many of her female peers. These women chose to risk their lives, personal security, and the well being of their children and family for their ideals. She acquired a great deal of practical political power, made possible because of the American Revolution and its

resultant social upheaval. She was an unrecognized diplomat without a portfolio. Jay was an elite woman whose role was bound by the limits of culture and convention, yet exerted her influence during and after the American Revolution within the realm of politics and social power.[1]

The American Revolution was a period of constant social change and Sarah Livingston Jay, as well as other elite American women, faced new challenges that dictated the redefinition or shifting of assigned gender roles found within the colonies. A significant part of the process was the development of a political consciousness among women that would continue long after the war's end.[2] Politically important positions once closed to them materialized, for the American Revolution created ambiguity regarding civilian roles.[3]

The actions of Sarah Livingston Jay, throughout the war and after, helps to further discredit the assumption among historians prior to the 1980s that for the duration of the American Revolution the political identity of elite women was solely defined by their fathers, husbands and

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[1] Carl Bridenbaugh, *The Spirit of '76: The Growth of American Patriotism Before Independence* (New York: Oxford University Press, 1975); Nancy F. Cott and Elizabeth H. Pleck. "Introduction" In *A Heritage of Her Own: Toward a New Social History of American Women*, edited by Nancy F. Cott and Elizabeth H. Pleck (New York: Simon and Schuster, 1979), 13-17. Past historical works that centered on women, as well as many today, tend to concentrate on three key areas identified by Cott and Pleck. The first of these areas is institutional histories of women's organizations, which implied that women deserved recognition only when they took on typically male roles. The second is biographies of women that highlight their accomplishments while failing to connect their greater influence on society and confining them to their immediate surroundings, identifying them as unusual. The third category is when historians mistake perception for reality, such as culturally designated female roles, either within the family or society. One example of this can be seen in Elizabeth Evan's *Weathering the Storm: Women of the American Revolution* (New York: Charles Scribner's Sons, 1975), which portrayed eleven women, yet failed to connect them to their influence upon society. A second example is Melissa Lukeman Bohrer's *Glory, Passion, and Principle: The Story of Eight Remarkable Women at the Core of the American Revolution* (New York: Atria Books, 2003), who only described women that were she considered "unusual". Merry E. Wiesner-Hanks, *Gender in History* (Oxford: Blackwell Publishers, 2001), 1-8; John Ferling, *A Leap in the Dark: The Struggles to Create the American Republic* (Oxford: Oxford University Press, 2003). The current historical body of knowledge on the revolution often ignores women's revolutionary experiences as unique, identifiable, and different from their male counterparts. Using the male experience as universal is problematic for women's perceptions as agroup vary greatly due to culturally constructed gender differences, as well as physical, morphological, and anatomical differences. Women and their actions are often only mentioned in conjunction with men, such as fathers and husbands.;

[2] Evans, E., 2-4; Sarah M. Evans, *Born for Liberty: A History of Women in America* (New York: The Free Press, A Division of Macmillan, Inc., 1989), 46; Linda K. Kerber, *Women of the Republic: Intellect & Ideology in Revolutionary America* (New York: W.W. Norton & Company, 1986), 105; Alfred Young, "The Women of Boston: "Persons of Consequence" in the Making of the American Revolution, 1765-1776," in *Women and Politics in the Age of Democratic Revolution*", Harriet B. Applewhite and Darline G. Levy, ed. (Ann Arbor: The University of Michigan Press, 1990), 181-218.

[3] Evans, E., 2-4; Evans, S., 46.

brothers.[4] Like Jay, many privileged women who created a political identity during the revolution did so without abandoning their domestic roles and responsibilities. Women who attempted to enter the public sphere were ultimately unsuccessful since they lacked the franchise, had minimal access to the defined political forums considered essential to the formation of political attitudes, and had a lower literacy rate, which prevented them from reading the many pamphlets and newspaper articles considered crucial to the decimation of revolutionary ideas. Jay and others were successful because they worked *within* the domestic sphere and never challenged their roles.[5]

The Revolution affected every aspect of American life, including attitudes and values regarding gender. For example, prior to the American Revolution few petitions were written or signed by women. The first recorded political act by a group of women in the pre-revolutionary era was a petition written and signed in 1774 to uphold the non-consumption codes for the "publick good." They saw it as their duty because it affected their "near and dear relations and connections."[6] In the colonies and in England, the petition was scorned as "unladylike."[7] Despite the censure they experienced women in pre-Revolutionary America were beginning to form a distinct political identity within their appointed realm.[8] This newly formed political identity took many forms within the domestic realm, particularly among the elite.

Sarah Jay did not write pamphlets or participate in the war through public actions, but the changing attitudes towards gender in the colonies during the war allowed her to expand her political consciousness without repercussions within the realm of domesticity. Her approach was more consistent with the conservative gender script assigned to her. A number of women crossed gender lines to step into roles culturally designated as being exclusively male, and in doing so, publicly

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[4] Kerber 34-8.
[5] Evans, E., 2-4; Evans, S., 46; Kerber, 35-6, 105. The institutions they were barred from were the meeting house, the town meeting hall, the public schools and the militia. Only the church was open to them. Young, 181-218.
[6] Alice M. Earle, *Colonial Dames and Good Wives* (New York: The Macmillan Company, 1895), 240-41. As quoted in Earle, 253-54; Kerber, 38-41.
[7] Earle, 241; Evans, S., 49-50; Kerber, 41.
[8] Young, 181-218.

usurped traditional male prerogatives or embraced views inconsistent with their domestic roles. Jay, on the other hand, worked within its confines.[9]

Sarah Jay was a contributor to the revolutionary war on par with her male counterparts, who exemplifies a previously dim cadre of elite women. These women participated in the American Revolution, the political arena, and the shaping of post-war America, even as they remained within the realm of domesticity, and used the restrictions placed upon them by society to their advantage. The dynamics of power, prestige and influence had a greater effect upon women of this time period than once believed. Even a brief survey of her life provides new and unique perspective on influential women's involvement in the political life of an emerging nation.

By 1750 metropolitan New York was the cultural heart of the new colonial aristocracy. Great wealth created demands for women to meet societal expectations, not just as a wife and mother, but also as the perfect "gentlewomen," a role requiring a level of sophistication and knowledge only gained through education.[10] Sarah Livingston was born into one of the wealthy and powerful families of New York that valued education and believed intelligent females contributed to the formation and continuation of good moral values in society. Many educated and intelligent women emerged as politically conscious and enthusiastic Patriots and Loyalists as the war approached. Throughout the Revolution these women exerted a growing presence, recognizing in themselves a mounting political consciousness despite the strong cultural inhibitions that defined their roles in the domestic, rather than the political sphere.[11]

Sarah's childhood and adolescence were designed to educate and prepare her for the social and political roles she played during and after the war. Born to the influential and socially elite Livingston family of New York on August 2, 1756, her education was informal, but rigorous. Sarah

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[9] Ibid.

[10] Cynthia A. Kierner, "From Entrepreneurs to Ornaments: The Livingston Women, 1679-1790" in *The Livingston Legacy: Three Centuries of American History*, ed. Richard T. Wiles (Taconic Region: Bard College, 1987), 337, 340, 347.

[11] Ibid.

also received an impromptu political education from simply living in the Livingston household: her father, William, was a well-known lawyer and a politically active Whig who despised the injunctions and restrictions placed upon the colonies by Parliament.[12]

On April 28, 1774 Sarah Livingston married John Jay, a lawyer from a New York mercantile family. Birmingham, author of *America's Secret Aristocracy,* writes the Jay marriage "was probably as happy as that of any ambitious and successful couple who find themselves in the public spotlight and enjoying it. The only rule of marriage in the American eighteenth century was that a wife was to be absolutely obedient to her husband."[13] It is true a number of letters between John and Sarah were formal in content, but for the most part they reveal a partnership forged of emotions and understanding, not ambition, and Sarah frequently acted independently of him in her business and personal decisions.[14]

While John spent most of his time attempting to reconcile the growing chasm between the colonies and the British crown as a representative to the First and Second Continental Congresses, Sarah remained with her family at Liberty Hall in New Jersey, or at the Jay family home in Rye, New

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[12] Stephen Birmingham, *America's Secret Aristocracy* (Boston: Little, Brown & Company, 1987), 17, 38-41; Sally Smith Booth, *The Women of '76* (New York: Hastings House, 1973), 215-16, 299-300; Landa M. Freeman, Louise V. North, and Janet M. Wedge, eds., *Selected Letters of John Jay and Sarah Livingston Jay: Correspondence by or to the First Chief Justice of the United States and His Wife* (Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 2005), 291; Claire McCurdy, "Sarah Van Brugh Livingston Jay, 1756-1802) in *Past and Promise: Lives of New Jersey Women,* ed. Joan N. Burstyn (New Jersey: The Scarecrow Press, Inc., 1990), 24-26; William Livingston's popularity did not decline when he left New York politics. He instead chose to leave after the DeLancey family seized control of the assembly. From the outbreak of the Revolution until 1790 he served as Governor of New Jersey; Richard B. Morris, ed., *John Jay: The Making of a Revolutionary, Unpublished Papers 1745-1780,* Vol. 1 (New York: Harper & Row, Publishers, 1975), 123. Primarily educated by her parents, she learned reading, writing, dancing, proper etiquette, sewing, knitting, and household management.

[13] Birmingham, 56. Birmingham believes that John Jay married Sarah Livingston to further his own goals and ambitions and that Sarah was a domineering and controlling woman, which resulted in a marriage based on partnership and not love. I believe that this author misquoted the letters he cited, completely ignoring the letters that speak of their deep attachment.

[14] Freeman, 16-18; John Jay to Sarah Livingston Jay, 14 November 1783, 150-51 and SLJ to JJ, 18 November 1783, 151. Almost all of the correspondence between John and Sarah Jay begin with "My dear Mr. Jay" or "My dear Sally". To see further evidence of this see: SLJ to JJ, 18 November 1794, 242-43; JJ to SLJ, 21 November 1794, 245; SLJ to JJ, 5 December 1794, 245-46. *Note:* Strict adherence to formality was typical of their exchanges in writing, but should not be mistaken for emotional reticence. The phraseology and linguistic organization of the words may be formal, but the content of the passages express sentiment, care, worry, love, etc…that shows the depth of their relationship.

York, states among the hardest hit during the war.[15] The couple constantly wrote to one another and Sarah's letters suggest she understood and accepted the reasons for his lengthy absences. Her letters were always supportive and affectionate.[16]

Birmingham asserts John's letters to Sarah were "usually little more than lists of instructions concerning duties he wished her to perform."[17] While this was true, almost all were also filled with inquiries about her health, descriptions of his sadness at their separation and petulant reminders for her to write more often.[18] John missed his young wife and wrote, "it is not good for a man to be alone" and "I find my present situation condemned, not only by my own feelings but by divine authority." These letters cast light on the relationship between the two and provide insights on John's willingness to share political activities and insights with his wife. He strongly believed he could always "speak and write to you [Sarah] without that Circumspection which Prudence dictates in our common Converse with Mankind."[19] She commonly wrote of the war and ending the "Tyrants Power."[20]

The many letters exchanged between family relations, including the women, were filled with political discussions. These exchanges brought ideas and speculations into a more public arena, although they were still confined within the domestic realm of the families. It is in these familial communications written prior to the Jay's mission to Spain in 1779 that Sarah's patriotism first emerges.[21] In a letter to her brother, Henry Brockholst Livingston, she remarks on being constantly

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[15] McCurdy, 25; Cokie Roberts, *Founding Mothers: The Women Who Raised Our Nation* (New York: HarperCollins, 2004), 106, 162. John Jay was elected President of the Continental Congress on December 28, 1777.
[16] McCurdy, 25; Roberts, 162; Richard B. Morris, ed., *John Jay: The Winning of the Peace, Unpublished Papers, 1780-1784*, Vol. 2 (New York: Harper & Row, Publishers, 1980), SLJ to JJ, 23-4 March 1777, 379-81.
[17] Birmingham, 57.
[18] JJ to Catherine W. Livingston with Post Script from SLJ, 8 November 1776, in *Unpublished Papers*, Vol. 1, 320-21; for examples of his letters in which he misses and inquires about the health of SLJ see: JJ to SLJ, 24 May 1775, 146; JJ to SLJ, 4 December 1775, 187, in Morris, Vol. 1. For gentle reminders when he has not received a recent letter from her and on the joy they bring him, see: JJ to SLJ, 29 July 1776, 305; JJ to SLJ, 21 July 1775, 305, in Morris, Vol. 1.
[19] JJ to SLJ, 18 September 1775, in Morris, Vol. 1, 166-67.
[20] JJ to SLJ, 21 July 1776, in Morris, Vol. 1, 306.
[21] Kerber, 76, 85; Marylynn Salmon, "The Limits of Independence: 1760-1800," in *No Small Courage: A History of Women in the United States,* ed. Nancy F. Cott (Oxford: Oxford University Press, 2000), 84-85, 109-178.

shuffled about from town to town due to the ebb and flow of British occupation: "It is not a mortification to us who disclaim the tyranny of the King of England, that even the most interesting actions of our lives are controlled by his minions."[22] It is important to note she includes herself when she denounces the English throne in this letter, using the term "us" instead of "patriots"; she views herself not as existing on the periphery but as being at the heart of the revolution.

These letters portray her enthusiastic participation in the political discourse of the era, even as she fulfilled her obligations in the domestic realm. The letters to her family provide evidence of how Sarah stepped beyond the passive role assigned to eighteenth-century women of privilege and actively participated in the Revolution from within the domestic realm. Much of her influence was subtle and expressed in private actions and correspondence, both appropriate during a time of war. Sarah developed a political consciousness and patriotism that continued to burgeon after she and her husband traveled abroad to Spain and France.

The Jays' European adventure began in 1779, when the couple sailed for Spain after John resigned the presidency of Congress to become ambassador to Spain.[23] Sarah, then twenty-three, was the only wife of an American ambassador to accompany her husband abroad during the war. She left behind her home, family and three year old son Peter Augustus. Her family, although surprised and saddened by Sarah's departure, expressed pride in her decision and in her unflagging support of her husband and the patriotic cause.[24] Her brother, William, Jr., wrote of her decision to accompany John to Spain as "…reflecting the brightest Honor on your Family and Country"[25] and

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[22] SLJ to Henry Brockholst Livingston, 18 August 1777, in Morris, Vol. 1, 437-8. Henry Brockholst Livingston is more commonly referred to as simply "Brockholst" in correspondence.

[23] Roberts, 162; Carl E. Prince, Dennis P. Ryan, Brenda Parnes, and Mary Lou Lustig, ed., *The Papers of William Livingston: January 1779 – June 1780*, Vol. 3 (New Brunswick: Rutgers University Press, 1986), 172. Jay's mission in Spain was three pronged: to persuade Spain to join the alliance of France and America against England; to obtain navigation rights for the Mississippi River; and to convince the Spanish monarch to loan America over five million dollars.

[24] Susan Mary Alsop, *Yankee's at the Court: The First American in Paris* (New York: Doubleday and Company, Inc., 1982), 192-93, 195; McCurdy, 25; Roberts, 163. For evidence at the sorrow of her departure see: William Livingston to SLJ, 7 October 1779, 675-76 and Susannah French Livingston to SLJ, October 9 1779, in Morris, Vol. 1, 676.

[25] William Livingston, Jr. to SLJ, 16th October 1779, in Morris, Vol. 1, 676-77.

her mother, Susannah French Livingston wrote she understood it was Sarah's "duty" to accompany "her best Friend."[26] While abroad Sarah would survive a disastrous voyage, the death of her baby, sickness and difficult separations from her husband.

The American delegation to Spain was comprised of John and Sarah Jay, Henry Brockholst Livingston, Sarah's brother, who served as John's private secretary, and William Carmichael, who was John's official secretary of legation.[27] Sarah, with a lock of General George Washington's hair and his parting letter wishing her and the entire group "prosperous gales, unruffled Sea, and every thing pleasing and desirable," set sail aboard the *Confederacy* on October 20, 1779.[28] His parting words did not prove prophetic.

The journey was disastrous, with little wind for the first five days and then the ship was caught in a terrible gale, which tore the ship apart and left it at the mercy of the waves.[29] Sarah was courageous in the face of possible death, writing she "gave fear to the winds and cheerfully resigned myself to the dispensations of the Almighty." The next morning they were battered by high winds and the rudder gave way to the tremendous stress.[30] Captain Seth Harding of the *Confederacy* was faced with two choices: continue on to Cadiz at great risk to the ship and those aboard or sail to Martinique for repairs. Harding favored Martinique, a scant two hundred miles away, and Jay agreed with his assessment. However, another passenger, the French minister to America, Conrad Alexandre Gerard, wanted to return home as quickly as possible. Carmichael, who should have deferred to Jay, surprisingly supported Gerard. Carmichael's betrayal distressed both John and Sarah.[31] The animosity created between John Jay and William Carmichael increased throughout the

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[26] SFL to SLJ, 9 October 1779, in Morris, Vol. 1, 676.
[27] Roberts, 192-93.
[28] George Washington to JJ, 7 October 1779, in Morris, Vol. 1, 656.
[29] Alsop, 197-98; HBL to SFL, 25 October 1779, in Morris, Vol. 1, 678-79.
[30] SLJ to SFL, 12-26 December 1779, in Morris, Vol. 1, 680-84.
[31] Alsop, 192; Frank Monaghan, *John Jay: Defender of Liberty* (New York: The Bobbs-Merrill Company, 1935), 125-27; SLJ to SFL, 12-26 December 1779, in Morris, Vol. 1, 680-84. *Note:* Gerard wanted to clear his name with the French government after he was involved in factional disputes between various Congressmen.

journey and was transformed into full-blown loathing before the mission to Spain was completed.[32] Although the journey to Martinique was uncomfortable and terrifying, Sarah never had "a moment's complaint," a small miracle considering she was then pregnant with her second child.[33]

In December 1779 the beleaguered *Confederacy* made port in St. Pierre, Martinique.[34] The party set out once again on December 28, 1779 upon the French frigate *Aurora.* Just before reaching Cadiz Bay the American contingent experienced yet another frightening occurrence when the *Aurora* was chased by an English frigate and Sarah "went upon deck and staid there till the chase was over."[35] Fortunately, the *Aurora* was able to outrun its English pursuers and reached harbor safely. The experiences of the voyage solidified Jay's dedication to the cause of independence and wrote King George III was a "once haughty foe" that now "finds himself depriv'd of [a] great part of his Empire, dignity & the confidence of many of his subjects."[36]

The voyage reinforced for Sarah her pride in America. In one of her letters home, perhaps concerned her mother and sister would doubt her patriotism because of her long absence and many favorable remarks of Martinique, Sarah wrote:

> Do you think, girls, that distance diminishes my affection for Americans, or my concern for their interest? Oh! No; it encreases my attachment even to enthusiasm. Where is the country (Switzerland excepted) where Justice is so impartially administered, industry encouraged, health and Smiling plenty so bounteous to all as in our much favored Country? And are not those blessings each of them resulting from, or matures by freedom, worth contending for?... But...What have I to do with politicks? Am I not myself a woman, and writing to Ladies?[37]

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[32] HBL to SFL, 25 October 1779, in Morris, Vol. 1, 678-680. *Note:* The entire journey was not spent unpleasantly. Sarah worked to learn and perfect her French on the off chance she would be presented at the Court of Versailles. Her brother, Brockholst commented she was "...a very apt scholar..." and noted that "Seriously, I believe she will soon speak French, and with fluency." Another example of Jay's intellect; SLJ to SFL, 12-26 December 1779, in Morris, Vol. 1, 680-84. Sarah planned a shipboard party for Mrs. Gerard to celebrate her birthday, which did much to assuage Gerard's ego.

[33] Ibid.; Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston-Toronto: Little, Brown, and Company, 1980), 77.

[34] McCurdy, 25; SLJ to SFL, 12-26 December 1779, in Morris, Vol. 1, 680-84.

[35] SLJ to CWL and SFL, 4 March 1780, in Prince, Vol. 3, 285-288.

[36] SLJ to WL, 31 January 1782, in Freeman, 117.

[37] SLJ to CWL and SFL, in Morris, Vol. 1, 692-93.

Despite her disclaimer, Sarah was an ardent revolutionary whose conviction was based on sound political philosophy. In the letter she recognizes the necessity of fighting for rights and privileges. Even as she expounds on these themes of independence she apologizes, because even though the letter is to a family member, the possibility of others reading the letter existed.

In one letter to her father, William, Mrs. Jay wrote of Americans that "the sun shines not on a more worthy people, even in their errors virtue is conspicuous."[38] This quotation reveals not only her loyalty, but also an ethnocentric belief Americans were pristine in their societal and political mores, that there was an innate or natural quality in Americans that inclined them to freedom and justice. She went on to write, "certain I am that victory will one day give to the Americans that liberty they have had the virtue to defend."[39] This is a constant theme in Sarah's letters, one that reinforces her earlier letter to her mother and sister. She believed the cause of independence to be virtuous and moral, both concerns of the domestic realm.

After spending five weeks in Cadiz the American party set out over land for Madrid, the capital of Spain.[40] After six harrowing months at sea and on the back roads of Spain, the American ambassadorial party finally reached Madrid on April 4, 1780, whereupon the American delegation faced numerous problems. John was not recognized as an official ambassador from America because Spain did not recognize America's independence from Britain. This rendered his diplomatic credentials and mission an exercise in futility. To complicate matters further, the Spanish monarch regularly moved the court to royal palaces throughout the Spanish countryside. John was often forced to pack his bags at the last moment and trail after the royal entourage, leaving his very pregnant wife alone in a foreign capital.

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[38] SLJ to WL, 14 March 1781, in Morris, Vol. 2, 177-80.

[39] Ibid.

[40] SLJ to SFL, 28 August 1780, in Morris, Vol. 1, 704-12. *Note:* The journey from Cadiz to Madrid was miserable for Jay, who was several months pregnant at the time. During the cross-country trek she suffered from a bronchial infection, witnessed crosses marking the graves of murdered travelers and sleeping accommodations infested with vermin and lice.

Sarah bore the burden of isolation in a foreign land with grace and dignity, even though she found herself extremely lonely at times because she did not speak the language. Spain's reluctance to grant America diplomatic recognition prevented Sarah from socializing with the wives of other foreign diplomats. Sarah and John Jay were guests without status, and as such, were precluded from the traditional welcomes accorded foreign diplomats. To her sister, Catharine W. Livingston, Sarah wrote there was little amusement in Madrid.[41] Although few public entertainments were open to Jay, she took great pleasure in the "...very beautiful walks and publick gardens"[42] and the magnificent sculptures of the city.[43]

Despite her isolation Sarah remained strong and devoted to the patriot cause. She was reluctant to cause her relations to worry and carefully avoided references in her letters home that might have revealed the full extent of her frustrations or fears.[44] Sarah Jay wrote regularly of the war, specifically about the soldiers involved in the struggle, her letters always betraying her pride and sympathy. She viewed herself as intrinsically linked to the "noble efforts" of the war, not as a separate, nonparticipating entity because of her gender. She never questioned the necessity of the war and requested her relatives include "in every letter some of their Actions" and "nothing delights me more than the praises of my Countrymen."[45] She yearned for peace so the soldiers could "long enjoy the liberty for which they have so nobly struggled" and hoped God would grant them "liberty and crown their council and their arms with success."[46] Sarah Jay never apologized for her patriotic

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[41] Alsop, 208, 213. There were five principle palaces in Spain: the main palace in Madrid which the King rarely visited, El Prado located about ten miles from Madrid, Aranjuez that was almost thirty miles away, Escorial was located far to the North, and the palace of San Ildefonso that lay nestled in the mountains near Segovia; SLJ to SFL, 13 May 1780, in Morris, Vol. 1, 694-96 Morris May 1780, in Morris, Vol. 1, 696-98; Jay, Vol. 2, 77-78. This discusses the financial situations of the Jay's and the lack of funding provided by Congress for the mission.

[42] SLJ to CWL, 14 May, 1780, in Morris, Vol. 1, 696-98.

[43] SLJ to WL, 14 March 1781, in Morris, Vol. 2, 177-80; SLJ to Mary White Morris, 17 September 1781, in Freeman, 115.

[44] SLJ to CWL, 1 December 1780, in Morris, Vol. 1, 170-72.

[45] SLJ to SFL, 28 August 1780, in Morris, Vol. 1, 704-09.

[46] SLJ to CWL, 14 May 1780, in Morris, Vol. 1, 694-96.

letters. Her patriotism was voiced during a time of war and within private correspondence, so her political statements did not cross the bounds of propriety.

When her sister, Catharine, sent her a broadside entitled "*The Sentiments of an American Woman.*" Sarah wrote it was an "...agreeable and honorable a representation of my lovely country-women. I am quite charmed with them, and indeed everything truly American."[47] The acceptance of this pamphlet demonstrates the social changes taking place, for just a few years before it would have been ridiculed.[48] Sarah Jay was aware of the change in what was considered proper feminine pursuits and took full advantage of the shifting paradigms.

On July 9, 1780, shortly after Sarah expounded on the virtues of her female co-patriots, she gave birth to Susan, without the typical eighteenth-century familial support of her mother and sisters.[49] The birth of a child meant relief from the loneliness and isolation Mrs. Jay experienced in a society devoid of "intimate friends" and in a country whose "customs, language, and religion are the very reverse of our own."[50] The happy interim did not last, for Susan developed a fever and died scarcely a month later. Sarah Jay was devastated by the death of her daughter, compounded by the lack of family support, isolation in Madrid, and the constant absences of her husband. Still, she carried on: she barely mentioned her despair, except in one heartbreaking letter to her mother, where she apologized for her remorse.[51]

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[47] SLJ to CWL, 1 December 1780, in Morris, Vol. 1, 170-72.

[48] Earle, 240-1, 253-54. As quoted in Earle, 253-4; Evans, S., 49-50; Kerber, 38-41, 167; One of the first political act by women was the publishing of the *Broadside of the Ladies of Trenton*, which appeared in the *New Jersey Gazette* on July 12, 1780. The *Broadside* claimed that women were "born for liberty, distaining to bear the irons of a tyrannic Government" and that they would better serve their country if "opinion and manners did not forbid [them] to march to glory by the same paths as the men." Six years earlier, for women to publish a pamphlet had been considered scandalous.

[49] JJ to Benjamin Franklin, 17 July 1780, in Morris, Vol. 1, 793-95; JJ to John Adams, 17 July 1780, in Morris, Vol. 1, 792-93; JJ to WL, 14 July 1780, in Morris, Vol. 1, 703-04; It should be noted that Norton, in *Liberty's Daughter*, mentions the lack of attachment that parents held for their children upon their birth due to the high mortality rates of the babes in the first few months. Although John Jay does refer to Susan as the "little Stranger" upon her birth, it appears that this was due more to a debate occurring in regard to her name, rather than any parental detachment; SLJ to SFL, 28 August 1780, in Morris, Vol. 1, 709-712.

[50] SLJ to SFL, 28 August 1780, in Morris, Vol. 1, 709-712.

[51] Ibid.

Sarah had little family support from her brother, Brockholst, who quickly grew bored with the tasks John assigned him and the lack of court social life.[52] As he became more and more disillusioned, he blamed John Jay and voiced his frustrations to William Carmichael.[53] Brockholst and John quarreled frequently about the slightest issues, with Sarah often acting as mediator. One major incident occurred at a formal dinner attended by several foreign guests when Brockholst commented that the newly formed American Congress was nothing but a bunch of drunkards, worse than any monarchy. Sarah tried to cover the undiplomatic remarks when she said "Oh Congress are like other men & the custom of getting drunk after dinner is general."[54]

Sarah thought Brockholt's statements against Congress were "imprudent," especially when he was a "servant of that Assembly."[55] Sarah's rebuke of her brother's remarks was a comment that may be construed as outside the realm of behavior permitted to women of the time, but I do not believe she crossed the line of propriety. Despite the fact she criticized a male family member to whom society dictated she technically owed deference, he was, after all, her younger brother and sibling rivalry upon occasion resulted in harsh remarks.

Another encounter between Brockholst and John is recorded in a letter from Sarah Jay to her father, William Livingston. It occurred when John reminded Brockholst that Congress should be spared the censure of Americans. In response Brockholst called the members of Congress "great rascals."[56] Of the situation, Sarah said "that in America no ill could arise from scrutinizing their conduct, but that here as the independence of America had not been publicly acknowledged, we should be careful not to lessen the respectability of the representatives of our Country."[57] This demonstrated her political and diplomatic awareness. Brockholst became infuriated and departed

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[52] SLJ to WL, 24 June 1781, in Morris,Vol. 2, 188-94.
[53] Alsop, 222.
[54] Carl E. Prince and Mary Lou Lustig, ed., *The Papers of William Livingston: July 1780-April 1783*, Vol. 4 (New Brunswick and London: Rutgers University Press, 1987), SLJ to WL, 24 June 1781, 225-233.
[55] Ibid.
[56] Ibid.
[57] Ibid.

for Carmichael's house. When Brockholst returned to the Jay home, he said he would rather return to America than be treated like a "slave."[58]

The slight against the Jays was scurrilous, for they had tried to make Brockholst comfortable in Spain, even paying him a tidy allowance. The Jays blamed Carmichael for Brockholst's behavior, for he was jealous of John's diplomatic abilities and position; by the end of the Spanish debacle John Jay and William Carmichael came to despise one another so much that Jay concluded Carmichael was a spy. Sarah Jay detested him only slightly less and wrote "Had I been in Mr. Jay's place I never could have observ'd such moderation & civility."[59] This is a remarkable statement, but by applying the action to her husband she remained proper.

Brockholst departed shortly thereafter for America and Sarah wrote to her father, detailing everything that occurred with Brockholst and Carmichael. The letter was delivered to Sarah's sister, Catharine, with an injunction to send it to their father if Brockholst misrepresented the situation. Sarah was a logical, insightful and prepared, although the need never arose to deliver the letter.[60] Sarah Jay's defense of Congress and of her husband's position revealed a politically conscious patriot. Some contemporaries believed Sarah Jay was the dominant partner in her marriage, to the point where the Spaniard Diego de Gardoqui wrote, "This woman, whom he loves blindly, dominates him and nothing is done without her consent, so that her opinion prevails."[61] Even if she were the dominant figure in the marriage, she did not step out of her assigned role. She was a determined woman who knew exactly what she wanted and how to get it, but always within a core

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[58] Ibid.
[59] Ibid.
[60] SLJ to WL, 24 June 1781, in Prince, Vol. 4, 225-233. *Note:* Sarah worried that Brockholst would slander John once he arrived in America, both to their father and publicly.
[61] Roberts, 165.

of integrity that looked to the good, and not to the selfish or self-serving. By writing to her sister Sarah once again remained within the boundaries of society.[62]

Despite the Jays' best efforts, their diplomatic mission to Spain was a complete disaster. Spain never recognized American independence and refused to agree to any of the terms. At the urging of longtime friend Benjamin Franklin the couple left Carmichael behind to carry on as temporary charge d'affaires in Madrid and set out for Paris, taking with them their few possessions and a new baby, Maria, born on February 20, 1782.[63] The couple joined Franklin in France later in the year and settled at the Hotel de Chine, whereupon John presented his credentials at the Palais Royal. Sarah Jay was enchanted with the young Queen Marie Antoinette and wrote there were "many traits in her character worthy of imitation, even by Republicans."[64] Sarah was impressed by her use of fashion for power and her insistence on educating her daughter.

The Jays' stay in France proved to be eminently more successful, due to the French court's diplomatic recognition of John as an American representative and Sarah's fluency in French. She had another child to care for, which helped to dull the ache of Susan's death and the constant separations from her husband. Mrs. Jay enjoyed the "gaiety and industry" of the inhabitants and remarked how nearly everyone was of a cheerful disposition.[65] The couple summered at Benjamin Franklin's home, where the Jays' second surviving daughter, Nancy, was born August 13, 1783.[66] There was also a significant American presence in Paris, a welcome change from the isolation Sarah experienced in Spain. While in France the Jays were part of diplomatic society and constantly besieged with invitations and frequent visits from scores of friends, such as Franklin and the

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[62] Ibid.
[63] SLJ to CWL, 14 August 1782, in Morris, Vol. 2, 460-62, 770. Sarah once again fell ill on the journey, as did the baby, but both recovered. Again, Sarah offered no complaint.
[64] Birmingham, 52.
[65] SLJ to SFL, 28, August 1782, in Morris, Vol. 2, 464-66.
[66] Alsop, 226; Birmingham, 52-55; Freeman, 22; Roberts, 171.

Marquis de Lafayette. This was a welcome change from the Jays' previous role as social pariahs in Spain.[67]

Sarah Jay took full advantage of the cultural opportunities open to her as the wife of a recognized diplomat. She attended a number of plays where she regularly saw Queen Marie Antoinette. She also met a number of well-known intellectual men, including the social reformer Francois de La Rochefoucald and the controversial metaphysicist Franz Anton Mesmer. These experiences broadened and expanded Sarah's perceptions of the world.

During this era, French culture set the world's standard. Sarah concentrated on the roles assigned to her gender and studied the mannerisms of the sophisticated and elegant French, including courtly etiquette and cultural standards, such as fashion and haute cuisine, in preparation for her return to America. Sarah took full advantage of the latest styles, so much so she was mistaken for the Queen at a Paris theater, where the audience rose upon her entrance. Sarah also learned how to expand her role as wife and socialite through opulent entertaining. This was a new way to perceive an old role that Sarah embraced.[68]

Ladies' fashion in France changed almost weekly and represented the capriciousness of the French. Clothes, accessories, hairstyles, and shoes were visible symbols of power and wealth in late eighteenth-century France. Women found clothing provided an avenue for gaining power. There was "so great a variety" of styles, materials and colors used Sarah Jay found it "impossible to describe them".[69] Sarah used her connections in France and obtained many brilliant and fashionable creations. Many of the dresses and accessories she purchased were forwarded home to America for

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[67] Morris, Vol. 2, 455-56. *Note:* Sarah Jay also enjoyed the hospitality of the Comte d'Estaing, the Comte de Rochambeau, the Comte de Sarsfield, and Chevalier de Chastellux.
[68] Birmingham, 51-53; Mrs. <?> Ellet, *Queens of American Society* (New York: Charles Scribner & Company, 1867), 65. This section contains quotes from letters written by Sarah Jay; SLJ to JJ, 17 January 1783, in Morris, Vol. 2, 596-97.
[69] SLJ to MWM, 14 November 1782, in Morris, Vol. 2, 475-76.

her use when she returned.[70] While John was regularly absent from home negotiating the Treaty of Paris, Sarah kept busy caring for their two young daughters, overseeing the household and extensive entertaining, as expected of one of her social station.[71]

When the preliminary articles of peace with England were signed in January of 1783 Sarah called her husband a "deliverer of our country."[72] Benjamin Franklin, John Jay and John Adams signed the definitive Treaty of Paris in September. She was proud of her husband's accomplishments and ecstatic at the prospect of finally returning home to her beloved America, her family and son.[73] To celebrate independence from Great Britain Sarah planned a ball held in Paris the summer of 1783. Sarah, however, was unable to attend, having recently given birth to Nancy,[74] so in her stead she sent a toast to be read by her husband:

"A Toast to America and Her Friends"

1. The United States of America, may they be perpetual
2. The Congress
3. The King and Nation of France
4. General Washington and the American Army
5. The United Netherlands and all other free States in the world
6. His Catholic Majesty and all other Princes and Powers who have manifested Friendship to America
7. The Memory of the Patriots who have fallen for their Country-May kindness be shown to the Widows and Children
8. The French Officers and Army who served in America
9. Gratitude to our Friends and Moderation to our Enemies
10. May all our Citizens be Soldiers, and all our Soldiers Citizens
11. Concord, Wisdom and Firmness to all American Councils
12. May our Country always be prepared for War, but disposed to Peace
13. Liberty and Happiness to all Mankind[75]

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[70] Alice De Lancey Izard to SLJ, 2 July 1782 in Morris, Vol. 2, 457; Ellet, 60; SLJ to MWM, 14 November 1782, in Morris, Vol. 2, 475-76; Rufus W. Griswold, *The Republican Court: American Society in the Days of Washington* (New York: D. Appleton and Company, 1854), 91-92.

[71] SLJ to WL, 18 July 1783, in Morris, Vol. 2, 610-12; JJ to SLJ, 20 October 1783, in Morris, Vol. 2, 624-25; SLJ to JJ, 6 November 1783, in Morris, Vol. 2, 634-36; JJ to SLJ, 23 November 1783, in Morris, Vol. 2, 647; SLJ to JJ, 30 November 1783, in Morris, Vol. 2, 655-56.

[72] McCurdy, 25; SLJ to JJ, 21 January 1783, in *The Papers of John Jay, 1745-1829*, Jean Ashton, ed. Columbia University; available from <http:www.Columbia.edu/cu/lweb/eresources/archives/jay/> Accessed on: November 24, 2004.

[73] SLJ to SFL, 28 August 1782, in Morris, Vol. 2, 464-66.

[74] Alsop, 272; Roberts, 170-71.

[75] Morris, Vol. 2, 581. A copy of the toast is reproduced here.

This toast encapsulates Sarah Jay's core beliefs. First and foremost is pride her country. The order of the toast demonstrates Sarah's political awareness and understanding of the male dominated public-political sphere of *realpolitiks*. But this is no empty toast, since it serves as a warning to potential enemies of the liberated colonies: all citizens are soldiers, all soldiers citizens. While she hopes for a lasting peace, she also warns the country will always be war-ready. Although Sarah was not able to deliver the toast, it is the content that is important. Throughout the war Sarah remained a steadfast patriot, never doubting the course of the war. Mrs. Jay exhibited a *moral* heroism from the strictures of her place in society while abroad through her personal sacrifices. This toast was a reaffirmation of her steadfast devotion and loyalty to her country, but also confirmation her own sacrifices were not in vain.

Sarah hoped to return to America soon after the signing of the Treaty of Paris, but the settling of political and business matters took John many more months. Sarah was concerned they might have to return to Spain to fulfill financial and political obligations. She did not want to see Carmichael, who was still in Spain, nor did she want to return to where she had been so unhappy. She believed Carmichael was the "only American who is capable of enjoying himself there" and "for all my country-men I know not his equal for duplicity of soul, or one who can so readily smile upon & court the man he hates or despises, or fawn upon the man who treats him with contempt."[76] Carmichael's duplicitous nature made his character a perfect match for the Spanish court.[77] John continued to believe Carmichael was a spy for the British and Sarah blamed her estrangement from Brockholst on him. No hard evidence prevented John from charging him with treason.[78]

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[76] SLJ to CWL, 16 July 1783, in Freeman, 136-38.
[77] Ibid.
[78] Morris, Vol. 2, 769-770; JJ to William Carmichael, 27 June 1780, in Morris, Vol. 2, 777-780. It was not till 1794, that Carmichael was recalled to America under suspicion of treason, but died before he left Madrid.

Mrs. Jay continued her scathing recriminations of Carmichael and Spain. It is noteworthy that what seems to offend her most was the lack of integrity and character she observed, not necessarily a difference in viewpoint. She wrote Carmichael and others like him were able to "indulge any of their propensities unobserv'd by their more virtuous country-men"[79] in Spain. Jay was glad these gentlemen could now find positions abroad for if they remained at home in America they could only defame "true patriots."[80] This letter touches the borders of the public realm by acidly disparaging Carmichael, personally and politically, and by drawing political conclusions. At the end of the letter she apologizes and writes "I've transgress'd the line I propos'd to observe in my correspondence by dipping into politicks…"[81] Although she apologized for writing of politics her excuse is her "country & my friends possess so entirely my thoughts that you must not wonder if my pen runs beyond the dictates of prudence when engaged by those subjects."[82] Jay was motivated by her loyalty to her country and to her friends. Both are virtues that pertain to the domestic realm and are acceptable during wartime.

The Jays arrived in New York on July 24, 1784, Sarah fully armed with the valuable lessons garnered in France on politics and culture, which would prove crucial to her drive to advance her husband's career and make the Jays the uncontested leaders of New York society.[83] They were prepared to face the challenges that accompanied the building of a new nation. While in Europe the Jays sacrificed much to achieve the ambitious goal of liberating the United States from monarchical rule and nation building proved no less challenging. Displacing a perceived tyrant brought liberty, but also created a cultural and political vacuum. Strong foundations were required to support the new political and social institutions needed not only to govern the new nation, but also withstand

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[79] Ibid.
[80] Ibid.
[81] Ibid.
[82] Ibid.
[83] Birmingham, 53; Ellet, 63; JA to Abigail Adams, 4 February 1783, in *The Book of Abigail and John: Selected Letters of the Adams Family, 1762-1784*, ed. L.H. Butterfield, Marc Friedlaender, and Mary-Jo Kline (Boston: Northeastern University Press, 1975), 340-41.

unforeseen threats to stability and unification. If the Republic was to be stable and resilient the country needed a new political, cultural and national identity.[84]

Sarah was instrumental in creating a new social context among the powerful and elite that became an informal policy conduit. She creatively applied the lessons learned in Europe to the coalescing American political and social scene to insure the Jays' place as power brokers and persons of influence. She also oversaw the children, the daily affairs of the household and family finances, and kept her absentee husband apprised of pertinent political information.[85]

During the next decade and a half John Jay occupied a variety of positions.[86] Sarah helped her husband achieve his ends, in many traditional ways. Her propriety was never challenged and she established her family's place in society by entertaining dignitaries. Sarah's entertaining was an effective way to secure political allies and raise the status of the fledgling country in the eyes of foreign diplomats. She did not challenge her assigned gender role, but instead worked within its bounds to expand her family's position within society and further her husband's political and diplomatic career.[87]

When John traveled Sarah often remained home, but there were key differences between these separations and those experienced abroad. In New York, she was supported by the extensive Livingston family network and was able to enjoy her children. Even with John gone, Sarah was fully occupied with the day-to-day operation of the household and was responsible for a wide range of entertaining. Her demanding responsibilities did not make the separation from her beloved

[84] Birmingham, 53.
[85] Ibid.
[86] Freeman, 21-23.
[87] Ellet, 63-75; Roberts, 233-234.

husband any easier emotionally and once again she exhibited the moral heroism she exuded while abroad by facing and overcoming many obstacles. [88]

The Jays were part of a broad and complex network that encompassed the social and political elite of the new nation. Much of the work required to maintain the vigorous pace of the Jays' day-to-day private and public lives fell to Sarah, who used socializing as a means to diplomacy. Mrs. Jay entertained political allies and enemies, as well as foreign dignitaries. The house, the invitation lists, the food, the dinner parties and even the dress codes were specifically tailored to cater to the wealthy, impress the doubtful, and remind those who also sought power where it was to be found. Upon their return from Europe the Jays took up residence at number eight Broadway in New York City, at a house ideal for entertaining. There they entertained politicians, foreign diplomats, friends and family on a grand scale. Every room stood in silent testimony to the wealth, power and sophistication of the Jays.[89]

John and Sarah understood the most effective way to persuade a valuable political ally was to cultivate their trust in a relaxed and friendly atmosphere. Sarah Jay planned every detail of their social affairs, especially her famous dinner parties, with a keen awareness of the political milieu of the day. The parties allowed politicians to heal old injuries inflicted by the bitter rivalries of the previous decade and to rehabilitate reputations damaged during the course of the war. Such social events helped bridge certain societal chasms and factional lines that existed in the upper echelons of society. The dinners preserved the political alliances forged by the necessities of war that threatened to dissolve in the relative tranquility of peace. This was vital during a time when the fledgling nation

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[88] Freeman, 227; On building of the residence and handling of expenses see SLJ to JJ, 7 July 1794, 227-28 and SLJ to JJ, 2 August 1794, 229-30 and SLJ to JJ, 27 September 1794 and SLJ to JJ, 25 October 1794, 235-38, in Freeman.
[89] Birmingham, 54. The Jay house had two dining rooms (one formal and informal), two parlors (formal and informal), a ballroom and a number of themed rooms.

was most vulnerable to the stresses created by independence and the absence of a predictable and reliable international presence.[90]

Sarah's *Invitations to Dinner and Supper*, published in 1787 and read avidly by the public, shows she entertained men and women from a broad range of constituencies. The names comprising *Invitations* belonged to some of the wealthiest, influential and intelligent members of late eighteenth-century America. The list crossed ethnic lines, including the Dutch, Spanish, English, and American families, as well as religious boundaries by including Presbyterians, Episcopalians, Quakers, and members of the Dutch Reformed Church. The dinners brought together Whigs and Tories in a congenial and relaxed setting. Wise in the art of intrigue and political manipulation, she invited family members to help promote an affable and agreeable environment. Such a relaxed atmosphere helped keep tempers in check and propriety foremost in the minds of the more aggressive guests.[91] These dinners permitted notables to mingle and encouraged the free exchange of ideas in a safe and supportive atmosphere. Alliances were formed and opinions swayed. As debates raged over the ratification of the Constitution both the Jays and the Hamiltons successfully used dinner parties to shamelessly lobby New York convention delegates who held the future of the nation in their sometimes less than competent hands.[92]

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[90] Birmingham, 61; Roberts, 233-34.

[91] Birmingham, 54, 61; Ellet, 73-75. The list of distinguished guests included John Alsop, the diehard anti-revolutionist who refused to sign the Declaration of Independence, and British officers, such as Jacob Schieffelin. Sarah regularly included doctors and clergymen on her invitation list, who were rarely invited to such distinguished functions in late 18th c. America. Cleveland Armory, *Who Killed Society?* (New York: Harper & Brothers, Publishers, 1960), 115; Freeman, 122, 179. *Note:* Her party on January 10, 1788 was representative of a typical Jay party. Some of those who attended included: members of the Continental Congress such as Secretary Charles Thomson and representatives Daniel Huger, James Madison and Cyrus Griffin; the Spanish ambassador Don Diego de Gardoqui, NY Bishop Samuel Provoost and Minister Pieter Johan van Berekel, Alexander Hamilton and James Madison of *The Federalist Papers*, Robert R. Livingston and Aaron Burr. While Sarah was organizing important social affairs, John Jay served as secretary of foreign affairs, as delegate to Congress, the first Chief Justice, vice chancellor of the University of the state of New York, established the New York Society for Promoting the Manumission of Slaves and served as a member of the New York convention to decide whether or not to ratify the Constitution of the United States.

[92] Freeman, 22; Reginald Horsman, *The Diplomacy of the New Republic, 1776-1815* (Arlington Heights, Illinois: Harlan Davidson, Inc., 1985), 39, 58, 71; Roberts, 223-25.

Foreign diplomats and travelers of import, used to strict protocols and lavish receptions in their host countries, often found themselves at a loss in the newly united states. Jay's dinner parties and receptions were the exception and filled the pressing need for the unofficial but lavish social interactions that allowed an exchange of propositions and ideas not otherwise possible in a more formal setting. Her dinner parties allowed distinguished guests to be received and treated in a fashion similar to the royal courts abroad, yet were a reminder the new country was a democracy.[93] To help ensure her dinners exuded the expected degree of elegance and sophistication guests found in France, Jay employed a gifted French chef, an extravagance almost unheard of luxury in post-war America. The menus for her famous dinners boasted tempting dishes created from domestic, rare and exotic foods. The food was exquisite and so well prepared the French Minister, the Count de Moustier, notorious for bringing his own chefs with him to prepare his food when calling, left them at home when dining with the Jays.[94]

Sarah was always exquisitely dressed and benefited from the fashion expertise she gleaned in France, where she was introduced to the finest milliners and dressmakers. She called upon them to create fantastic dresses and accessories, which she then forwarded on to America in preparation for social functions. These fine clothes amazed those at home, for many were reduced to plain broadcloth or homespun by the war.[95] Most were impressed, some were jealous, but none questioned the influence and power of the Jays. By the 1790's many New York hostesses gave lavish parties and entertainment became almost a competitive art form. It symbolized social standing and power within the new country. Sarah Jay helped to create a new social context through

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[93] JJ to Don Diego Gardoqui, 4 October 1785, 172 and JJ to DDG, 1 March 1786, 173-74, in Freeman. Sarah and John's entertaining was done in an official capacity and viewed by Congress as such. For example, they were regularly presented with presents from their guests, yet refused to accept any of them unless it was previously approved by Congress.

[94] Birmingham, 55-56. Every dinner included multiple courses of sumptuous offerings of fresh lobster, beef, mutton, lamb, veal, fowl with truffles, pies, puddings, custards, ice creams, jellies, domestic fruits and exotic fruits like bananas and pineapples, pastries, éclairs, candies of all kinds, petit fours, cruellers, and pound cake.

[95] Birmingham, 53. An example of the clothing was a ball gown made from Chinese silk with real woven peacock feathers.

entertaining that was adopted by the elite. Many of the nation's foremost wives—including Abigail Adams, Lucy Knox, and Martha Washington—held weekly receptions and dinners. Entertaining became a premiere political tool, one the wives of politicians and would-be men of influence could master.[96]

Sarah's political consciousness continued to grow after the revolution and did not halt because the war was over. She did not need to be redirected into the domestic realm, for like most elite women of the era, she had never challenged her role in society. After the war she used her position to keep her absentee husband informed of political information. During John's absences Sarah remained at home to oversee the household, the children and the finances. She made decisions regarding the children's education, most notably when she enrolled Maria in the Moravian Academy in Bethlehem, Pennsylvania. Men were the masters of families and usually made all major decisions, but John was not home and so Sarah became responsible.[97] She also oversaw the work on the family's new residence in Bedford and kept her husband apprised of pertinent financial information, for in her husbands' absence she had full autonomy to make financial decisions.[98] Sarah continued to actively entertain and support her husband's career until she suffered from what appeared to be a slight stroke in 1800 and the couple retired to their Bedford farm. Although Sarah's speech improved and she regained the use of her right hand and arm, she never fully recovered from her stroke. On May 28, 1802 Sarah Livingston Jay died, depriving the world of the

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[96] Freeman, 162-164; Carl Holliday, *Woman's Life in Colonial Days* (Boston: The Cornhill Publishing Co., 1922), 311; JJ to GW, 6 October 1789, in Freeman, 188; Monaghan, 21-23. As Sarah established herself as the premier hostess and social leader, John Jay continued to advance his career. For the rest of her husband's career Sarah was often left alone while John traveled his circuit, but she was kept busy overseeing the daily running of the household, the family's finances, entertaining, and the welcomed birth of two more children, Sarah Louisa and William.

[97] Kerber, 119-201, 235, 269, 283-87. Nancy Jay also became a student at the Moravian Academy; Evans, E., 2; Evans, S., 57, 65. Goes on to write about the awesome responsibility mother's held in educating their children and how children were no longer looked upon as full of sin and willfulness, but as comprised of reason and possible perfection. Schools for girls did not appear in great number until after the 1780's demonstrates how the war helped to change present viewpoints of what domesticity was. SLJ to JJ, 11 October 1794, in Freeman, 233-34; JJ to Nancy Jay, 8 June 1796, in Freeman, 254-55.

[98] Freeman, 227; On building of residence and handling of expenses see SLJ to JJ, 7 July 1794, 227-28 and SLJ to JJ, 2 August 1794, 229-30; SLJ to JJ, 27 September 1794; SLJ to JJ, 25 October 1794, 235-38, in Freeman.

"uncommon merits of the woman-the amiableness of the friend….and the elegant accomplishments of the Lady."[99]

Sarah Jay's contributions to American history cannot be overlooked. Her patriotism brings to light factors that may be applied to other privileged women's political involvement in the war and provides a deeper understanding of the social dynamics of the Revolution. Mrs. Jay's sacrifices during the American Revolution display her patriotism and belief in the cause for independence. After the war Sarah Jay's hospitality influenced American culture and politics, and showed more women of wealth than previously believed participated in the American Revolution without rejecting traditional female roles. Jay still honored the duties assigned to her because of her gender, but instead of working against it she used it to her advantage.

The many personal sacrifices made on behalf of the American Revolution, combined with sentiments expressed within her correspondence, suggest she possessed a keen political mind that evolved during the revolution and allowed her to exert an influence on the course of American political events. She neither sought nor required recognition for her actions, something true of most privileged women of the era. Jay was not typical of women during this period, her birth and education placing her in the top echelons of colonial society, but it is possible women of all ranks understood the issues and implications of the war participated in the American Revolution from within the domestic realm.

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[99] Ellet, 82-3; Freeman, 272. A copy of her obituary is reprinted on page 282 of *Selected Letters* and appeared in the *New York Herald* on Wednesday, June 2, 1802; JJ to Peter Augustus Jay, 8 December 1800, 272-73 and JJ to SLJ, 17 May 1801, 273 and SLJ to JJ, 27 May 1801, 273-74, in Freeman.

Special Forum on Pedagogy:

Filling Silences, or, Why Use Fiction to Teach History?

By

Erik Peterson
University of Notre Dame

> "What haunted Kierkegaard in the story of Abraham and Isaac was the paradox of faith—in particular the secret triumph of faith by the very power of its absurdity against the public ethical demands before which faith is *merely* absurd. … Morality is the sphere of abstract principles of behavior; to religion alone belongs the unique historical moment, the moment that cannot be told because it tells so much." —Marjorie Grene[1]

The man under the red Boston baseball cap looked like a narc. I should have known that something was amiss at that point. But this was a college creative writing seminar in the early 1990s, my first since toying with the idea of becoming a Fine Arts major, and I was more worried about my presentation in front of the whole class than I was about the attendees. Plus, there are no narcs in college writing classes.

The class began with the usual announcements of poetry readings, film festivals, art exhibitions and the like. This process took just long enough for me to get good and self-conscious; it was with sweaty hands and a reddened face that I finally made my way to the front of the classroom to give my presentation.

Maybe seventeen people were in the room, positioned, as was the custom, in a discussion-promoting semi-circle. Not only was I the youngest student in the class, I was the only not-yet-English major. This was, in fact, my first "writing" seminar—"Writers as Readers," it was called. Our poet-professor stood fast upon the principle that before one is qualified to pick up the pen or

[1] Marjorie Grene, *Dreadful Freedom* (Chicago: University of Chicago Press, 1948), 141.

knock away at the keyboard in order to compose something worthwhile, one must read the good, the bad, and the ugly and learn the methods by which the wheat and the chaff might be sifted. At the time, a novel a week seemed like a grueling pace. The whole class, I thought to myself, was painful. And I approached each book gingerly as one might when attempting to extract a splinter of wood from under a toenail: I expected that it was going to hurt and that I might as well get through it while doing as little damage to myself as possible. I learned early in the process that I had not the skills to decipher quality in writing—in part because I was not a fast or close enough reader, in part because I liked all of the wrong books and disliked the right ones.

Tim O'Brien's *The Things They Carried* was one of the books I liked. That is until I found out it was a fraud. I was uncertain my classmates knew its status as a doppelganger—a purely fictional account masquerading as historical narrative—and I felt that, now that the podium was in front of me, they should know.

I wanted to expose the whole project as a phony *because* I liked it so much; I felt cheated that my heart and mind tracked along in the wet dark beside Dave Jensen and Lee Strunk and Rat Kiley. We trudged together through the Vietnamese jungle. I was at My Khe when the narrator (I assumed it was O'Brien himself) "fragged" a young Viet Cong dressed in black with rubber sandals because he assumed he was facing an enemy combatant.[2] I felt the weight of the guns, the packs, the memories of home, the alienness, the foot rot. I smelt muddy hair and dank leather and the tinny-powdery smell of gunfire and lots of blood. I dripped from the jungle steam and the moments of cold-sweat panic. I was mad that O'Brien made my eyes well up with tears multiple times throughout the book. I was mad that main characters died for pointless, unheroic, seemingly random reasons. And for what, I thought. For a *lie.* (They were just characters, but I still thought somehow that they were really-*real.*)

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[2] Tim O'Brien, *The Things They Carried* (New York: Penguin Books, 1990).

After I mustered up the courage, I told my class what I had discovered by reading reviews of the book: that O'Brien had never been in Vietnam—not as a soldier at least. That these people were just characters. That History was True. And this was Not True, no matter how historical-seeming. This was like *Platoon* or *Born on the Fourth of July*: good stories but not history. Not *facts*. O'Brien transgressed when he portrayed this as truth—as personal narrative.

Tim O'Brien looked up at me thoughtfully and wordlessly from underneath the red Boston cap the whole time I gave my pedantic little tirade. I couldn't really see his face, so I'm not sure if he smiled or frowned, if he thought this was supremely funny to hear a 19-year-old tell him he was writing lies, if he was hoping I would eventually wise up and get the point. When our professor finally introduced Tim O'Brien to the class, I got the point.

This essay is a descendant of the lesson I learned that day—the lesson that fiction can work to augment the teaching of history. It's not a straightforward lesson. Even by using the word "fiction," I am gesturing at several overlapping themes: the composition of literature, the interplay of particulars and generalities, the value of imagination and creativity, and the creation of thick descriptive context, characters, and language. I am also hinting at an implicit division of *real* and *fictional*. And it is the above panoply of concepts—especially this perceived division between the true or extant with the imaginative or fictitious—that throws up three apparent impediments to using fiction as a pedagogical tool within the field of history. I'll explore these tensions and potential solutions to them below.

The first hurdle to leap when using fiction, the book marketing category, to teach history, the subject matter, is that students believe there is a bright, ineffable line separating the two. Some individuals, unfamiliar with the professional practice of history (I lump my undergraduate self in this camp), exhibit a knee-jerk aversion to the claim that history and fiction are treading similar (*note*: not isomorphic, perhaps not even parallel) paths. I have experienced this while teaching introductory

undergraduate surveys. I have seen this in graduate seminars. And it begs the question: why such strong reactions?

Much of the tension is tied up with a common sense conflation of what are actually two different questions: one epistemic, one ontological. *Is there history*, like its parent question, *Is there truth* has become, at least since Kant, quite tricky. Most of us are likely to make the intuitive claim, *Yes, there is truth/history*. Fewer of us are willing to go all the way to the hastily invoked sequitur: *And we can know all of it, dammit.* When pressed, I would guess that most historians would reply, *There* is *a history to know; our actual knowledge of it is incomplete and cloudy at best.* Can we know truth? Can we get to what is really true in the past? If not, is our responsibility to get as close as possible? To describe what we can know as well as we can? Plead total ignorance? Produce meaninglessness or noise to highlight the incomprehensibility of life in the world?

I don't know the answers to these questions. But I suspect that once we have taken a step back from heated claims that historians do or should get to the "really-real," we might be able to say that what counts in the pursuit of the past is not simply brute, uninterpreted fact—numbers of troops, Gross National Products, and the names of kings and their inbred descendents. These things are helpful, but we want to know more than this, we want to know *hows* and *whys*; by stepping away from claims that values and emotions cloud facts and truth, we might be able to get to a more "human" history.

Is "human" history what students want to read? Is it what historians want to teach? The commercial success of David McCullogh's biography of John Adams and his recent work *1776* indicate that—as long as there is at least a hand-waving toward the historical truth of the matter—Americans want something more than mere truth in their history books. Though students might complain when they directly confront the issue in a class, historical truth is of only relative importance. In a crude way, the virtual cult spawned by Dan Brown's *DaVinci Code* appears to

substantiate this claim. Historical factuality, while preferable to complete fabrication, is not necessarily a crucial reason to read history books.

For some historians, by contrast, facts are of utmost importance. Consider the closing salvo of Gordon Wood's recent review of Gary Nash's *The Unknown American Revolution*. "Maybe Nash sensed that his interpretation of his 'unknown Revolution' was already so overloaded with modern multicultural politics that addition[al] outlandish claim[s] would finally sink it," he scorns.[3] In other words, Wood asserts that there is a correct, factual interpretation of the causes of the War and Nash has missed it.

Why, aside from professional *raisons d'état*, is Nash's (mis-)interpretation so egregious to Wood? I would argue that it relies upon the same conflation of ontology and epistemology that is made by undergraduates in a history class. When forced to think about it, we presume that we see things the way that they *really* are. We want others to see the facts the same way that we do, especially when we have created a cohesive *Weltanschauung* around our interpretation. Another interpretation, an oppositional induction from the same daedal body of evidence perhaps, represents a challenge not only to our interpretation of appearances but our fundamental ontology—the way we think the world really works.

How does fiction serve to overcome this problem? A work of fiction usually makes no claims to explain the world as it really is; fiction creates and describes only appearances. Although even as I write this, I think this is a false characterization: fiction often tells us how the world is, demonstrates and describes real ontology, often better than non-fiction. (This was my problem with O'Brien's book—I thought it was describing the way the Vietnam conflict *was* rather than merely how it appeared to be.) At least we might believe that, when used in a history class, fiction challenges (1) the claim that history books really get to the comprehensive facts of the matter, and (2) the

[3] Gordon S. Wood, "Colonial correctness," *The New Republic*, June 6 & 13, 2005, 42.

notion that the field of history is an attempt to accumulate documented assemblages of events and memories of events.

A second hurdle we must overcome when using fiction to teach history is wrapped up in the notions of classification attached to mathematical concepts like bounded sets and centered sets, and linguistic concepts like *emic* and *etic*. Let me explain what I mean here.

"Set theory" is a peculiar mathematical concept that, when applied to humans (or any other population), seems to aid in classification. Although it is most often employed in abstract logic, anthropologists have borrowed the concept in their own studies.[4] They flesh out the difference between bounded and centered sets in the following ways.[5]

Bounded sets are:

(1) lists of essential characteristics objects must possess in themselves to warrant inclusion in a set;

(2) defined by clear boundaries—the meaningful question regarding an object to be classified is whether or not it is *in* or *out* of the set;

(3) content-homogenous—i.e., differences between individuals in a set are "read out" and similarities highlighted or "read in";

(4) treated as fundamentally static units;

(5) generally treated as ontological sets and are thought to describe true abstractions or categories.[6]

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[4] Bas Van Fraasen uses a similar model he calls a cluster concept when attempting to delineate population borders and the identification of historical subjects (in this case, scientists). Bas Van Fraasen, *The Empirical Stance* (Princeton: Princeton University Press, 2001), 132–159.

[5] Paul Hiebert, *Anthropological Reflections on Missiological Concepts* (Grand Rapids: Baker Books, 1994).

[6] Ibid., 112–113.

By contrast, so-called "centered" or "cluster" sets are grouped on the basis of relationships instead of essential characteristics.

(1) They are created by defining both a central reference point and the qualifications for relationship of an object to that center.

(2) Centered sets have fuzzy boundaries. What boundaries do exist emerge from the relationship of the object and the center.

(3) They are content-heterogenous, since the variables of a centered set include only the center and the relationship of the object to that center.

(4) Clusters are flexible units; as the center changes the clusters change. Likewise objects that appear to look like the center but have changed direction and are no longer oriented toward the central concept do not have to be included in that center.

(5) Rather than ontological statements about the state of the world, centered sets are structural acknowledgments that the firmest claims are merely epistemic ones. The cluster meets the needs of the study for which it was identified but makes no claims as to the "realness" of the categorization. It is a temporary state assembled for convenience.[7]

Another useful categorization concept employed by linguists and anthropologists is known as the emic/etic distinction. First coined by Ken Pike in the early 1960s, *emic* (from "phonemic") refers to behaviors or linguistic events described in terms meaningful to the actor(s).[8] *Etic* (from "phonetic") accounts of behaviors and linguistic events invoke terms familiar to an outside observer. According to anthropologist Marvin Harris, who popularized Pike's emic/etic distinction, those interested in the local construction of meaning and local rules for behavior will rely on emic

[7] Ibid., 123–124.
[8] Kenneth L. Pike, *Language in Relation to a Unified Theory of Structure of Human Behavior,* 2nd ed. (The Hague, Netherlands: Mouton Press, 1967).

accounts; those interested in universal or nomothetic explanations will likely be forced into an etic vocabulary.[9]

What do these two issues (i.e., bounded/center sets and emic/etic distinctions) mean for the relationship between fiction and the field of history? One immediate ramification might be a renewed attention on documents themselves. Denizens of the eighteenth and nineteenth centuries exist only in the paper trails they left and the occasional artifact, building, painting, memorabilia, etc. Though they are not, therefore, able to corroborate our rendering of them, we should be sensitive to the potential emic perspectives in their letters, diaries, etc. Likewise, when finding ways to pigeonhole individuals into various larger categories, we should be more than a little aware that these categorizations are our construction—the "real" identities of our historical subjects likely would not have self-identified in precisely the way we have typified them. But should this even be a concern of ours if, as I suggested above, the really-real is pretty near to inaccessible?

Take Sandra Gustafson's portrayal of Jonathan Edwards, for example.[10] While it is arguable whether Edward's wig-donning established him as a preacher intermediate between masculine and feminine identities, it is good to know that such semiotic exchanges were indeed part of the eighteenth century cultural landscape. Unfortunately, we are left with only a scrap of dialogue from Edwards' father-in-law about the significance of gender-bending behavior. More work might be necessary here to establish a truly emic vocabulary and cultural network. Gustafson's approach, however, illuminates alternative readings of events—readings that may enable us to reconstruct a vocabulary recognizable to our historical subjects, though in its current form it makes no bones about being an etic approach.

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[9] Harris first borrowed and adapted Pike's emic/etic distinction in *The Rise of Anthropological Theory* (New York: Thomas Crowell, 1968). His most complete work on the subject is *Emics and Etics: The Insider/Outsider Debate* (Newbury Park, California: Sage Publication, 1990).

[10] Sandra Gustafson, *Eloquence is Power: Oratory and Performance in Early America* (Chapel Hill: University of North Carolina Press, 2000).

I think we *should* be concerned about emic representation, though our attempts to reach the real individuals and processes of history are doomed to a certain amount of obscurity and more than bit of etic restructuring of terminology. In as much as we have backed away from claims of final historical truth, fiction enables us to talk through the mouths of subjects long dead in identity terms nearer to their living selves. In other words, faced with an inability to resuscitate an individual directly from their corpus, writers of historical fiction animate a simulacrum, furnished with a personality, emotions, reactions, reason, and irrational, idiosyncratic behavior. To be sure, this recreation is an enterprise for the etic as well as the emic. When done well, however, we might see in the character a representation unobservable from a mere listing of facts culled from documents or an abstract, bounded, etic category that uses an individual primarily as an illustration.

All of this is well and good for biography. But how do these suggestions I am making work themselves out in histories larger in scope?

Not well, apparently: the notion of etic, bounded sets is used seemingly without compunction in macrohistories. Abstract groupings of individual historical actors whiz through our textbooks causing this, explaining the outcome of that. Single actors described with an attention to emic detail appear not to fit as smoothly into bounded sets. Or rather, when the categories are doing the acting, individuals serve as props. In a grand account of the causes of the American Revolution like Gordon Wood's, race, class, and gender hardly merit mention—something that blacks, poor people, and women who participated in the Revolution might find hard to swallow. Likely centered set models of large-scale historic events would describe the actions and intentions of groups in a manner more faithful to the individuals themselves.

But doesn't the abandonment of etic classifications and large, bounded sets make macrohistory too unwieldy? Perhaps so. What might the field of history be giving up in such a micro-historical turn? Aside from a thin cloak of "certainty" about *the* definable causes of major

events, I am not clear that anything irreplaceable is being lost. "Understanding" the unseen causes of the Revolutionary War, say, is a lucrative and entertaining book industry, but no more historical (if by historical, *closer to knowable events* is meant)—and certainly no less speculative—than microhistories of regions and participants. A broad scale approach does offer a different perspective, an overview. But it also leaves open the temptation to script a story in terms of abstract categories that do not correspond to the actions and thoughts of any individual participants. Well-researched historical fiction, by contrast, places the spotlight on characters that have a link to documents left by an actual person.

Charles Brockden Brown's 1798 novel *Wieland* reconfigures the typical Gothic novel around a dialectical exchange between characters that symbolize opposed eighteenth-century extremes.[11] One character—after whom the book is titled—epitomizes the irrational spiritualist or evangelical; the other, the ultra-rational humanist. Both are subject to the suggestions of Carwin the ventriloquist: i.e., they both hear his voices and act on them. Carwin occupies an unsettling third position—he is amoral, if not immoral, and if not irrational at least responding to whims that make little sense to the narrator-character. As a piece of fiction written more than two centuries ago, *Wieland* unlocks an emic vocabulary. The novel also identifies certain centered concepts—represented in the characters, if one reads between the lines somewhat—useful when attempting to recreate the late-eighteenth century intellectual and political landscape. Because it is a primary source, Brown's book enables us to see centers of historical sets. Because it is a work of fiction, the emotional intensity, the motives, the tattered, unruly past is displayed, animated, and open for our interpretation and vicarious experience.

A third hurdle to overcome is the notion that history is *for* something immediate or that history has a function that will improve or, at minimum, inform my immediate future. And we often

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[11] Charles Brockden Brown, *Wieland* and *Memoirs of Carwin the Biloquist*, J. Fliegelman, ed. (New York: Penguin, 1991).

make the further presumption that the function of the discipline as a whole is to assist someone to do something in the present: the politician to make culturally sensitive social policy, the history professor to know the truth about the past, the museum curator to know how to arrange exhibits around the proper *mythos* that the audience wants or needs to see. Or more vaguely: to help the present not be like the bad parts of the past (a progressivist or romantic view) and/or to help the present to be more like the good parts of the past (a traditionalist or romantic view). The difference between history and fiction by this account, then, is that fiction's only function is to entertain or force one to emote.

An alternative to the view that history has a society-enriching function and that fiction does not is to assert that history is merely descriptive and serves no function other than that of the conservation of memories about events. Or worse, that the discipline of history functions within the university analogously to a virus—co-opting the space and resources of a living cell to replicate itself until resources run out.

If historians use fiction to tell history, doesn't this suggest that history is primarily for entertainment, either of the reading public or of the academy? Not necessarily. I think history *does* have a function. The misnomer lies in the fact that benefits of history are not necessarily *directly* relevant to the reader. The most important benefits of reading and experiencing history are often subjective and slow to reveal themselves—yet nonetheless profound. Fiction rooted in history like Madison Smartt Bell's *All Soul's Rising* adds flesh and bone and a raw emotional energy to a historical narrative that without it might be as marginalized as the people groups involved in the history's making.[12] The function, then—the relevancy— is that history helps us to understand and appreciate the distinctiveness of those who have come before us, who lived sometimes radically different lives from the ones we lead.

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[12] In this case, the people are eighteenth century Haitians. Madison Smartt Bell, *All Soul's Rising* (New York: Vintage Books, 1995).

There is another aspect to the doing of history that hangs around unspoken in the background, silently lurking in the shadows between the pages, underneath the dust jackets, sublimating or denigrating an entire project in the manner of an ancient muse. Philosophical anthropology attempts to illuminate, however partially, the notion that there is something about what it means to be human that hides in the chthonic levels of every individual and culture, too deep for a way-of-knowing as superficial as science to excavate. Every book written in the service of history, whether or not it means to, functions as a tacit, temporally contextualized philosophical anthropology. This claim seems to be true of both biography and sweeping surveys—and probably everything in between. There are differences between inhabitants of the past and ourselves; and there is something we have in common.

Will Irvine, a leading light in the histories of Darwin and Huxley, purportedly said that humans are no more and no less than angels in the bodies of apes.[13] He was likely not the only one to make such a claim since the biological origins of humankind came to light in the eighteenth century. If this angels-in-apes story is the case with us humans (making a possible exception for Southern Californians, for whom the inverse characterization no doubt holds), then at minimum the field of history must be a concerted attempt at explaining not only the reasonable and rational but the irrational and unreasoned. We are angelic; we are demonic; we are unreasoning beasts. What might a species of historical philosophical anthropology look and feel like?

I think my dad killed himself ten years ago out of shame more than anything. Shame that he was ordinary, that he was unable to transcend his own faults, his own fears, his own insignificance in relation to the broader world around him. He did not feel much like the angelic part of him had any control over the bestial. Despite the intensity of the emotions that must have propelled him in that final sequence of ineffable and irretrievable moments, the only "history" that remains—the only

[13] William Irvine, *Apes, Angels, and Victorians: Darwin, Huxley, and Evolution* (New York: Time, Inc., 1963).

documentation that a historian might piece together into a narrative—is a vague, feebly scrawled note written on his favorite manila tablet paper and a stark, black and white death certificate. Even if you knew the man, this isn't much to write from. Yet, it is when considering the *how* and *why* and *what's left* of my dad's death, and the paucity of what remains of his life, that I begin to glimpse the anthropological significance of "fictional" history in all its permutations.

Those intense moments that seem to cut across distinctions of gender, ethnicity, class, and education happen in the disarticulated and unrecoverable joints of history at least as much as in the somewhat tangible documentary scaffolding. (They are there, too—otherwise the field of history would be little more than storytelling or antiquarianism—just not to the same extent.) Letters, diaries, and memoirs are culled and shaped; emotions may be controlled, hidden within particular turns of phrase, or, as in my dad's case, piquant but distorted. The documents significant to a social historian—censuses, court records, lists and charts—speak clearly only about the areas they were set up to tabulate. There's so much left unsaid, undocumented. The viscera of history, dark moments of despair and indecision, doubt and fear, remain slippery and elusive in the documents themselves—even though these emotions are just about the only universal aspects of humanity. For the most part, historians must read feeling into history. But the feeling, the intensity of pain and sorrow, joy and elation, misery and hope—these are common elements that undergird every historical event worth remembering.

Unless we (like Gordon Wood perhaps) are historian-Calvinists, we recognize that even the "big" questions about economics, politics, the causes of wars, etc., collapse into mundane decisions made by insecure people wrangling with massive, unassailable emotions and drives—greed, shame, doubt, fear, awe, joy, grief. History is fashioned from centered sets of individuals going about their quite ordinary lives rather than clunky boxes or members of precisely enumerated abstract categories to be shuffled around some causal-temporal checkerboard. When necessarily fictive or, rather,

imaginative accounts of these emotions are woven together with documentation—the so-called evidence of historical fact—the result is an anthropological narrative of the past. This emotionally rich narrative, an *All Soul's Rising* or even a *Wieland*, suffers from the same epistemic uncertainty as all other historical accounts. It is partial: incomplete and skewed toward a single, relatively narrow perspective. But the narrative remains ontologically superior: the richness of emotion, even imaginatively framed emotion, helps us to understand ourselves, to empathize with our fellow humans, and to give the field of history a function above its own self-preservation.

How do I teach history using fiction? I might start by: (1) pointing out the proximity, epistemically speaking, of professional works in history to fiction, (2) problemitizing the use of abstract, bounded categories that would mean little to our historical subjects in our reconstructions of the past, (3) teaching students to question the function of history in general and individual studies in particular, and (4) insisting that every work of history is concomitantly an implicit commentary on what it means to be human. Ultimately, I would like to pass on the lesson that the history we study and write should illuminate those things that are common to all of us—namely intense emotions like shame, despair, jubilation, hope, and fear—in order to help us understand, appreciate, and even celebrate what appears to differentiate and divide us. This lesson, it seems to me anyway, is the Thing red-capped Tim O'Brien would want me to carry.