

# Herodotus

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Stanford University Department of History





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Herodotus is a student-run publication founded in 1990 by the Stanford University Department of History. It bears the name of Herodotus of Halicarnassus, the 5th century BCE historian of the Greco-Persian Wars. His Histories, which preserve the memory of the battles of Marathon and Thermopylae, were written so that “human achievements may not become forgotten in time, and great and marvelous deeds . . . may not be without their glory.” Likewise, this journal is dedicated to preserving and showcasing the best undergraduate work of Stanford University’s Department of History. Our published pieces are selected through a process of peer review. For additional information, please visit us online at [herodotus.stanford.edu](http://herodotus.stanford.edu).

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## EDITOR'S NOTE

According to Professor James T. Campbell, studying history is like traveling to a new place. One encounters people and ideas at once utterly foreign and strangely familiar. A journey enables us to see home with new perspective and depth. In Campbell's analogy, "home" is our own time, and our "travels" enrich our ethical, aesthetic, and intellectual appreciation of it.

The essays in this journal can be seen as a set of such journeys. They demonstrate deep engagement with the past. Selected for their clarity of analysis and depth of research, these papers explore topics from eighteenth-century French political debates to the cultural production of twentieth century New Orleans. They consider a wide variety of source material— paintings, correspondence, news articles, statistics, and literature. The papers presented here reflect the unique intellect of each of their authors, who have tackled complicated historical subjects with curiosity and insight. Their work reminds us that history comes alive when we engage with it— for its true importance is not so much in recording the past but in changing our relationship to it – and perhaps seeing "home" with fresh eyes.

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# DOMESTICATING DEMOCRACY: THE REFORMIST RATIONALE BEHIND GEORGE GROTE'S REDEMPTION OF ATHENS

Introduction by Professor Jessica Riskin

In “Domesticating Democracy,” Nick Burns reveals the origins of the widespread modern view of Athens as a humane and enlightened polity in contrast with the inhumane and oppressive Sparta. Burns traces Athens’ rosy reputation to reform-era Britain, and in particular to the work of George Grote. Previously, Athens and Sparta had held very different reputations. For example, many Enlightenment political thinkers, such as Jean-Jacques Rousseau, had preferred Sparta for being the more egalitarian society. Burns argues that Grote elevated Athens to serve as an argument for the safety of expanding the franchise, by exemplifying a democracy whose stability resided in a fundamentally conservative voting populace. Burns’ argument elegantly interweaves revisionist readings of Grote’s work along two intersecting axes: the politics of reform and the historiography of ancient democracy.



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## Domesticating Democracy: The Reformist Rationale Behind George Grote's Redemption of Athens

Nicholas Burns

In 1846, former banker and member of Parliament George Grote published the first British work of Greek history to unreservedly praise ancient Athenian government and society. The scion of a Kentish banking family, Grote received the best education money could buy, until his father denied him the chance to go to university so that he might work in the family bank. Undeterred, he kept up a rigorous personal program of reading classical texts, and soon fell in with the sect of British thinkers known as the “philosophical radicals,” befriending famous members of that circle, including James Mill and David Ricardo. After unsuccessfully leading the small radical faction in the British Parliament from 1832 to 1840, he stepped down in order to write his twelve-volume *History of Greece*. Published starting in 1846, Grote's *History* became an instant success across the British political spectrum, as well as on the European continent. The response to Grote's work is striking, for while appreciation of Athens' cultural prowess was widespread among thinkers at the time, so was the association of its government with riot and revolution.<sup>1</sup> How did Grote manage to portray Athens, widely regarded as a cautionary tale of faction and violence, as a Victorian city on a hill? What motivated him to contradict the consensus on Athenian disrepute?

Most studies on Grote acknowledge the political character of his historical work, but do not seek to connect the content of his political platform to the details of his historical narrative.<sup>2</sup> The few scholars who do analyze Grote from a political angle tend to write positively about his support for reform, with a special focus on

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1 See Roberts, *Athens on Trial*, “The Turning of the Tide”: 214–237.

2 Momigliano, “Grote and the Study of Greek History”; Cartledge, “Introduction,” in Grote, *History of Greece*, ed. Mitchell and Caspari; Kinzer, “Philosophic Radical and Politician,” in *Brill's Companion to George Grote*.

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the more radical aspects of his thought. To Frank Turner, Grote's obsession with the general interest reflected a strong Rousseauian influence.<sup>3</sup> To Nadia Urbinati, on the other hand, Grote sought a middle ground between French republicanism and the English reaction against it.<sup>4</sup> Both of these studies emphasize Grote's attention to Athenian social and political institutions, in particular his analysis of the Athenian court system and the reforms of Cleisthenes in the late sixth century BCE. However, little attention has been paid to Grote's focus on the cultural foundations of democracy in Athens.<sup>5</sup> A closer examination of Grote's cultural theory of Athenian history makes clear the more hidebound aspects of his political project. That which the early Victorians left unsaid in their theories was often admitted in their histories, and it is in Grote's work on Greece that we can locate the sense of order and cultural docility that undergirded his principled demands for reform.

For Grote, as for both his contemporaries and antecedents, debates over the extension of the franchise overlapped with arguments about the virtues and vices of Athenian governance. In a political context where the long shadow of the French Revolution loomed over British politics, the aristocratic establishment in Parliament feared any governmental reform as the first step towards anarchy, mass mobilization, and redistribution of property. Consequently, George Grote sought to employ the Athenians as proxies for his argument that reform of the British government would prove harmless to the stability of the nation. Grote based his argument on the existence of a culturally conditioned and deep-set "conservative feeling" among certain peoples, a theory I term popular conservatism, which he articulated through a revision of Athenian history. For Grote, the source of Athens' artistic and material grandeur lay in the character of its people. He ascribed middle-class, liberal values to ancient Athenians: these included a respect for property and a tendency to defer to virtuous, public-minded leaders. By drawing consistent analogies between

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3 Turner, *Greek Heritage in Victorian Britain*: 221.

4 Urbinati, *Mill on Democracy*: 14.

5 See Turner, *Greek Heritage in Victorian Britain*: 222–7; Roberts, *Athens on Trial*: 224–227.

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Athenian and Victorian society, Grote sought to apply this theory to British politics: the British people, possessing the same middle-class ethos, respect for property, and deference to aristocratic leaders, ought to be enfranchised so as to bring the interest of government closer to the interest of society at large. Due to the “conservative feeling” of the British people, no ill could come of such reforms, and the British populace would propel Victorian civilization to new heights of worldly renown.<sup>6</sup>

I aim to trace the development of Grote’s classically grounded notion of popular conservatism in a roughly chronological sequence, beginning with an account of his predecessors in the field of classical history in Britain. One of these predecessors, William Mitford, proved a principal influence on Grote’s thought. After discussing Grote’s 1826 rejection of Mitford’s equation of Athens with majority tyranny, the revolutionary poor, and scorn for property rights, we will see how he consolidated the theory of popular conservatism in his *History of Greece*, published between 1846 and 1856. In these books, *Grote* recast Athens as a kind of proto-parliamentary regime, where citizens deferred to aristocratic leaders and maintained a middle-class sense of moderation and respect for property, thanks to a combination of institutional innovation and cultural conservatism. We will then examine one relevant portion of the *History* in detail: Grote’s account of the cultural formation of Athens under Solon. Attention to Grote’s analogies to Victorian Britain will show that he intended all of this as a metaphor for British politics: the franchise ought to be broadened, because the benefits of involving the people were great and the costs imaginary.

This less radical interpretation of Grote’s work on Greece may help us understand both his runaway popularity in his own time, as well as his long legacy. Instantly acclaimed by the leading luminaries of the age, Grote’s book remained a stock text in classical studies well into the twentieth century, and is the earliest work of Greek history still regularly cited by scholars.<sup>7</sup> He remains

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6 Grote, *History of Greece*, vol. 3: 113. Unless marked “ed. Mitchell and Caspari,” my citations are to the unabridged 1872 edition.

7 Turner, *Greek Heritage in Victorian Britain*, 213; Auguste Comte to

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a major figure in classical reception studies, and has drawn the attention of scholars of Victorian intellectual history. Little attention has been paid, however, to the significant influence he had on the politics of his era. At a time when appeals to the classics had palpable political significance, Grote's use of the Athenians to argue for reform proved so successful that it later became the basis for political decisions of great importance. Indeed, after meeting with Grote himself, Conservative leader Benjamin Disraeli put popular conservatism into practice with the Second Reform Act of 1867, extending the franchise in the hopes that it would result in a political shift towards his party.

If Grote's *History* were truly as radical as some scholars suggest, it seems unlikely it could have achieved the success it did during the latter half of the nineteenth century, a period in British history characterized by so great an affinity for social and political order.<sup>8</sup> In reality, Grote's work was likely popular not because it challenged the existing order in Britain but because it supported it. Perhaps it is no surprise that the story of Grote's Greek history, which is also the story of the rehabilitation of Athens in European thought, has less to do with Athens itself than it does with nineteenth-century politics. Political expediency simply required that the Athenians transform themselves into idealized Victorians.

### **Greek History and Political Thought in Britain during the Age of Revolutions**

Some historical background on the resistance to both institutional change and popular rule that characterized British political thought around the turn of the nineteenth century is necessary in order to understand why George Grote defended the Athenians. In 1784, William Mitford (1744–1827) published the first of five volumes in his *History of Greece*. The son of a lawyer, Mitford took an early interest in Greek literature and later attended Oxford.

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George Grote, 27 February 1845, in Grote, *Posthumous Papers*: 88–93; quoted in Momigliano, *Grote and the Study of Greek History*, 13. See also E.H. Carr, *What is History?*: ch. 2.

8 See Harvie and Matthews, *Nineteenth-Century Britain*: 105.

Although he showed little interest in his studies and never became a lawyer, Mitford's study of English law informed the belief in British constitutional superiority he was later to bring to his Greek history. While serving as an officer in the South Hampshire militia, he met fellow officer and titan of Roman history Edward Gibbon, who encouraged him to write a full-length history of Greece. Although thorough treatments of Roman history had been made by both Gibbon and Montesquieu, no comparable work had been written by a European author on Greek history. Mitford, inspired by Gibbon's exhortation, set to work.<sup>9</sup>

The French Revolution was still five years away in 1784, but Mitford had become acquainted with French republican thought and its attraction to the classical city-states while in France in 1776–7. He considered the republican ideas he encountered extremely threatening to the integrity of the English constitution which, he believed, had preserved stability and prosperity through time.<sup>10</sup> Serving intermittently as a member of Parliament for various boroughs controlled by his patrons, he became a vociferously anti-Jacobin member of the Tory party, denouncing the French Revolution with increasing vehemence as the eighteenth century drew to a bloody close. The five volumes of his *History*, which he published sequentially and completed in 1810, also grew increasingly negative in their attitude towards the Athenians. Mitford claimed democracy was a misnomer for Athens, because it had been made possible only through the disfranchisement of slaves and the empowerment of city-dwellers over residents of rural Attica. What was more, Athens terrorized its allies, and lacked protections for the property and security of its citizens.<sup>11</sup> Even as Athens' reputation for artistic accomplishment increased, Mitford's denunciation of Athenian government garnered broad support from members of both major parties, and his careful research won praise on the Continent.<sup>12</sup>

9 See Montesquieu, *Considérations sur les causes de la grandeur des Romains*; and Gibbon, *The Decline and Fall of the Roman Empire*.

10 Redesdale, "Introduction" in Mitford, *History of Greece*, vol. 1: x–xii, xl.

11 Mitford, *History of Greece*, vol. 1: xvii, 370.

12 Redesdale, "Introduction" in Mitford, *History of Greece*, vol. 1: xliii;

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After 1789, the British attitude towards the French Revolution began to shift from interest to fear. William Pitt's inquisition against supporters of Jacobinism and parliamentary reform helped to smother the Scottish Enlightenment, and a diverse range of opinions gave way to acrimony between loyalists and revolutionaries, with the latter increasingly turning to the British working classes for support.<sup>13</sup> In this climate, it was little wonder that no historian of Greece attempted to refute Mitford's depiction of Athens as violent, popular, and hostile to property rights. However, one force in British political thought remained neutral in the harsh climate of 1789–1848, and it was their ideas that were to form the basis for Grote's defense of Athens.

George Grote was, as noted earlier, a prominent member of the political and intellectual circle that took shape around the work of Jeremy Bentham (1748–1832). His sect of “philosophical radicals” struck a delicate balance by pairing demands for reform with a commitment to incrementalism, and explicit denunciations of revolution both in America and France. Bentham's law-abiding tendency was an important advantage during a time of widespread political repression, and his principles soon inspired a younger generation of politician-intellectuals, including David Ricardo and J.S. Mill, as well as George Grote. All three sought to inspire reform through publication in the leading radical magazine, the *Westminster Review*, and by taking seats in the House of Commons. Mitford's unyielding defense of the English constitution deeply offended the young Grote, who believed in the Benthamite doctrine of reform as a method to modify irrational and outdated practices which did not efficiently serve the general interest of society. To Mitford, reform and revolution were equally dangerous deviations that could only end in a repetition of the chaos and injustice of Athens: Grote wished to redeem the possibility of reform. He began with a scathing critique of Mitford's *History* in the April 1826 issue of the *Westminster Review*, in which he sought to connect Athens' artistic prowess with its political culture, and to reimagine Athenian society as having been dominated by the middle class.

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J.T. Roberts, *Athens on Trial*: 215.

13 Harvie and Matthew, *Nineteenth-Century Britain*, 25–27.

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## Middle-Class Athenians: Grote versus Mitford

Grote's review was an attempt to tear down Mitford's Athens *tout court* and reassemble a vision of Athens from scratch, with the knowledge that such a vision would have a powerful political appeal to his educated contemporaries. Excellence in the arts, Grote reminded his readers, was what made the Greek classics so essential to an elite education in Britain. It was the responsibility of the citizens of a country which held Greek literary production in such high regard, to inquire into the "general characteristics of society" which had conditioned such production.<sup>14</sup> Even if Athenian politics were not to Mitford's taste, the task of Greek history demanded at the very least a balanced attempt to explain how politics related to Athenian artistic prowess.

Grote attributed Greek achievement in the arts and sciences to a "desire of the public applause," that is, a tendency of free Greek men to compete with each other for the respect of their fellow men. This desire was exaggerated by the geographic density of the Greek city-state, in which prominent men were prone to debate more frequently than in a "territorial aristocracy," and by the lack of an alternate arena to compete for public approval outside of politics, such as law or charismatic religion.<sup>15</sup> Grote suggested that the most artistically successful Greek governments were democratic, as democracy amplified this productively agonistic rhetorical climate.<sup>16</sup> In a democracy, the man who could impress a public assembly with passion (such as in the Athenian *ekklesia*) won rewards: thus, there was an incentive to study and teach strategies of persuasion. Yet, Grote argued, in order to study how men may be persuaded, one must first establish the nature of man: thus rhetoric was born, and with it, philosophy. The man who could sway a smaller committee (the Athenian *prytaneis*, for example) with a

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14 Grote, "Fasti hellenici": 280.

15 Grote, "Fasti hellenici": 271–274.

16 This is not entirely dissimilar to contemporary classicist Reviel Netz's argument that Athens remained central to ancient literary practice after its political decline due to the compelling hyper-performativity of its politics. See his forthcoming work, *Scale, Space, Canon: Parameters of Ancient Literary Practice*.

command of facts could similarly win rewards: thus, there was a demand for knowledge of public affairs and contemporary history was born.<sup>17</sup> Grote's argument that Athenian artistic and scientific accomplishment was inextricable from Athens' democratic form of government served as a counterargument to the criticism of Athens as a den of luxury.

By claiming art and philosophy to be a consequence of democracy, Grote sought to invest the Athenian people with a refined middle-class sensibility. He then sought to establish his middle-class portrait of Athenian society on philological grounds. The meaning of the Greek word *demos* ("people") in *demokratia* ("people-power") has long been a subject of debate. The word can refer either to the entire people, or to a subaltern and potentially revolutionary subset. Mitford took the position that its true meaning was the latter: "democracy" in Athens had really meant mob rule, a political system in which the poorest members of society tyrannized both the middle-class and the aristocracy, and thus one where true freedom could not be found.<sup>18</sup> Grote vehemently disagreed, claiming that the word "poor" in the Greek classics most closely meant "the whole community excepting the rich," which, "[had] obviously the same interest as the whole community including the rich," since very few men could be considered rich.<sup>19</sup> Yet, although it might appear as an attempt to redeem Athenian *demokratia* as government by the whole people, Grote's identification of the "not-rich" rather than the poor as the group whose character most defined Athenian government and society is best read as an attempt to portray the *demos* as more middle-class than revolutionary.<sup>20</sup> As to the question of what role slaves played in Athenian society, Grote was silent—as he would largely remain throughout his work.

To excellence in the arts and freedom of government, Grote added to the virtues of classical democracies that of the greatest stability—a key point of difference from Mitford—and declared that while he sought not to "lessen their defects," "Grecian democ-

17 Grote, "Fasti hellenici": 278.

18 Mitford, *History*, vol. 1: xviii.

19 Grote, "Fasti hellenici": 292.

20 As Frank Turner argues in *The Greek Heritage in Victorian Britain*: 220.



racies” were nevertheless “decidedly and unquestionably superior [to] any other form of government.”<sup>21</sup> This was a bold claim that must have seemed to Grote’s contemporaries to contrast with the turbulence of Athenian political history, which had been marked by a violent transition to democracy in 507 BCE, two devastating wars with Persia (in 490 and 480) and then one with Sparta (431–404), two coups in 411 and 404, before another war with Thebes, Sparta, and Persia, and a final defeat at the hands of Macedon in 338. To counter prevailing notions of Athenian instability, Grote relied on a portrayal of the Athenian people as essentially conservative and respectful of modern liberal values, such as the sanctity of contracts and the right to property. Elite trust would be well-placed in such an enlightened people. This was the key to making Greek democracy—and, by extension, democratic reforms in modern Britain—palatable to the likes of the mercantile-elite British reformers who would read Grote’s *History* most closely.

### Grote’s Early Athens: Property and the People

By the late 1820s, reform had re-emerged as a pressing question in British political life. The July Revolution of 1830 fortified the cause of reform across the Channel, and Grote himself lent five hundred pounds to the provisional government at the Hôtel de Ville, after the revolution had swept away the reign of Charles X in the name of the people.<sup>22</sup> Grote ran for a seat in Parliament, after the Great Reform Act of 1832 seemed, for a moment, to herald the prospect of greater change. But Grote had few political talents, and while the radicals had an outsized intellectual legacy, theirs was never more than a marginal influence in Parliament. By 1840, as Grote himself admitted, the radicals numbered only about 15 out of some 650 members in the Commons.<sup>23</sup> In 1841, discouraged by the thinning of the radical ranks and the ascendance of the anti-reform Tories, he gave up politics and dedicated himself wholly to the

21 Grote, “Fasti hellenici”: 294.

22 Harvie and Matthew, *Nineteenth-Century Britain*: 33; Harriet Grote, *The Personal Life of George Grote*: 64.

23 George Grote to John Austin, February 1838, in Harriet Grote, *Personal Life of George Grote*: 127.

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study of ancient Greece. It was instead in his *History of Greece*, rather than in Parliament, that Grote would most successfully articulate his political beliefs.

In the third volume of his history, released at the end of 1846, Grote took account of the foundations of classical Athenian culture in the age of Solon, an archetypal ancient lawgiver and poet, to whom the Athenian state and laws were entrusted by the mutual agreement of the opposed social classes during the crisis of the early sixth century. Scholars have generally paid closer attention to his description of a later figure, Cleisthenes, as the principal architect of classical Athens' political institutions. The degree to which Grote's discussion of the cultural transformation of Athens under Solon is indicative of his larger program has, correspondingly, been somewhat overlooked. Grote argued that although the democratic character of Solon's reforms was modest compared to the later innovations of Cleisthenes and Pericles, they nonetheless represented the "first foundation-stone of that great fabric which afterwards became the type of democracy in Greece."<sup>24</sup> Though it was only an accident that an anti-despotic preference established after a previous coup attempt prevented Solon from becoming tyrant himself, Grote admitted, the Solonic laws nonetheless represented the first step towards a consolidated democracy in Athens.<sup>25</sup>

With Solon's place at the start of the historical development of Athenian democracy established, Grote sought to tie the origins of this democracy to a culturally grounded respect for property established through Solon's institutional reforms. First, Grote held that by abolishing the legal basis for a man to secure a loan using his own or another's body as collateral, one of the most pressing social issues of the time, which had increasingly led to the enslavement of Attica's poor to its rich, Solon had succeeded in embedding in the Athenian people a deep respect for the sanctity of contracts. Grote explained, "The old noxious contracts, mere snares for the liberty of a poor free-man and his children, disappeared, and loans of money took their place . . . which were in the

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24 Grote, *History*, vol. 3: 88. The mixed metaphor here provides a good example of Grote's embellished but awkward style.

25 Grote, *History*, vol. 3: 97; see also Grote, "Fasti hellenici," 293.

main useful to both parties, and therefore maintained their place in the moral sentiment of the public.”<sup>26</sup> Grote then used this theory to illustrate a contrast between the people and the philosophers: among the latter, “the feeling against lending money at interest remained . . . long after it had ceased to form a part of the practical morality of the citizens.” Philosophers saw that security, in a harsh Thucydidean world where attack was a constant threat, depended on “keeping up a military spirit,” which would be undermined by the indolence that would inevitably ensue from the accumulation of wealth that lending money at interest made possible. The philosophers were therefore willing to countenance the violation of past contracts regarding property or finances in order to preserve this all-important martial spirit. The citizens, on the other hand, “identified inseparably the maintenance of property in all its various shapes with that of their laws and constitution.”<sup>27</sup>

Grote’s own stringent commitment to the maintenance of property is evident in a passage where he debates whether Solon’s abolition of contracts based on the security of one’s person or on that of one’s children was justified. Despite his conviction that the action not only improved the well-being of the Athenian people but also gave them their unique respect for property, he nonetheless admits that Solon “cannot be acquitted of injustice” for invalidating legal contracts and abridging the rights of property.<sup>28</sup> For Grote, the maintenance of property in all its forms was essential. To question the right to property would not only invite comparison to the mutinous French, but would also give ammunition to critics of reform.

Grote argued that the respect instilled by Solon became ingrained in Athenian culture, never to disappear. As proof he cited the practice whereby Athenian jury members, upon taking their posts, were made to swear not to abridge the rights of property, and quoted another historian who claimed to have been unaware of any example of such a violation throughout Athenian history.<sup>29</sup> This respect for contracts had even extended to a general acceptance of

26 Grote, *History*, vol. 3: 106.

27 Grote, *History*, vol. 3: 114.

28 Grote, *History*, vol. 3: 103.

29 Demosthenes, *Against Timocrates*; Grote, *History*, vol. 3: 106. The other historian is Dio Chrysostom.

the practice of lending at interest, which, Grote argued, had been disapproved of by many nations long after such disapprobation ceased to be useful. On this point, he respectfully quoted a former French finance minister of Louis XVI and advocate of *laissez-faire*, Anne-Robert-Jacques Turgot (1727–1781).<sup>30</sup> This quotation was no accident. Economic liberalization was a great issue of the day in Britain. The Anti-Corn Law League, a middle-class movement to abolish taxes on imported grain, had been agitating for a decade; by May of 1846, the Corn Laws were repealed. Similarly, J.S. Mill would soon publish his *Principles of Political Economy* (1848), in which he would vindicate the principle of *laissez-faire*.<sup>31</sup> An analogy to the British people was clearly intended in Grote's description of the Athenians as having been instilled with a respect for the rights of property. This much was made explicit in the pamphlet Grote penned on parliamentary reform, in which he described the British people, including even those who owned no land at all, as being possessed of the same inherent respect for property that he attributed to the Athenians.<sup>32</sup>

Grote's vision of Athens seemed to present a solution to the problem of the tyranny of the majority that had so troubled Mitford. If it were possible that a respect for contracts and property need not be forced on citizens but might rather originate in the populace itself, then democracy could be compatible with liberalism and the rule of the middle classes could be realized in this form without revolution. Such an argument buttressed the philosophical radicals' reformist program against fears that such a program would disrupt the order to which the English had grown accustomed since the upheavals of the seventeenth century.

### **Epilogue: The Second Reform Act of 1867 and Popular Conservatism in Action**

Grote was not alone in attempting to credit the people with a respect for the sanctity of contracts. Even in the 1830s, the leader

30 Grote, *History*, vol. 3: 108. Bentham seems also to have defended the practice of usury.

31 Harvie and Matthews, *Nineteenth-Century Britain*: 68.

32 Grote, "Essentials of Parliamentary Reform," in *Minor Works*: 21–5.

of the Whig party, Lord John Russell, insisted “there was a fallacy in the word democratic, which it seemed was made to imply an association of democrats, whose wish was, to overturn the House of Lords and the Crown.” Among their Tory rivals, a young Benjamin Disraeli (1804–1881) claimed “the Church of England, the monarchy, and the House of Lords were all . . . ‘democratic,’ because they acted on behalf of the people and enjoyed their support.”<sup>33</sup> But by 1867, when the Tory-led Second Reform Act brought sweeping extensions to the franchise, awarding the vote to portions of the English working classes for the first time, Grote’s Athenian-based arguments about popular conservatism had become omnipresent. Indeed, Grote’s analysis served as a logic for the Tory embrace of reform, and as the germ for the Tory revival of the 1870s, through the courting of so-called “Villa Tories”: members of the lower classes who nonetheless aligned ideologically with the party previously seen as the staunch defenders of the landed aristocracy.

Principled demands by British radicals for the enfranchisement of the male head of each household—“household suffrage”—had gathered strength in the mid-1860s. Though William Gladstone’s (1809–1898) new Liberal party should have supported these demands, the party felt ambivalent about the issue because the existing system, it seemed, could be relied upon to keep them in power. After the Conservatives torpedoed Gladstone’s attempt to pass a reform bill, Disraeli, now leader of the Tories, made the surprising decision to push through a more sweeping bill in its place, the 1867 Second Reform Act.<sup>34</sup> This bill doubled the size of the franchise, expanding it to include nearly half of Britain’s adult males. While the Second Reform Act has traditionally been viewed as a contingent and almost unintentional consequence of Disraeli’s attempts to keep his minority ministry afloat, more recent scholarship has argued the Second Reform Act was a consequence of

33 Quoted in Innes and Philp, “Rise of Democratic Discourse in the Reform Era,” 117–119.

34 A quick note on British politics for American readers: the traditional Tory party dissolved in the 1830s over various issues and was eventually replaced by the Conservative Party, which is understood to have taken up the Tory mantle in some ways and whose members are, to this day, known by the name of Tories.

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growing Tory expectation that a larger franchise might actually conduce to their electoral benefit.<sup>35</sup>

Grote paid Disraeli a visit in late 1866, just as Disraeli was hatching the plan for the Tory reform bill. Sources on the meeting are scant. Harriet Grote's memoir on the life of her husband is unfortunately silent on the topic: she devotes her account of 1866 to Grote's politicking over who would take up an endowed chair at University College London.<sup>36</sup> While we cannot know the substance of the meeting between Grote and Disraeli, it seems possible that the latter wanted to consult the former, who was by now a universally known and respected historian in his final years (Grote died in 1871), on the topic of popular conservatism. Grote may very well have explained to the wavering Disraeli that by awarding the franchise to the working classes he could effect an improvement of the character of the nation, which would be unified through rule in the general interest and buoyed by a reinvigorated cultural energy. Indeed, similar beliefs already suffused the party, and helped carry the success of the Second Reform Act among the reluctant ranks of the Conservative Party. Some Tories avowed that the "most dangerous men" were well-to-do, middle-class agitators who already held the franchise, and that franchise expansion would actually swell the ranks of those who held property to be a sacred and inviolable institution.<sup>37</sup> During the debate in the Commons over the Reform Act, Conservative member of Parliament Lord Feversham proclaimed his trust in "the enlightened patriotism" of the British public to strengthen respect for the institutions, like that of property, under which they lived.<sup>38</sup>

After the Reform Act passed and elections were held in 1868, it seemed at first that the Tory trust in the electorate had been misplaced: Gladstone's Liberals won in a landslide, taking a majority of 112. In 1874, however, the Conservatives scored a resounding victory, which they consolidated under Lord Salisbury in the

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35 F.B. Smith, *The Making of the Second Reform Bill: 2–7*. For the older view, see Smith's monograph; for a brief summary of the newer formulation, see Harvie and Matthew, *Nineteenth-Century Britain*: 73, 108.

36 Harriet Grote, *Personal Life of George Grote*: 279–284.

37 Robert Saunders, *Democracy and the Vote in British Politics*: 64.

38 Quoted in Smith, *Making of the Second Reform Bill*: 210.

1880s. Far from rolling back Liberal reforms, the Tories accepted and even continued them, while excoriating their opponents for their lack of patriotism and commitment to property rights. Conservative success stemmed from the rise of the “Villa Tories,” urban and lower-class voters who found themselves acting, through the ballot-box, on the very respect for property and sense of national will that Grote had prophesied beginning in the 1830s.<sup>39</sup> In short, the mid to late Victorian period saw the realization of Grote’s vision of extending the franchise on the basis of a theory of “popular conservatism,” strangely enough, due to the efforts of a revolutionized version of the very party whose intransigence and anti-popular sentiment he had so vehemently opposed. Mitford, a Tory, had driven Grote to pen his defense of the Athenians, in which he maintained the former’s anti-Jacobinical convictions and respect for property, yet paved the way for reform and franchise extension. Now it was the Tories, rebranded and reenergized, who had internalized Grote’s reform-minded popular conservatism, put it to the test, and found it a uniquely productive source of electoral success.

Grote had retired from the Commons in order to advance his political platform by other means, and by the period following the Second Reform Act, he had achieved a resounding success. Popular conservatism became a symbol of Victorian ascendancy. To contemporaries, the theory seemed to explain Britain’s stability in an age of revolutions, as the country remade its government and society to better reflect the general interest. As Grote had promised, there was no interruption of order or property, nor of rule by a governing elite. The redemption of the Athenians and their system of government had likewise been accomplished, contingent on a re-imagination of Athens as a society of Victorians thrown back in time, replete with prime ministers, opposition leaders and, beneath them, an obedient populace.

Noting the vast change in Athenian reputation that Grote’s work put into motion, and his emphasis on the idea of government in the general interest, we might be tempted—like some of Grote’s contemporaries—to label him a radical.<sup>40</sup> But his rehabilitation of

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39 Harvie and Matthew, *Nineteenth-Century Britain*: 73–4, 108–9.

40 See Shilleto, *Thycydides or Grote?*: 1.

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Athenian democracy, like his defense of franchise expansion, was based on a conservative political platform which emphasized the docility of the people and the continued rule of a political elite. This realization represents a profound irony, and should raise questions for those of us who were taught to praise Athenian government.<sup>41</sup> We ought to consider why Grote was willing to praise Athenian democracy so long as it didn't look much like democracy. Indeed, as we have in some ways inherited Grote's respect for the people and government of Athens, it may be critical that we question whether we also have inherited the same domesticating tendency in our thought on that most brilliant and unpredictable of ancient city-states.

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41 For one firsthand example of the tendency to praise Athenian governance in secondary school teaching, see Mason, "Foundations of Democracy."



A FEMALE GAZE? CONSIDERING THE  
CONCEALED OBJECTIFICATION IN  
LADY MARY WORTLEY MONTAGU'S  
*THE TURKISH EMBASSY LETTERS*

Introduction by Professor Nancy Kollmann

Lauren write this marvelous paper about Lady Mary Montagu as her capstone project in the History Department, in the context of my course on early modern travel accounts. Students were expected to select a travel account as a primary source and build a research project around it. Lauren's choice was a challenging one, as she had to situate the work in the context of both Lady Mary's eighteenth-century England and also Istanbul and the sultan's court where Montagu visited. Lauren's appreciative but critical eye on Montagu produced a very insightful paper.

## A Female Gaze? Considering the Concealed Objectification in Lady Mary Wortley Montagu's *The Turkish Embassy Letters*

In the foreground of *Le Bain Turc*, painted in 1863 by French artist Jean-Auguste-Dominique Ingres, a nude woman playing the lute faces away from the viewer. Another is lazily strewn across her seat, the curves of her figure mimicking those of the furniture. The two women beside her embrace, one caressing the other's breast. In the background, some women seem to be engaged in conversation, while others drink coffee. The women watch their companion as she performs a dance, frozen in a moment of sensual fluidity.



Figure 1: Jean-Auguste-Dominique Ingres, *The Turkish Bath*, 1852-1859, modified 1862, oil on canvas glued to wood, 1.08m by 1.10m, Paris, The Louvre.

Adorned only with the occasional headdress or jeweled necklace, the women in *Le Bain Turc* are not ashamed of their nudity. Ingres depicts the female quarters of the Ottoman Empire—often called the harem or bagnio (for baths)—as an erotically charged space, filling his work with visual descriptions of pleasure.

Artistic sensibility aside, however, Ingres' painting does not stand alone as a unique portrayal of the Turkish harem. Ottoman women had long been at the center of sexualized male depictions, both visual and written, of their private quarters.<sup>1</sup> So why is *Le Bain Turc* historically significant?

Never having visited a Turkish harem—as a man he would not have been allowed to—Ingres could not look to his own experience for artistic inspiration.<sup>2</sup> Instead, it was Lady Mary Wortley Montagu's letters from her Turkish travels, published in 1763, which directly influenced his visual masterpiece.<sup>3</sup> As the first European woman to travel to the Ottoman Empire and write about her experience, especially her interactions with and observations of Ottoman women, Lady Mary's letters added a female perspective to the numerous accounts of “the East” written by her male contemporaries. As such, Lady Mary's *Turkish Embassy Letters* have often been seen as an anomaly within the Orientalist discourse of her time. Scholars have praised Lady Mary as the first European woman to author an Eastern travel narrative, applauding her admiration for certain aspects of Turkish culture, her belief that Turkish women were more liberated and in some ways more sophisticated than British women, and her acknowledgement of a woman's aesthetic experience of looking at other women.<sup>4</sup> Yet the reliance

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1 For women in the East and the development of the sexualized image see Ros Ballaster, *Fabulous Orient: Fictions of the East in England 1662-1785*, Oxford: Oxford University Press, 2005; Heather Madar, “Before the Odalisque: Renaissance Representations of Elite Ottoman Women,” *Early Modern Women: An Interdisciplinary Journal* 6 (2011), and Naji B Oueijan, *The Progress of an Image: The East in English Literature*, English Language and Literature ed. Vol. 181. IV. New York City : Peter Lang Publishing , 1996.

2 Reina, Lewis *Rethinking Orientalism: Women, Travel and the Ottoman Harem* (New Brunswick, NJ: Rutgers University Press, 2004) 11.

3 François De Vergnette, “The Turkish Bath,” Louvre, <http://www.louvre.fr/en/oeuvre-notices/turkish-bath>.

4 For praiseworthy interpretations of Lady Mary's work and characterizations of its pioneering efforts, see Sukanya Banerjee, “Lady Mary Montagu and the “Boundaries” of Europe,” in *Gender, Genre, & Identity in Women's Travel Writing*, edited by Kristi Siegel, New York, NY: Peter Lang Publishing , 2004; Reina Lewis, *Rethinking Orientalism: Women, Travel and the Ottoman Harem*, New Brunswick, NJ: Rutgers University Press, 2004; Wendy Firth, “Sex, small-

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of *Le Bain Turc* on Lady Mary's letters for inspiration suggests that perhaps she, too, exercised an objectifying gaze, and that the complications and contradictions within her work require further investigation. Examining *Le Bain Turc* as an outgrowth of Lady Mary's written thoughts and observations illuminates the ways in which European women of the seventeenth and eighteenth centuries wrote and thought about other women. While feminist scholarship has largely focused on the historical oppression of women by men, less attention has been paid to examples of women who have participated in the objectification of other women. Literature on Western Orientalist cultural production often discusses the work of male writers and artists, yet a close reading of Lady Mary's *Turkish Embassy Letters* demands an expanded approach: might we also identify a sexualized female gaze?

Lady Mary Wortley Montagu was an extraordinary woman. She was an intellectual, a traveller, a romantic, a writer, and most of all, a curious observer.<sup>5</sup> Born in 1689, she spent the majority of her childhood on the estate of her grandmother, Elizabeth Pierrepont. As with many aristocratic women, her education consisted largely of private tutoring and the exploration of her family's personal libraries.<sup>6</sup> By her teenage years, Lady Mary was already deeply engaged with her own education, stealing away to read, among others, Dryden, Fletcher, and Congreve.<sup>7</sup> Later, in her married life, her interest in both reading and writing, coupled with her membership in the upper class, afforded her the opportunity to obtain membership in various literary circles, forming friendships that allowed her to imagine an intellectual life outside the traditional gender roles of her time. From 1716-1718, Lady Mary accompanied her husband, Edward Wortley Montagu, on his ambassadorial

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pox and seraglios: a monument to Lady Mary Wortley Montagu," in *Femininity and Masculinity in Eighteenth-Century Art and Culture*, edited by Gill Perry and Michael Rossington, New York, NY: Manchester University Press, 1994.

5 See introduction of Lady Mary Wortley Montagu, *Turkish Embassy Letters*, ed. Malcolm Jack. London: William Pickering, 1993, and Merry E. Wiesner, *Women and Gender in Early Modern Europe*, 2nd ed. (Cambridge: Cambridge University Press, 2000) 152.

6 Wiesner, *Women and Gender in Early Modern Europe*, 145.

7 *Ibid.*, 151.

assignment to Turkey. Her letters, published a year after her death, became enormously popular.<sup>8</sup> Titled *The Turkish Embassy Letters*, Lady Mary's account was read and praised by intellectuals such as Samuel Johnson and Voltaire, and was reprinted in several editions.<sup>9</sup>

As an aristocrat entrenched in progressive literary circles and friendships—most notably with the English poet Alexander Pope—Lady Mary challenged the boundaries of female gender roles, creating an intellectual life for herself away from her husband and outside the duties of the home. A letter written to her sister in April of 1717 reveals her sense of independence, and her eagerness to break away from the conventions of female behavior. In this letter, Lady Mary recalled her first visit to a Turkish bath: “I was at last forced to open my shirt...I saw they believed I was so locked up in that machine, that it was not in my own power to open it.”<sup>10</sup> This note, written early in her travels to Ottoman Empire, established a sharp contrast between her own lack of freedom as an English woman and the relaxed, sexual liberty of the women in the bath house who ostensibly coaxed her to follow their custom and take off her clothing.<sup>11</sup> Although confined within personal correspondence, Lady Mary's reference to such controversial subject matter violated contemporary expectations of female conduct.<sup>12</sup> This deliberately unorthodox choice of subject matter would be reflected throughout Lady Mary's later correspondence, which challenged not only contemporary travel narratives, but also eighteenth century assumptions about female sexuality. Lady Mary was not alone in her desire to expand the educational opportunities

8 For more on the publishing of *The Turkish Embassy Letters* see Elizabeth A. Bohls, *Women Travel Writers and the Language of Aesthetics: 1716-1818* (Cambridge: Cambridge University Press, 1995) 16; see introduction of Lady Mary Wortley Montagu, *Turkish Embassy Letters*, edited by Malcolm Jack, London: William Pickering, 1993.

9 Ibid, 25.

10 Lady Mary Wortley Montagu, *Turkish Embassy Letters*, edited by Malcolm Jack, London: William Pickering, 1993, 53.

11 Orhan Yilmazkaya, *Turkish Baths: A Guide to the Historic Turkish Baths of Istanbul*, translated by Nancy F. Öztürk (Çitlembik LTD., 2003) 53.

12 Merry E. Wiesner, *Women and Gender in Early Modern Europe*, 2nd ed. (Cambridge: Cambridge University Press, 2000) 148.

available to women. English writer and philosopher Mary Astell wondered why “since God has given Women as well as Men intelligent Souls...should they be forbidden to improve them?”<sup>13</sup> Yet despite these calls for female education, most wealthy eighteenth century European women only learned to read in order to “discover classical and Christian examples of proper female behavior.”<sup>14</sup> Despite widespread suppression of female literary production, Lady Mary enjoyed writing her own poetry throughout her life. In 1726, after several years of marriage, she anonymously wrote and published “An Essay on the Mischief of Giving Fortunes with Women in Marriage,” a text which examined the objectifying effects of the marriage dowry.<sup>15</sup> Yet it was in the *Turkish Letters* that Lady Mary expressed her deepest critique of the position of English women.

Between the sixteenth and early-eighteenth centuries, European accounts of the Ottoman Empire had characterized its citizens unknown and “other.”<sup>16</sup> As art historian Heather Madar explains, Europeans imagined a despotic realm that they simultaneously “presented as an exotic world of forbidden sexuality inhabited by compliant yet sexually voracious women.”<sup>17</sup> By the eighteenth century, however, Enlightenment curiosity surrounding sexual pleasure and desire occasioned a shift in focus from descriptions of barbaric Turkish armies and primitive Eastern governments to the male fantasy of the exotic, lascivious, sexually passionate “Ottoman Woman.”<sup>18</sup> Though descriptive accounts of Ottoman women

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13 Ibid., 143.

14 Ibid., 150.

15 *Turkish Embassy Letters*, xi.

16 For more on the increase in English travelers to the Ottoman Empire and their perceptions of Ottoman government, culture, and women, see Gerald MacLean, *The Rise of Oriental Travel: English Visitors to the Ottoman Empire, 1580-1720*, New York City : Palgrave Macmillan , 2004.

17 Heather Madar, “Before the Odalisque: Renaissance Representations of Elite Ottoman Women.”

18 See Gerlad MacLean, *The Rise of Oriental Travel*, and Najji B. Oueijan, *Progress of an Image*, for the evolution of travel writing, and Heather Madar to address the development of the image of the sexually promiscuous Eastern woman from the Renaissance on. For a discussion of changing ideas around sexuality, see G.J. Barker-Benfield, *The Culture of Sensibility*, Chicago : University of Chicago Press, 1992 and Paul-Gabriel Boucé, ed. *Sexuality in*

were fictionalized, Europeans—and especially the English—were mystified and enchanted by the alluring harem women described in many popular works of literature. Books, plays, and poetry based upon the travels of men such as Robert Withers, Paul Rycout, Aaron Hill, and Jean Dumont were circulated to eager readers. Although the idea of Ottoman women confined to the harem was a titillating fantasy for many, the same women who were objectified and eroticized in literature were also seen as oppressed captives under a tyrannical regime.<sup>19</sup> Lady Mary Montagu’s travels in the Ottoman Empire and the subsequent publishing of her letters coincided with the rise in popularity of these fictionalized accounts. However, visual and written descriptions of Ottoman women were intended for a largely male audience. When English diplomat and historian Sir Paul Rycout wrote that Ottoman women were “accounted the most lascivious and immodest of all Women and [excelled] in the most refined and ingenious subtleties to steal their pleasure,” he was likely directing his words to a male readership.<sup>20</sup> It was not imagined that women might be fascinated by descriptions of other women: the female body was an object to be admired solely by the male gaze, for male judgment and pleasure.<sup>21</sup> Yet a deeper analysis of *The Turkish Embassy Letters* reveals that European women did indeed gaze at other women.

Lady Mary’s descriptions of women in the Ottoman Empire are often considered the first “authentic” accounts of the subject, as she was able to access the female-only spaces to which her male peers were not permitted.<sup>22</sup> Indeed, Lady Mary herself asserted the

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*Eighteenth-Century Britain*, Totowa, New Jersey: Manchester University Press, 1982.

19 Ros Ballaster, *Fabulous Orient: Fictions of the East in England 1662-1785* discusses the rise of popular, fictionalized accounts of the East (mainly the Ottoman Empire) in England.

20 See quotation from Paul Rycout travel account in Elizabeth A. Bohls *Women Travel Writers and the Language of Aesthetics: 1716-1818*, 17.

21 For descriptions of popular ideas surrounding male sensual delight, the female nude as an aesthetic object, and masculine lust, see intro to Gill Per-rington ed. *Femininity and Masculinity in Eighteenth-Century Art and Culture* (Manchester, UK: Manchester University Press, 1994) 7, and Elizabeth A. Bohls.

22 For assertions of the authenticity of Lady Mary’s work, see Reina Lewis, *Rethinking Orientalism: Women, Travel and the Ottoman Harem* (New

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authority of her writing, emphasizing that her personal interactions with Ottoman women granted her narrative unique legitimacy. Most readings of *The Turkish Embassy Letters* focus on Lady Mary's departure from the common disparaging descriptions of Turkish culture, treating her as both an open-minded traveller and a champion of the Ottoman women encountered. However, Lady Mary often reduced certain complex aspects of Ottoman women's lives in order to reflect on her own circumstances as a woman in England. Thus, while Lady Mary's observations countered prevailing European perceptions that women could not and did not view other women as sexual beings, the *Turkish Embassy Letters* also contributed to the objectification of Ottoman women.

Contradicting the eighteenth-century European belief in Western cultural and political superiority, Lady Mary argued that Ottoman political and social structures were "certainly [some] of the finest in the world."<sup>23</sup> In addition, in contrast to Western assumptions that Islamic teachings were inherently violent and oppressive, Lady Mary explained to Alexander Pope that "[she] should be very well pleased with reading the Alcoran, which is so far from the nonsense we charge it with that 'tis the purest morality delivered in the very best language."<sup>24</sup> She explicitly critiqued previous written accounts, noting that "they never fail to give you an account of the women, which 'tis certain they never saw, and talking very wisely of the genius of men, into whose company they are never admitted."<sup>25</sup>

With her husband preoccupied with his ambassadorial duties, Lady Mary was largely free to meet with local women living in the court palaces. A large portion of her letters dealt with either on her own experiences visiting harems, or contemplations of the liberties available to Turkish women in comparison with English women. Her descriptions diverged from the harsh, demonizing language used by male writers. While Rycout characterized women of the Ottoman courts as "ignorant, covetous, lazy and sensual,"

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Brunswick, NJ: Rutgers University Press) 2004.

23 *Turkish Embassy Letters*. 55.

24 *Ibid.*, 63.

25 *Ibid.*, 104.



Lady Mary fondly remembered that, during one visit to a harem, “there was not one of [the women] that showed the least surprise or impertinent curiosity, but received me with all the obliging civility possible.”<sup>26</sup> She wondered if Ottoman women were perhaps more civilized than their English counterparts, remarking that “[she knew] no European court where the ladies would have behaved themselves in so polite a manner to a stranger.”<sup>27</sup> For this defense of Ottoman culture and courtly customs, scholars have praised Lady Mary and her *Turkish Embassy Letters*. However, while she never employed the derogatory language used by male authors, Lady Mary’s descriptions of Ottoman women were nonetheless reductive and riddled with complications.

While Lady Mary sought to erase distinctions between English and Ottoman women by affirming their common civility, she also began to redraw lines of separation, particularly around the subject of sexuality. An extended version of Lady Mary’s comment about her corset is revealing: “I was at last forced to open my shirt, and show them my stays, which satisfied them very well, for I saw that they believed I was so locked up in that machine, that it was not in my own power to open it, which contrivance they attributed to my husband... ‘Tis very easy to see they have more liberty than we have.”<sup>28</sup> Lady Mary is careful to distinguish between her own restricted body and the seemingly unfettered bodies of the women around her. While the women in the bagnio are untroubled by their nudity, Lady Mary expresses considerable self-consciousness about her body. Thus, Lady Mary’s admiration of the perceived freedoms of Ottoman women had little to do with their intellectual pursuits, but instead with the physical liberation of the body and sexuality that was possible in the privacy of the harem.

Lady Mary further reflected on the freedom of Ottoman women by discussing the veiling of women in public. In a letter to a friend she wrote, “‘Tis very easy to see they have more liberty than we have, no woman, of what rank so ever being permitted to

26 For more on Rycout’s quotations from his travel account, see Elizabeth A. Bohls, *Women Travel Writers and the Language of Aesthetics: 1716-1818*. Lady Mary is quoted from *Turkish Embassy Letters*, ed. Malcolm Jack, 58.

27 Ibid.

28 *Turkish Embassy Letters*, 71.

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go in the streets without two muslins, one that covers her face all but her eyes.”<sup>29</sup> To Lady Mary, the veil was a tool for secrecy and, therefore, social autonomy:

This perpetual masquerade gives them entire liberty of following their inclinations without danger of discovery... You may easily imagine the number of faithful wives very small in a country where they have nothing to fear from their lovers’ indiscretion, since we see so many that have the courage to expose themselves to that in this world, and all the threatened punishment of the next, which is never preached to the Turkish damsels.<sup>30</sup>

Once again, Lady Mary defines the liberty of Ottoman women in terms of their physical bodies: the veil becomes a means for Turkish women to exercise sexual freedoms. Just as in the letter describing her experience in the Turkish bath, Lady Mary marvels at the sexuality of the Ottoman women. Their “liberty” is physical rather than psychological.

While the nudity of women in the bagnio did not offend Lady Mary, nor did she declare as immoral Ottoman women’s veiled sexual anonymity, male readers of her letters would have likely have been appalled. As Paul-Gabriel Boucé has articulated, Enlightenment thinking changed eighteenth century attitudes toward sexual behavior. Many began to believe that, “if Nature was good, then desire, far from being sinful became desirable... sexual instincts were undoubtedly natural desires.”<sup>31</sup> However, Enlightenment sexual freedom was reserved solely for men:

The much bandied freedoms were to apply principally to males. Male Enlightenment attitudes were highly ambiguous with regard

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29 Ibid.

30 Ibid., 90.

31 Paul-Gabriel Boucé, ed. *Sexuality in Eighteenth-Century Britain*, 4.

to women...there were deeply ingrained misogynistic beliefs which saw women as men's playthings, or attributed overwhelming and grotesque sexuality to women.<sup>32</sup>

In keeping with this sensibility, Lady Mary differentiated herself as a modest and faithful English woman, while portraying the Ottoman women as inherently promiscuous and sensual in their comfort with extramarital relations.

Lady Mary also heavily relied on aesthetic description in her letters, often idealizing Ottoman women as objects of beauty and pleasure. Beyond a curiosity with their liberation, she was enamored with the lavish dress of the women she encountered. Due to Lady Mary's status as the wife of an ambassador, she spent her time in the sultan's palace and among women of high status who dressed in opulent garments. Lady Mary remarked, "the ladies are at liberty to show their fancies, some putting flowers, other a plume of heron's feathers...buds of pearl, the roses of different coloured rubies, the jessamines of diamonds."<sup>33</sup> The women's ornamental dress, along with their natural beauty, enchanted Lady Mary, who did not encounter such blatant extravagance in England. One woman in particular, the "fair Fatima," captivated Lady Mary, who swore in a letter that, "I could not for some time speak to her, being wholly taken up in gazing. That charming result of the whole! That exact proportion of body! That lovely bloom of complexion, unsullied by art! The unutterable enchantment of her smile!"<sup>34</sup> This evocative language suggests Lady Mary's complicity in objectifying Ottoman women. Later in the same letter she details her time in Fatima's harem, remembering,

This dance was very different from what I had seen before. Nothing could be more artful or more proper to raise certain ideas; the tunes so soft, the motions so languishing, accompanied

32 Ibid., 15.

33 *Turkish Embassy Letters*, 70.

34 Ibid., 89.

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with pauses and dying eyes, half falling back and then recovering themselves in so artful a manner that I am very positive the coldest and most rigid prude upon earth could not have looked upon them without thinking of something not to be spoke of.<sup>35</sup>

What Lady Mary saw in the harem seems to have awakened both her curiosity and her desire. However, yet again, she constructed a divide between herself and the Ottoman women, emphasizing that the dance she observed was “very different from what [she] had seen before,” insinuating that there was nothing so sexually provocative in her own English culture.

By emphasizing the sensual aesthetic experience of the women’s quarters, Lady Mary inadvertently supported the Eastern fantasy that men before her had created and spread throughout Western society. Though she contradicted previous, fictionalized accounts of Ottoman women as objects of wantonness and lasciviousness by instead highlighting them as objects of beauty and pleasure, she likened them to objects. Lady Mary admired the women like works of art: she explained, “there were many among them as exactly proportioned as ever any goddess was drawn by the pencil of Guido or Titian... adorned by their beautiful hair divided into many tresses...perfectly representing the figures of the Graces.”<sup>36</sup> Coupled with her passages on the beauty of Fatima and the dances in the harem, Lady Mary did not avoid but rather buttressed Western fantasies of Eastern exoticism. Yet it is vital to note that Lady Mary always remained complimentary of the civility and even intellect of the women she met and interacted with in Turkey. She herself did not use her observations of Turkish sexual freedom and sensuality to present Ottoman women as unnatural or unrefined—indeed she was deeply curious and even desirous of it. However, to readers of her time, Lady Mary’s letters would have been read as confirmation that “the East” was indeed an exotic place filled with voluptuous, alluring women.

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35 Ibid., 90.

36 Ibid., 59.

Lady Mary's extensive descriptions Ottoman women in her letters reflect a genuine curiosity, but it is also possible that she objectified these women for her own aims. Her letters may have been published posthumously, but her purpose in writing them remained consistent: to critique her own society and culture through the lens of an exoticized East. Although the Enlightenment had prompted new attitudes toward sexuality, romantic agency was granted only to men. In England, James Boswell asserted that "as a married man he should be free to follow his sexual instincts."<sup>37</sup> Longing for greater personal freedoms, Lady Mary imagined a society where freedom of sexual expression was acceptable for both men and women. This accounts for Lady Mary's tendency to see the lifestyles of Ottoman women as empowered expressions of liberty against a prevailing narrative of their oppression. While the sequestering of women to the harem as well as the veiling of women in public were commonly viewed by Europeans as the practices of an unjust political structure, Lady Mary viewed them as promoting sexual freedom. However, her means of conveying sexual liberty was both reductive and objectifying, as she utilized descriptions of cultural practices she likely misunderstood as a means to benefit her own agenda. Lady Mary contributed to Western conceptions of Eastern sexuality, but her work introduced these ideas as fantasy for women as well. She revealed that a woman, too, could be affected by the beauty and sensuality of other women—that women were sexual beings that could be enchanted by desire and pleasure.<sup>38</sup> Whether intentionally or inadvertently, Lady Mary questioned the male monopoly on viewing and admiring the female body and female sexuality.

Beyond contributing to and transforming the Eastern fantasy, *The Turkish Embassy Letters* had important consequences in the realm of literature and the visual arts. According to scholar Reina Lewis, after Montagu's work, "the unreliability of anything

37 Ibid., 7.

38 For more on homoerotic desire and the existence of same-sex relations in eighteenth century England, see Robert Aldrich, *The Seduction of the Mediterranean: Writing, art and homosexual fantasy*, New York City: Routledge, 1993; Marie H. Loughlin, ed. *Same-Sex Desire in Early Modern England, 1550-1735*, New York, NY: Manchester University Press, 2014.

but a female-authored source became widely accepted,” with “harem literature...regarded by the second half of the nineteenth century as a uniquely female area of cultural production.”<sup>39</sup> Lady Mary’s account not only assumed an authoritative position following its publication, but it allowed other women to follow. Although Lady Mary claimed the literary genre for women, the resulting boom in harem literature further implicated Ottoman women as objects of Western observation and criticism. As Lewis notes, “whether you wrote about living in one, visiting in one, or escaping from one, any book that had anything to do with the harem sold.”<sup>40</sup> Following the publication and circulation of *The Turkish Embassy Letters*, a visit to the harem was a staple for the tourist itinerary, and Ottoman women were increasingly commoditized as objects for Western profit. Yet Islamic customs forbade the exposure of private life, and Ottoman women “objected to be made a show of.”<sup>41</sup> Indeed, when Ottoman women gained the freedom to pen their own written works, first hand accounts of women who were born and raised in the harems revealed the harem as a complex social structure in which women did much more than simply explore their sexuality.<sup>42</sup> In their depictions, harems were a place of education and order, where women were taught to read and instruct religious law, to sew, embroider, play the harp, and sing.<sup>43</sup> Yet these corrective accounts were unable to completely erase the damage done by those like Lady Mary. Lewis includes a poignant quote from a personal account by Musbah Haidar: “What did these people imagine they would find or see?...Women in gauzy trousers

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39 Lewis, *Rethinking Orientalism: Women, Travel and the Ottoman Harem*, 13.

40 Ibid.

41 Ibid., 15.

42 See, for example, Melek Hanum, *Thirty years in the harem (The autobiography of Melek-Hanum)*, New York, NY: Harper & Brothers, 1872; “The Concubine Filizten (The Memoir),” in *The Concubine, the Princess, and the Teacher*, edited by Douglas Scott Brookes Austin, TX: University of Texas Press, 2008.

43 For more on other roles of the harem in the lives of women, see Leslie P. Pierce *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York: Oxford University Press, 1993) 138-145.

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sitting on the floor?”<sup>44</sup> The exoticized descriptions of Ottoman women written by Lady Mary and other European travel writers suggest that such a scene was exactly what they expected.

Let us now return to *Le Bain Turc*—to the voluptuous curves of the women, to their serene nature and comfortable, sensual disposition that Ingres so beautifully captured. This painting—exposing the extremely private lives of Ottoman women, designed to stay hidden from the public eye—was informed by the descriptions of Lady Mary’s letters. It now hangs in the Louvre museum in Paris, receiving millions of visitors every year. What is lost in the translation from Lady Mary’s experiences in Turkey to the tip of Ingres’ brush? What is reduced, misinterpreted, and fictionalized? Perhaps the proper question to ask of harem literature is not who could have most accurately written about it, but how and why European travelers - both male and female - maintained such a deep interest in Ottoman society, and why paintings such as *Le Bain Turc* continue to captivate audiences today.

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44 See quotation from Musbah Haidar in Lewis *Rethinking Orientalism: Women, Travel and the Ottoman Harem*.

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# AMBIVALENT EMPOWERMENT AND A SHIFT IN BIAS: WOMEN'S LEGAL EDUCATION AND EMPLOYMENT IN THE UNITED STATES, 1960s-2000s

Introduction by Professor Estelle Freedman

A pressing question about women's entry into legal careers in the late twentieth-century U.S. drove this research project. Azucena Marquez observed the disparity between the expanding opportunities for women's legal education and the continuing obstacles to their success in the profession. She explored an impressive range of primary sources, from social science data to personal memoirs and oral histories of women lawyers, to construct an original analysis of a shift from explicit to implicit bias. Her paper reveals the limits of anti-discrimination laws and inclusion efforts to address deep cultural obstacles to female and minority graduates of law school. To understand the history behind the contradictory statistics, Azucena made excellent use of individual stories that poignantly illustrate the discouraging effects of both blatant early exclusionary practices and later tokenism and "de facto" segregation within the profession.



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## Ambivalent Empowerment and a Shift in Bias: Women's Legal Education and Employment in the United States, 1960s-2000s

Azucena Marquez

In the 1960s, very few women in the United States attended law school. At Yale, a typical class included a mere 13 women among 157 male peers. Upon graduation, these women faced explicit discrimination in the workplace. Few found employment practicing law. One male law student explained to a female peer, “they will interview you, but they won’t be able to hire a young, attractive unmarried woman. They are just not there yet.”<sup>1</sup> By the 1990s, however, the American Bar Association’s statistics showed that American law schools had achieved gender parity. Journalists and law schools preemptively celebrated the professional prospects of the new generation of women law school graduates. A 2001 *New York Times* article went as far as to announce that women were “close to being the majority of law students.” Despite high hopes, biases still limited women’s careers. Only family, estate planning, and probate law—the only fields not reserved for members of the “old boy’s club”—readily accepted women.<sup>2</sup> While female law students during the 1960s navigated blatant biases, subsequent generations of women encountered more implicit forms of discrimination that revealed the limitations of their newfound empowerment.

Throughout the late twentieth century, aspiring female attorneys experienced ambivalent empowerment. Although women were accepted into law schools in greater numbers over the course of the late twentieth century, they struggled to be accepted socially in these institutions and to secure job prospects after graduation. This study analyzes women’s experiences in law school and their entry into the legal profession from the 1960s until the early 2000s. Documenting the unexpected discrepancy between data and ex-

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1 Barbara Allen Babcock, *An Oral History* conducted by Iris Brest, Stanford Historical Society Oral History Program (2015), 57.

2 “RJ” (female estate planning and business attorney) in discussion with the author (Feb. 2016).

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perience, the paper illustrates the continuities and changes in the explicit and implicit biases that aspiring female lawyers faced. For the purposes of this paper, “explicit bias” is defined as a set of conscious, overt stereotypes, attitudes, or actions against a group of people. “Implicit bias,” on the other hand, refers to the stereotypes or attitudes that affect understanding, actions, and decisions unconsciously.

I argue that over the course of the late twentieth century, attitudes toward women in law school and the legal profession did not deviate from antagonism. Statistical trends’ rosy portrait of gender parity diverged from women’s everyday experiences. Despite the continuities, the kinds of biases women faced changed over time, and manifested differently in legal education and in the legal profession. Whereas women in law school observed a clearer shift from explicit to implicit biases, women in the legal profession encountered a more nuanced transition. Unlike in law school, law firm culture clung to some aspects of explicit discrimination, such as holding women to a higher standard than men. The ambivalent empowerment that women experienced in law school did not prepare them for blatant gender discrimination in the legal profession, in which male colleagues and bosses second-guessed their qualifications and relegated them to the lowest-paying, more “feminine” fields of law.

This paper focuses on two periods: the 1960s through the early 1970s, during which explicit biases against women prevailed in both legal education and the legal profession; and the mid-1970s through the early 2000s, during which implicit biases in education dominated and some explicit biases in the legal profession continued. Second-wave feminism had become powerful enough by the 1970s to target the explicit discrimination faced by women hoping to enter the legal profession, but more subtle antagonism remained.<sup>3</sup> Revealing the gendered patterns linked to statistical trends, this paper also analyzes why elite-educated women struggled to find legal employment despite being well-qualified and identifies the types of legal work female law graduates pursued.

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3 Judith Evans, *Feminist Theory Today: An Introduction to Second-Wave Feminism*, (Thousand Oaks: Sage Publications, 1995), 13.

Analyzing these phenomena in the legal field proves significant for the study of biases against women in other professions because, as economist Stephen Spurr has argued, the “factors responsible for women’s entry into the legal profession are the same as those responsible for their entry into other occupations formerly dominated by men.”<sup>4</sup>

Scholarship on women in the legal field has documented the development of law school programs that aimed to attract more women, assessed whether women’s feminine attributes inhibited their success in masculine fields, and analyzed why women occupied a lower status in law firms despite their education.<sup>5</sup> Virginia G. Drachman has explored law school efforts to design programs to attract women in the 1960s, including an alternative Women’s Law Class in which women studied only with each other, while other scholars have analyzed the unintended consequences of such programs.<sup>6</sup> Jill Norgren has questioned whether women needed to follow men’s example to succeed in the legal profession.<sup>7</sup> Virginia Valian has analyzed various sociological studies to conclude that women occupy a lower status in law firms despite their education. Valian has argued that male coworkers and bosses have consistently underrated women, and that the resulting disadvantages have

4 Stephen J. Spurr, “Sex Discrimination in the Legal Profession: A Study of Promotion,” *ILR Review* V. 43. N 4, (1990), 406.

5 Barbara Miller Solomon, *In the Company of Educated Women: A History of Women and Higher Education in America*, Yale University Press, (1985), xviii-xx, has written about the factors that led women to participate in higher education during the twentieth century, including the “impact of industrialization, decline in fertility rates, and the introduction of formal schooling for youth,” which released women from their expected position in society. Scholars at the time argued that the women’s law class allowed them to avoid competition and scorn awaiting them in male-dominated law schools and also “preserved their femininity even as they studied law.”

6 Virginia G. Drachman, *Sisters in Law: Women Lawyers in Modern American History* (1998), 119-122. New York University Law School gave women the option of choosing the traditional path taken by most male lawyers or to participate in a newly established Women’s Law Class and study exclusively among other women.

7 Jill Norgren, *Rebels at the Bar: The Fascinating, Forgotten Stories of America’s First Women Lawyers*, New York: New York University Press (2013), 189.

accrued over time to create large gaps in women's advancement in the field.<sup>8</sup>

This paper adds historical complexity to the discussion of women in law by identifying a shift in the prevailing type of gender biases in the legal field from the 1960s to the early 2000s. I compare statistical data with autobiographical accounts of aspiring female attorneys and elite law school newspapers.<sup>9</sup> The American Bar Association has gathered data on the gender and racial composition of law schools, and the National Association for Law Placement has generated statistics for employment broken down by gender, race, and field of law. The personal accounts come primarily from women who attended top law schools in the United States, namely Harvard, Yale, Stanford, and Columbia. The experiences of these women did not necessarily represent the legal profession nationwide, so, wherever available, the paper includes several accounts from women who attended non-elite schools and from those whose experiences highlight the issue of racial discrimination.

While the legal field remained a stereotypically male domain throughout the late twentieth century, many law schools and organizations with the power to influence national and local legislation fought to introduce more women to the world of law. The momentum of the Civil Rights Movement—notably the success in passing Title VII of the 1964 Civil Rights Act, which forbade most employers from discriminating against potential employees on the basis of sex, race, color, origin, and religion—provided women with a tool to counter pervasive discriminatory hiring practices.<sup>10</sup> Following the Civil Rights victories of the 1960s and 1970s, the liberal branch of second-wave feminism influenced not only poli-

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8 Virginia Valian, *Why So Slow?: The Advancement of Women*, MIT Press, (2000), 202.

9 All *Harvard Law Record* articles accessed via the digital archive, "The *Harvard Law Record*, 1946-2006: Finding Aid," Harvard Law School Library, Harvard Library, Harvard University. Stanford University newspaper clippings found in Stanford University's special collection box "Women at Stanford: 1972-1980."

10 Sara M. Evans, *Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement and the New Left*. New York: Vintage Books, (1980), 13.

tics at the state and federal level but also local politics on university campuses, and contributed to women's movement into law.<sup>11</sup> Despite the increased number of women pursuing a legal education, biases against aspiring female attorneys did not disappear: instead, they changed shape and became harder to detect. The following sections on explicit gender biases in law school and in the legal profession, the shift from explicit to implicit biases in law school, and the more nuanced shift from explicit to implicit discrimination in the legal profession show that, contrary to the quantitative data, the legal field remained antagonistic towards women in the late twentieth century.

### Explicit Biases Against Women in Law School

*"You realize you're taking a man's place?"*

- Barbara Babcock, Stanford Oral History

During the 1960s, explicit discrimination against women in law school predominated. For example, women comprised a meager 4.2 percent of law students in the 1963-1964 school year. By the end of the decade, the numbers barely improved, increasing by only three percent. Women's personal experiences reflected their status as minorities in the field.

Explicit biases against aspiring female attorneys prevailed in various aspects of student life. Some law libraries, including Lamont at Harvard Law School, denied women access to certain reading rooms.<sup>12</sup> The *Harvard Law Review* annual banquet barred women entry even though the journal had two female members.<sup>13</sup> For all students, the autocratic teaching style that Professor Kings-

11 Evans, *Personal Politics* (1980) elaborates on the origins, values, and goals of the liberal and radical branches of second-wave feminism. The liberal branch of second-wave feminism emphasized antidiscrimination law and the achievement of equal employment opportunities for women. A "sweeping critique of sexual roles" characterized the more radical branch (25). See also 30-69 for detailed accounts of second-wave feminism on American university campuses.

12 Irin Carmon and Shana Knizhnik, *Notorious RBG* (Dey Street Books: 2015), 35.

13 Carmon and Knizhnik, *Notorious RBG* (2015), 35.

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field would later embody in the 1971 film *The Paper Chase* particularly antagonized women.<sup>14</sup> Academic commission reports and the experiences of women such as Ruth Bader Ginsburg, Barbara Babcock, Marina Angel, and others reveal the entrenched gender biases women faced during the era when they comprised less than ten percent of all law students.

Before the Civil Rights movement and second-wave feminism brought increased attention to gender discrimination, individual women pioneered the battle in law schools. In order to succeed, they first needed to disprove the misconception that they did not take receiving an education seriously. A 1960 report by the Commission on the Education of Women of the American Council of Education circulated the stereotype that educated women “[would] just get married anyhow.”<sup>15</sup> Ruth Bader Ginsburg, a Harvard Law School student and a 1959 Columbia Law School graduate who became a Supreme Court Justice in 1980, recalled the negative effects of this misconception. During law school, her colleagues questioned whether she would be able to balance having a small child at home with the demanding law school curriculum.<sup>16</sup> This concern over women’s ability to withstand the demands of a legal education and career in law while also fulfilling their presumed social roles as wives and mothers foreshadowed the problem of work-life balance that women faced upon entry into the legal profession.

The assumption that women must balance their careers with a traditional family life translated to explicit gender biases that dictated the experiences of women in the classroom. Professors and male students questioned women’s intelligence and qualifications, discouraging them from becoming active participants in classroom discussions. Before transferring to Columbia, Ginsburg was one of nine women in her class of five-hundred at Harvard Law School. She recalled that some professors held Ladies’ Days, calling only

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14 Carmon and Knizhnik, *Notorious RBG* (2015), 34-35; John Jay Osborn, *The Paper Chase* (Houghton-Mifflin, 1971).

15 Commission on the Education of Women of the American Council of Education, “The Education of Women,” Stanford University (Mar. 1960).

16 Carmon and Knizhnik, *Notorious RBG*, 39-40.

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on women and asking humiliating questions.<sup>17</sup> Harriet Rabb, who attended Columbia in the mid-1960s, recalled that one professor remarked, “Will all the little virgins please come to the front of the room?”<sup>18</sup> Such behavior indicates that male authority figures in legal academia acknowledged attempts to give women the same opportunities as men but used the classroom to ridicule these efforts at the expense of their female students.

Explicit efforts to undermine the legitimacy of women’s right to a legal education silenced women in class discussions and limited their full participation. A 1960 graduate of Yale Law School, Barbara Babcock would become the first female law professor hired at Stanford in 1972. At Yale, being in a room full of men with an uninviting male authority figure at the front would have been difficult without any added barriers, but the lack of professors’ effort to make women intellectually welcome magnified the discomfort. Like the other twelve women in her class of 170, Babcock recalled that she “would never volunteer” in class discussions even though she “would always long to be called on.”<sup>19</sup> During the late 1960s, a Harvard Law School student named Gina and her four female classmates also experienced the subjugation of their voices because their male counterparts considered their opinions not “rational,” believing that women were more emotional than men. Consequently, they felt a pressure to actively substitute “dry reason for emotion,” thus assimilating into the stereotype that lawyers valued logic and repudiated emotion. Furthermore, the pressure to conform to the expectation of a lawyer’s behavior led women like Gina to limit their comments when class discussion pertained to topics they cared about, such as prostitution.<sup>20</sup>

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17 Irin Carmon and Shana Knizhnik. *Notorious RBG*, 34-35.

18 Cynthia Fuchs Epstein and Deborah L. Rhode, *Women in Law* (Quid Pro, LLC: 2012), 51. To end Ladies’ Day at Harvard, women of the class of 1968 “dressed in black, all wore glasses and carried black briefcases.” When the Professor asked a question with the punchline ‘underwear’, the female students replied, “‘we’ve recovered a few samples,’ opened our briefcases, and threw fancy lingerie at the ‘boys’” (52).

19 Barbara Allen Babcock, An Oral History conducted by Iris Brest, Stanford Historical Society Oral History Program (2015), 51.

20 Scott Turow, *One L: The Turbulent True Story of a First Year at Har-*

Barbara Bezek, who graduated from Columbia in the 1970s before becoming a law professor, echoed these sentiments: “[I]t was very clear, from the professor’s handling of the material, which was absolutely frigid, and from every message I’d received since I’d first walked into that law school a year and a half before, that emotionally charged discussion was highly inappropriate.”<sup>21</sup> Ginsburg experienced a similar incident in law school. Despite being unable to speak up, she “felt in class as if all eyes were on me and that if I did not perform well, I would be failing.”<sup>22</sup> These experiences led women to feel like outsiders in a field that already overtly discriminated against them. The professors’ lack of efforts to include women and, in some cases, their ridicule and trivialization of women’s opinions encouraged explicit discrimination against women.

Explicit biases against women in law school also took the form of wrathful accusations. Male students and law school professors accused women of stealing a man’s place. These allegations indicated that professors, male students, and others regarded law as a field solely for men and that, despite the increased female presence, these men intended to keep it that way. The experiences of Ginsburg and Babcock reflect this form of explicit bias. When hosting Ginsburg and the other women in her student cohort at his home for dinner, Harvard Law School Dean Erwin Griswold asked them how they justified taking the place of a man at the law school.<sup>23</sup> Babcock likewise recalled people asking if she realized that she stole a man’s place. She elaborated, “[I]t would be one thing if I wanted to go to a night law school or something, but I was taking a place at Yale, where the future leaders of the world need to be trained.”<sup>24</sup> Men had already established that women could not be those leaders—certainly not in the male-dominated field of law.

Even when women had proven their intelligence, diligence,

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*vard Law School* (2017), 92.

21 James Elkins, 7 *ALSA Forum* at 305 (cited in note 7), quoting Barbara Bezek in Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick, *Becoming a Lawyer* 35-36 (1981).

22 Irin Carmon and Shana Knizhnik, *Notorious RBG*, 35.

23 Carmon and Knizhnik, *Notorious RBG* (2015), 35.

24 Babcock, *An Oral History*, 51.



and dedication, they still faced criticism from those who felt women's acceptance limited the number of male law students. During her second semester of law school, Marina Angel, who graduated from Columbia Law School in 1969 and went on to teach law at several New York law schools during the 1970s and 1980s, earned top grades in all of her classes. When the professor announced her success during lecture, she recalled being "treated to hatred for taking 'honors away from the men.'"<sup>25</sup> These experiences with accusatory comments reveal that, to many male students and professors, any woman who ventured inside the masculine domain of law—especially successfully—became an intruder. Law school admitted, but did not accept, women.

Statistical success did not necessarily translate into positive experiences in law school, in part because men's attitudes towards aspiring female attorneys remained the same. During the early 1970s, the actions of school professors suggested that their institutions might have remained reluctant to admit women. This reluctance resulted from outside pressure from law firms seeking to uphold their image of the perfect lawyer: a white, hypercompetitive man.<sup>26</sup> True equal opportunity would only occur if the legal profession stopped discrimination against women, but, during the 1960s and early 1970s, equal opportunity evaded women who repeatedly faced discrimination as they attempted to enter the legal profession.

### **Transition to Industry: Women Unwanted**

*"I would be less than honest if I didn't admit to you that there are many lawyers that feel very few women, however capable, are really cut out to be lawyers."*<sup>27</sup>

- Law firm employee quoted in *Harvard Law Record*, 1970

25 Marina Angel, "Women in Legal Education: What It's Like to Be Part of a Perpetual First Wave or the Case of the Disappearing Women" (1988), 810-811.

26 Janette Barnes, "Women and Entrance to the Legal Profession" (1970), 288.

27 Harvard Law Record. Cambridge, Mass.: Harvard Law School Record Corp., vol. 50, no. 1 (January 29, 1970).

In the mid-1960s, more American women than ever before pursued careers in law.<sup>28</sup> They soon discovered, however, that despite anti-discrimination legislation that followed the Civil Rights Movement and the efforts of numerous female lawyers, the legal profession continued to openly discriminate against all candidates except wealthy white males.<sup>29</sup> To a certain degree, the efforts of liberal feminists did positively contribute to changes in the legal profession by opening the doors to legal work for women, and to a lesser extent, to people of color. These opportunities increased as a result of women's relentless activity "transgressing [feminine] roles," demonstrating they could succeed in tasks "formerly regarded as outside their interest or capacities," and battling explicit biases and overt discrimination.<sup>30</sup>

Many journalists and male lawyers, however, treated the passage of Title VII as a joke. The press dubbed Title VII the "Bunny Law," an allusion to Playboy bunnies. In 1965, a *New York Times* journalist joked that "Congress [should have] just abolished sex itself." He continued: "No more milkman, iceman, serviceman, foreman, or pressman. The Rockettes may become bisexual, and a pity, too...Bunny problem, indeed!"<sup>31</sup> In this hostile context, female law graduates looking to enter the legal profession faced a wall of explicit discrimination.

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28 Nancy Woloch, *Women and the American Experience*. New York (1984), 576. Little statistical data regarding the exact gender composition of law firms during the 1960s exists; however, since women were just starting to attend law school in significant numbers, one can infer that they comprised an extremely small percentage of lawyers. Woloch estimates that in 1960, women composed 3.5 percent of lawyers. Pauli Murray, who argued that the legislation's approach to "racial discrimination should apply equally to gender-biased discrimination" was one of the female attorneys who fought to equalize conditions for women.

29 Kenya Downs, "The 'Black, Queer, Feminist' Legal Trailblazer You've Never Heard Of," *National Public Radio* (February 19, 2015).

30 Cynthia Fuchs Epstein, "Women in the Legal Profession at the Turn of the Twenty-First Century: Assessing Glass Ceilings and Open Doors," 49 *U. Kan. L. Review* 733 (2001), 738.

31 Ruth Rosen. *The World Split Open: How the Modern Women's Movement Changed America* (2000), 72.

Elite law firms on Wall Street openly refused to hire women before and after the passage of civil rights legislation.<sup>32</sup> Rita Hauser attended Harvard Law School before transferring to New York School of Law. She graduated in 1959, but her Fulbright fellowship, honors law degree, and doctorate could not combat the entrenched biases against aspiring female attorneys. She recalled that during the 1960s, “firms had this policy against women and it was impossible to change them”— especially when the firms felt no need to conceal their discriminatory practices.<sup>33</sup> She could not find a job in a Wall Street law firm. Similarly, Helene Schwartz, a 1965 Columbia Law School graduate who went on to teach law at various East Coast law schools, recalled that the law school placement director calmly told her: “You’ll never get a job on Wall Street and you probably won’t be able to get a job in New York. You certainly won’t be able to get a job in any litigation department. In fact, I doubt whether you’ll be able to get a job at all.”<sup>34</sup> Schwartz’s experience reflects two trends: one, that elite law firms did not even consider giving well-qualified women the opportunity to prove their capabilities; and two, that many law schools complacently accepted the firms’ discrimination against women and discouraged women from applying to elite firms.

Explicit discrimination against women attempting to enter the legal profession extended far beyond Wall Street. It took various forms, including upfront refusal to interview women. As she searched for a job after graduating from Harvard Law School, Ginsburg had become “used to seeing sign-up sheets at Columbia for firm interviews that were labeled ‘men-only’” and became surprised to encounter law firms that even gave women the opportunity to interview.<sup>35</sup> Babcock, who took a job working for the Public Defender Service in 1964, likewise acknowledged that “a lot of

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32 Cynthia Grant Bowman and Elizabeth M. Schneider, “Feminist Legal Theory, Feminist Lawmaking, and the Legal Profession” (1998), 257.

33 Karen Morello, *The Invisible Bar: The Woman Lawyer in America 1638-1986*, (New York: Random House, 1986), 207.

34 Cynthia G. Bowman, *Women in the Legal Profession from the 1920s to the 1970s: What Can We Learn from Their Experience about Law and Social Change?*, 61 Me. L. Rev. 1 (2017), 11.

35 Carmon and Knizhnik, *Notorious RBG*, 39.

firms would not even consider women... would not even look at their resumes.”<sup>36</sup> This explicit bias dominated the loosely regulated law firms, in part because the equality legislation of the Civil Rights era proved harder to implement in the hypercompetitive legal profession than in law schools. Law firms rejected women without any consideration, even for jobs as public defenders, which, in the twenty-first century, would become the lowest paying jobs that women could access more easily.<sup>37</sup>

When firms did interview women, they readily admitted their biases against them. After graduation, a friend of Babcock told her that law firms “would interview [her] but they would not be able to hire a young, attractive unmarried woman” because “they were just not there yet.”<sup>38</sup> Similarly, Columbia Law School 1970 graduate Diane Blank’s interviewer at Sullivan & Cromwell admitted to her that the firm did not hire women.<sup>39</sup> Sandra Day O’Connor, who sought employment at law firms after graduating from Stanford Law School, recalled that “they just weren’t hiring women, period.” O’Connor had received academic job offers, but she wanted to join the legal marketplace at a time when the marketplace did not want women.<sup>40</sup> The stories of Babcock, Blank, and O’Connor reflect the experiences of many intelligent and well-qualified women of their time. They graduated from Yale, Stanford, and Columbia—three of the top law schools in the country—but law firms still deemed them unfit for the legal profession. Women discovered that despite having the same education as their male counterparts, the male-dominated field of law rejected their qualifications.

Law school-issued reports confirmed that gender discrim-

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36 Babcock, *An Oral History*, 63.

37 For more information on the status of public defenders, see Charles J. Ogletree, “An Essay on the New Public Defender for the 21st Century,” *Law and Contemporary Problems* 58, no. 1 (1995): 81-93.

38 Babcock, *An Oral History*, 57.

39 Epstein and Rhode, *Women in Law* (2012), 184-188. Diane Blank’s experience with this interviewee led to a huge lawsuit against the hiring practices of law firms on the east coast.

40 “Life’s Work: An Interview with Sandra Day O’Connor,” *Harvard Business Review* (June 2015).

ination prevented women from securing law firm employment. In 1963, the student-run *Harvard Law Record* published a report exposing law firms' explicit biases against women. The report detailed the results of a questionnaire asking 430 law firms to rank what they considered most important when looking for a new employee: being a woman and being black constituted two of the most unwanted factors. An explanation of the results casually stated: "most hiring partners admit they do [discriminate against women], and the girls agree."<sup>41</sup> The use of the word "girl" instead of "woman," although a standard linguistic practice of at the time, demonstrates that even the authors of the *Harvard Law Review* who intended to illuminate gender discrimination, ignored the infantilizing implications of the language and unintentionally contributed to the perpetuation of explicit biases against aspiring female attorneys. The use of language to undermine women's qualifications also indicated entrenched biases against women. Virginia Watkin, a 1968 Columbia Law School graduate, eventually joined Covington and Burling, a leading international law firm, but only after six years of training. Whenever she attended networking events at the beginning of her legal career, the law firm partner she worked for referred to her as the "lady lawyer."<sup>42</sup> This language demonstrates that men viewed women attorneys as inferior.

Explicit discrimination during entrance into the legal profession also took the form of tokenism and the use of language that undermined women's competence as lawyers. Law firms did not conceal their superficial efforts to employ some women. Ginsburg experienced tokenism at the law firm of Paul Weiss, where she had interned one summer during law school. After graduation, she applied for an associate position, but the firm told her that they had already hired one full-time woman that year, and that sufficed.<sup>43</sup> By admitting that only one or two women would gain employment, law firms used the concept of tokenism to discriminate against all other female applicants. Tokenism, therefore, became a tool to

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41 *Harvard Law Record*. Cambridge, Mass.: Harvard Law School Record Corp., vol. 37, no. 9 (December 1963).

42 Bowman, "Women in the Legal Profession," 20.

43 Carmon and Knizhnik, *Notorious RBG*, 39.

continue gender discrimination, rather than a way to conceal discriminatory practices as in other professional fields.<sup>44</sup>

Statistics document that during the 1960s, women in both law school and the legal profession faced explicit discrimination in a profession that, like many others at the time, remained male-dominated. Having lived through and learned from this discrimination, women, using both activism and legal recourse, planted the seeds of change during the civil rights era and subsequent years. In the late 1960s and early 1970s, these seeds began to sprout.

### **Implicit Gender Biases in Law School: *De Facto* Segregation in a time of *De Jure* Integration**

*“By and large, women felt the need for more role models in academia. Often there were subtle communications of sex role bias from male faculty.”*<sup>45</sup>

- *Stanford Observer*, April 1977

*“If you’re not a white male or don’t enjoy wearing powdered wigs around campus, inspiration can be hard to find.”*<sup>46</sup>

- *Harvard Law Record*, October 1991

During the late 1960s and 1970s, the liberal, second-wave feminists made notable advances in its political agenda to increase individual rights for women. These feminists drew on the anti-discrimination legal gains of the Civil Rights Movement to argue that equality should apply to gender as well as race. Title IX of the Education Amendments of 1972 opened the door to greater educational opportunities for women by prohibiting gender discrimination in federally-funded schools.<sup>47</sup> The law empowered women in law schools to denounce explicit gender discrimination in legal

44 For a more thorough analysis of tokenism in academia, see Judith Long Laws, “The Psychology of Tokenism: An Analysis.” *Sex Roles* 1, no. 1 (1975): 51-67.

45 *Stanford Observer* (Apr. 1977).

46 *Harvard Law Review* (Oct. 1991).

47 Julie Peters and Andrea Wolper, *Women’s Rights, Human Rights: Inter-*

education.<sup>48</sup>

Aspiring female attorneys organized to advance their anti-discrimination agenda in legal education. In April 1970, the Professional Women's Caucus held a founding conference, where they documented that the problem of inequity in the legal field, rather than an isolated occurrence, affected women in all the professions.<sup>49</sup> The blatant inequality and discrimination in law allowed the Caucus to designate the field as the anti-discrimination target they could use to establish precedent for further cases. In 1971, using statistics from the Association of American Law Schools' Committee on Women in Legal Education as evidence, the Professional Women's Caucus filed a class action lawsuit against all law schools receiving federal funds.<sup>50</sup> In 1972, the Caucus invoked Title VII of the 1964 Civil Rights Act to argue against the legality of law schools to use federal funds while overtly discriminating against women. The Professional Women's Caucus won the case, and, as a result, the number of female law students rapidly increased.

Because gender discrimination in education became formally illegal and lawsuits supported this anti-discrimination legislation, more women than ever before earned professional degrees in law, medicine, and business.<sup>51</sup> Female enrollment as a percentage of total first-year enrollment grew exponentially during the 1970s and 1980s (see Table 1).

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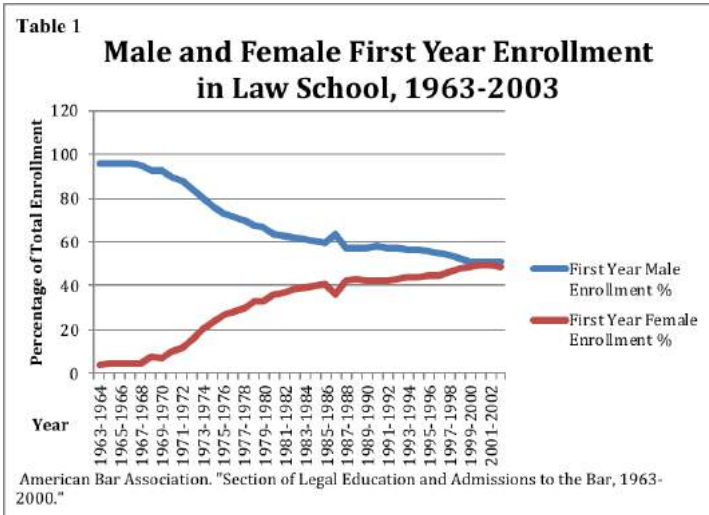
*national Feminist Perspectives* (New York: Routledge, 1995), 81-85. Peters and Wolper argue that this legislation was selectively effective.

48 See Estelle B. Freedman, *No Turning Back: The History of Feminism and the Future of Women* (New York: Ballantine Books, 2003), 84-88. Freedman claims that second-wave feminism in the U.S.—or at least its liberal branch—emphasized antidiscrimination law and the achievement of equal employment opportunities and treatment for women.

49 Doris L. Sassower, "Women in the Law: The Second Hundred Years," *American Bar Association Journal* 57, no. 4 (1971), 329.

50 Cynthia Bowman and Elizabeth Schneider, "Feminist Legal Theory, Feminist Lawmaking, and the Legal Profession," *Fordham Law Review* 67, no. 2, (1998), 257.

51 Paula England, "The Gender Revolution: Uneven and Stalled," *Gender and Society*, Vol. 24, No. 2, (April 2010), 149.



The percentage of female first-year law students doubled from 10.3 percent in the 1970-1971 school year to 20.2 percent in 1973-1974. In 1988-1989, women made up 42.9 percent of first-year law students. The numbers of the 1990s and early 2000s represented a steady growth of female enrollment, inching towards gender parity. In the 2002-2003 school year, men comprised 51.3 percent and women 48.7 percent of first-year law school students.

While these numbers paint an exceptionally positive picture, women's accounts of their experiences attending law school expose persistent discrimination. At the beginning of the 1970s, overt discrimination continued in legal education, but over time, more subtle but equally damaging forms of implicit biases emerged and largely supplanted explicit biases. Mary Becker, a leading feminist legal scholar, has argued that federal anti-discrimination laws grounded in notions of formal equality, such as Title IX, shattered outright barriers to access to legal education.<sup>52</sup> Formal legal access to education and statistical equality, however, did not prevent implicit sex discrimination. The increase of implicit biases revealed that outlawing explicit discrimination did not translate to success: women's battle to achieve equal standing in the legal profession



remained incomplete.

The implicit gender biases in legal education during the late twentieth and early twenty-first centuries manifested in factors as subtle as a lack of support systems for female students. Elite schools such as Stanford boasted that studies of women's applications and admission had resulted in "little evidence" of "strong" discrimination against graduate-level women, including those in law school.<sup>53</sup> However, when interviewed anonymously, female law students at Stanford reported recurring frustrations: "housing, lack of transportation, loneliness and isolation, and academic pressures."<sup>54</sup> These concerns suggest that law schools did not consider what support systems women needed to succeed: admitting them and eliminating overt discrimination marked the extent of their inclusion efforts.

The lack of female role models to whom students could look for inspiration and mentorship added to women's sense of alienation. Despite the large number of qualified female professorship applicants who could also mentor female students, most law professors throughout the late twentieth century continued to be white males.<sup>55</sup> Without women in top positions who could encourage women and prove that they could succeed in law, aspiring female students felt demoralized. Sonia Sotomayor, a 1979 Yale Law School graduate who became the first Latina Supreme Court Justice, noticed that "there were no Latinos on the thirty-person faculty and only one black and two women."<sup>56</sup> Mary T. Torres, a Hispanic attorney who served as the president of the Student Bar Association before graduating from the University of New Mexico School of Law in the early 1990s, recalled her experience escaping this form of implicit bias. While struggling through law school, another female law student who saw in her "the ability to be a leader"—something she did not see in herself—encouraged her to

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53 Stanford *Campus Report*, Vol. V, Number 19. 31 January 1973.

54 *Stanford Observer*, November 1978.

55 For more information regarding women's under-representation as law professors, see Donna Fossum, "Women Law Professors," *American Bar Foundation Research Journal* 5, no. 4 (1980): 903-14.

56 Antonia Felix, *Sonia Sotomayor: The True American Dream*. Detroit [Mich.]: Thorndike Press (2010), 60.

continue working.<sup>57</sup> Torres's experience demonstrates that although women lacked female role models in the legal field, encouragements from one female student to another could sometime counter the implicit bias.

Implicit biases in law school also included the underlying expectation that in order to succeed, women had to imitate men. Many professors believed that any woman who succeeded deviated from her female nature. Norgren has argued that "the issue of decorum raised the question of whether, to succeed, women needed to follow the example of men and also pushed women to interrogate themselves as to whether the 'female constitution' permitted women to compete as attorneys."<sup>58</sup> Although Norgren wrote about aspiring female attorneys at the turn of the twentieth century, women during the latter half of the century also dealt with concerns. A 1977 *Stanford Observer* article quoted an anonymous student who said that she would like "workshops to cope with role ambivalences."<sup>59</sup> Professors compared women to male students and expected them to conform to the image men had established. While teaching on the East Coast, Angel witnessed professors tell female students that "that hard work was good for them—that it would 'make a man out of them.'"<sup>60</sup> Implicit biases in law school took the form of heightened barriers that forced women to find alternative ways to reconcile the expectations of being a woman and those of being successful in the legal field.

One of these alternative ways to introduce women to the legal field was teaching law classes specifically for and about women. These classes had a larger aim of integrating and empowering women to become involved in legal affairs. While teaching at various law schools on the East Coast, including at Columbia during the 1980s, Marina Angel offered courses about women and the law.<sup>61</sup> Since "women's perspectives were totally lacking from

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57 Karen Clanton, *Dear Sisters, Dear Daughters: Strategies for Success from Multicultural Women Attorneys*. Chicago: ABA Publishing (2009), 21.

58 Jill Norgren, *Rebels at the Bar: The Fascinating, Forgotten Stories of America's First Women Lawyers* (2013), 189.

59 *Stanford Observer*, April 1977.

60 Angel, "Women in Legal Education," 810.

61 Angel, "Women in Legal Education," 806.

any of the [so-called traditional] courses or discussions,” she explained, these classes attempted to prove to women that they had a place in law.<sup>62</sup> Law professor Taunya Lovell Banks has argued that despite the women in law classes, problems of alienation, isolation, and participation persisted.<sup>63</sup> These classes also raised the question of whether women could compete in the traditional, male-dominated law school setting or if they required different courses to prove their competence.

Women of color faced a double barrier of implicit bias. Upon registration, the head clerk at the University of Michigan Law School told Jane Cleo Marshall Lucas, who graduated in the mid-1970s, “you are the first colored girl to enter the law school. None of them finished. We’ll see what you do.”<sup>64</sup> As minority students at Yale, Sotomayor and her friends believed that they had to “be twice as good and work twice as hard.”<sup>65</sup> Similarly, Arthenia Lee Joyner, who graduated law school in 1985, noticed that the education system did not create “materials or books in which a positive image of a Black lawyer is projected.”<sup>66</sup> These anecdotes indicate that, quantitatively, women and minority students fit in, but in reality, they faced barriers and intense pressures. They had to work harder to shatter the preconceived notions people had against them. Women of color, who faced both barriers, needed to overcome magnified pressures.

With implicit biases supplanting explicit biases in law school, women struggled to understand the ambivalent empowerment they encountered. Several law schools and outside organizations sought to end the new, subtle sex discrimination by implementing programs designed to integrate women. In 1981, the student-run *Harvard Law Review* initiated an affirmative action plan for its staff because its editors realized that membership included “tremendous opportunities” and that “minorities, and to a

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62 Angel, “Women in Legal Education,” 809.

63 Taunya Lovell Banks, “Gender Bias in the Classroom,” 38 *J. Legal Educ.* 137 (1988), 52.

64 Smith, *Rebels in Law*, 107-108.

65 Felix, *Sonia Sotomayor*, 62.

66 J. Clay Smith, *Rebels in Law: Voices in History of Black Women Lawyers* (Ann Arbor: University of Michigan Press, 2000), 107.

lesser extent, women, [were] underrepresented relative to their proportions in the student body.”<sup>67</sup> On a national level, women formed coalitions that gained a legal standing to counter entrenched institutional discriminatory processes. In 1979, for example, women attorneys founded the Federation of Lawyers’ Judicial Screening Panel “to monitor the federal judicial selection process.”<sup>68</sup>

Despite these efforts to combat implicit bias, women’s experiences in law school did not align with the statistical success story. Examining statistics and ignoring women’s experiences reveals an incomplete picture. The formal outlaw of discrimination and the implementation of programs designed to attract more women led biases to shift from explicit to implicit.

### **Straddling the Line between Implicit and Explicit Biases in the Legal Profession**

*“In my 32 years of practice, challenges for women of color in the legal profession continue.”*<sup>69</sup>

- Paulette Brown, 2009

By the late twentieth century, implicit discrimination had largely replaced explicit discrimination in law school. However, despite the increasing number of female law students, both the gender and racial composition of the legal profession remained largely unchanged (see Table 2).

In 1991, white men occupied 52.4 percent of all legal jobs, while white women occupied 36.6 percent. That same year, minority men and women held 5.6 and 5.4 percent of all legal positions, respectively.<sup>70</sup> Ten years later, the numbers had changed only slightly. White men held 44.5 percent, white women filled 36.2 percent, minority men occupied 8.3 percent, and minority women

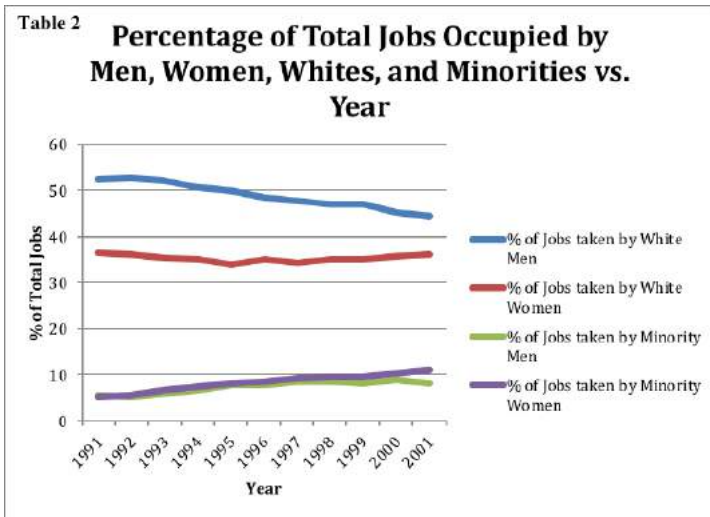
67 *Harvard Law Review* (Feb. 1981).

68 Estelle H. Rogers, “The Private Clubs Problem: Getting in the Front Door,” 4 *Geo. J. Legal Ethics* 129, 134 (1990), 130.

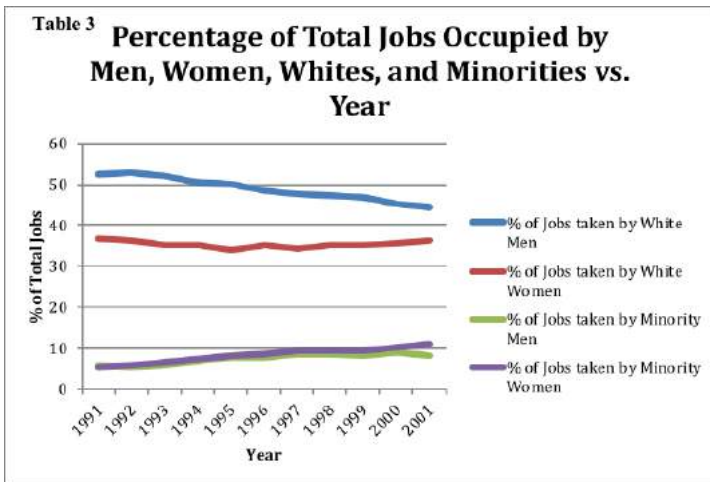
69 Karen Clanton, *Dear Sisters, Dear Daughters*, 13.

70 The term “minority” comes from National Association for Law Placement. While the term is vague and glosses over ethnic and racial differences, I adopted it in order to use their data. As used here, “minority” simply means “non-white.”

advanced to fill eleven percent of all legal jobs.



While women and minorities comprised a larger proportion of law students and employed graduates, they did not achieve proportionate representation in certain fields of law. Historically, women and minorities had accepted positions in the lowest paying legal fields (see Table 3).



In 2002, 60.5 percent of men entered the private sector, the highest paying sector, and less than 1.7 percent occupied positions

in public interest law, the lowest-paying field. The same year, 58.5 percent of women entered the private sector and four percent of women went into public interest law.<sup>71</sup>

Following the explicit discrimination of the 1960s, legal attempts to end sex and racial discrimination in the workplace prompted a moderate shift to implicit discrimination in the hiring of female law graduates. Lawsuits based on “formal equality principles” that “provided a remedy for the outright result to hire women” characterized this period.<sup>72</sup> In 1971, Diane Blank sued Sullivan & Cromwell for gender discrimination. In 1973, Margaret Kohn, a 1972 Columbia Law School graduate, sued Royall, Koegele, & Wells for not inviting her to a second interview.<sup>73</sup> Guilty of violating Title VII of the Civil Rights Act of 1964, the law firms lost the lawsuits and women succeeded in forcing firms to consider hiring women. As sociologist Cynthia Fuchs Epstein and Stanford law professor Deborah L. Rhode have argued, firms “moved swiftly to correct the tone and behavior of representatives at interviews” to minimize the occurrence of explicit discrimination.<sup>74</sup>

Inclusion efforts in the legal profession, however, amounted to superficial success. Journalists and lawyers predicted that law firms would make adjustments to include more qualified women, eventually resulting in quantitative gender parity. As legal ethics scholar Eli Wald has argued, however, law firms experienced a “shift from competitive meritocracy to hypercompetitive professional ideology” in the 1980s.<sup>75</sup> Anti-discrimination laws, as a result, did not succeed in the legal profession as much as they did in law schools. The legal profession lacked a complete shift from explicit to implicit biases and consequently, admitted female attorneys to continue to occupy inferior positions.

Women did not reach occupational equality within the legal

71 “Employment Patterns — 20-Year Trends — 1982 - 2002.”

72 Bowman and Schneider, “Feminist Legal Theory,” 257.

73 Kathleen Donovan, “Women Associates’ Advancement to Partner Status in Private Law Firms,” 4 *Geo. J. Legal Ethics* 135, 152 (1990), 138.

74 Epstein and Rhode. *Women in Law*, 184-188.

75 Eli Wald. *Glass Ceilings and Dead Ends: Professional Ideologies: Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms*, 78 *Fordham L. Rev.* 2245, 2288 (2010), 2245.

field in large part because social expectations delegated family responsibilities primarily to women. Women had to re-structure work-life balance to reflect greater loyalty to the firm or they would continue to occupy the subordinate position, if any at all.<sup>76</sup> According to historian Ruth Rosen, by the 1980s, feminism did not “change most institutions... As a result, American women won the right to ‘have it all’ but only if they ‘did it all.’”<sup>77</sup> If women decided to dedicate time to their jobs at the expense of their family life, however, men in the legal field criticized them. In 1985, a judge told Susan Tone Pierce, an attorney at Mayer, Brown, and Platt, “I don’t think that ladies should be lawyers. I believe that you belong at home raising a family.”<sup>78</sup> Women could only compete in the field if they managed to conform to both the “good mother” stereotype and to the image of a competent, assertive lawyer. RJ, who graduated from the University of Washington School of Law in the early 2000s and later became an estate planning attorney, described this unrealistic expectation: “I know people talk about life-work balance. I don’t think it’s balanced at all... I’m just really fortunate that I have a partner, my husband, who does a lot of [the house] work.”<sup>79</sup> Women lacked shared group knowledge about how to balance work and life in a period when discrimination, in most cases, became more covert. This lack of group knowledge also encumbered women’s attempts to balance their professional and personal worlds, because measuring the private life toll proved more difficult than analyzing gender composition in law school and law firms.

The shift from explicit to implicit sex discrimination manifested itself in the emergence of tokenism. Paulette Brown, a black woman who graduated from Seton Hall University School of Law in 1976 and co-chaired the American Bar Association Commission’s report on Women in the Profession, argued that law firm

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76 Eli Wald, *Glass Ceilings and Dead Ends: Professional Ideologies: Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms*, 78 *Fordham L. Rev.* 2245, 2288 (2010), 2245.

77 Ruth Rosen, *The World Split Open*, 344.

78 Nancy Blodgett, “I Don’t Think That Ladies Should Be Lawyers,” *ABA Journal* 72, no. 12 (December 1, 1986): 48-53.

79 “RJ” in discussion with the author (Feb. 2016).

management believed that diversity equaled a “flash in a pan or a fad.” In her experience, law firms hired women, and particularly women of color, in order to avoid the negative legal consequences of explicit discrimination against women.<sup>80</sup>

As in law school, gender discrimination in the legal profession also included holding women to a higher standard than men. Brown acknowledged that her interviewers and later clients held her to a higher standard because she, as a woman of color, did not fit the typical image of a lawyer.<sup>81</sup> RJ recalled having “to convince [clients] that I was capable and competent enough to represent them in their legal matters.”<sup>82</sup> This “prove it again” bias, a term law professor Joan Williams coined, prevented women from becoming full participants in the field, a bias that their male counterparts did not experience because many potential clients and men viewed competence and capability as innate characteristics of male lawyers.<sup>83</sup>

Holding women to a higher standard included demeaning remarks that reminded women they did not fit the traditional image of a lawyer. RJ described law as being an “old boys club”: men dominated the field, so men labeled anyone who did fit the norm—that is, anyone who was not a white man—as an intruder.<sup>84</sup> Johnnie P. Barnes, who graduated from Case Western Reserve University School of Law in 1995 and then practiced law in a large firm, experienced demeaning language from her colleagues, who often referred to her as “darling” and the “little black girl.”<sup>85</sup> Even though potential employees may not have had bad intentions when giving her these nicknames, their existence represented latent sex and race discrimination. During an interview, Martin Krall, the

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80 Karen Clanton, *Dear Sisters, Dear Daughters*, 13. The report Brown co-chaired is titled *Visible Invisibility: Women of Color in Law Firms*.

81 Clanton, *Dear Sisters, Dear Daughters*, 13.

82 “RJ” in discussion with the author (Feb. 2016).

83 Joan Williams, a law professor and the founding director of Work-Life Law, argues that the need to prove their competence over and over again slows down female professionals. Joan Williams and Rachel Dempsey, *What Works for Women at Work: Four Patterns Working Women Need to Know*, (2014).

84 “RJ” in discussion with the author (Feb. 2016).

85 Clanton, *Dear Sisters, Dear Daughters*, 9-10.



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recruiter for the Washington-based law firm Shaw, Pittman, Potts, & Trowbridge, asked Sotomayor if she would have been admitted to Yale Law School if she were not Puerto Rican.<sup>86</sup> Sotomayor filed a complaint to stop the firm's recruiting privileges, and the Yale administration was divided on the issue. The administration's failure to condemn the law firm because of its prestige indicated that latent discrimination against minorities persisted and the complete shift from explicit to implicit biases did not occur in the legal occupation. Explicit discrimination in the profession continued to a larger extent than in education because social expectations and law firm culture relegated admitted female attorneys to inferior positions.

### **A Problem Larger than Law**

Despite the statistical success, women in legal education and the legal profession continued to face discrimination between the 1960s and the 2000s. The experiences of many women in law school demonstrate that discrimination shifted from explicit to implicit, granting aspiring female attorneys an ambivalent empowerment as they persevered in the field. The shift from explicit to implicit biases unfolded more clearly in law school than in the profession due, in part, to the hypercompetitive nature of law firms that preemptively deemed women as unfit. Increased barriers for women in the workplace and superficial integration efforts both inhibited them from achieving full quantitative professional parity as they did in law schools and resulted in the persistence of more explicit biases than in law school.

While this paper addresses only the legal field, a similar narrative may be told about women in other professions, including medicine and academia. Law serves as a useful case study for the sex discrimination that prevails in certain professions because the heavily male-dominated legal field fosters discrimination against women, and women have been open to sharing and recording their experiences. This study invites further research comparing statistics with personal accounts of women in other professional fields. Further work also remains to be done on how biases changed

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86 Felix, *Sonia Sotomayor*, 62.

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within each specialization of the legal profession, and the extent to which biases affected various minority groups.

As this study has shown, the incessant barriers that have historically prevented women from entering male-dominated fields have not disappeared. Despite changes in the type of discrimination, full educational and professional equality continues to evade women. As in law, other professional fields have admitted, but not accepted, aspiring female participants. Recognizing that implicit biases perpetuate obstacles to full equality stands as an important step towards ensuring women's full acceptance.

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# BLACK-JEWISH JAZZ AND ITS VILIFICATION IN THE EARLY TWENTIETH CENTURY

## Introduction by Justine Modica

Emily Wilder's paper contributes to two important historical literatures: the history of jazz and the history of race in twentieth-century America. When Emily decided to pursue a final project on the intersections between black and Jewish histories in the creation of jazz, she was determined to resist any sanguine or reductive characterizations of jazz as an intercultural collaboration. Instead, she sought to uncover how ideas about jazz as an intercultural project animated a racist discourse about the musical form and its potential to erode racial and cultural boundaries and corrupt white female listeners. In this paper, she looks at an array of sources to examine anxieties about jazz as a black-Jewish plot, from Henry Ford's indictments of jazz in *The Dearborn Independent* to the propaganda of the Nazi party in Germany to the writings of composer Edward Varèse. As she weaves together a story from her diverse sources, she also shows a contradiction at the heart of the discourse surrounding jazz: before jazz could acquire its status as "one of the only indigenous American art forms," it was first seen as a plot between American subalterns to destabilize and blur the borders of American culture.

## Black-Jewish Jazz and its Vilification in the Early Twentieth Century

Emily Wilder

In 1938, in Dusseldorf, Germany, Nazi official Hans Severus Ziegler erected an anti-jazz exhibit as one of the first in the “Entartete Musik” campaign sweeping across Nazi Germany. The art show prominently featured Ludwig Tersch’s poster of a minstrel character playing a saxophone with a large Star of David pinned to his lapel (see Figure 1). Emblazoned beneath the character were the same words, “Entartete Musik,” or “degenerate music.”



Figure 1: Hans Severus Ziegler, Entartete Musik, 1939, Deutsches Historisches Museum, Berlin.

Under the Third Reich, “entartete” was often used to describe anything deemed perverse to Aryan society: Tersch’s propaganda was thus an extension of the racial science used to justify the explicit suppression of jazz music orchestrated by Hitler’s regime. This grotesque caricature of a Black musician wearing the emblem

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of the Jewish people, like the yellow star that would be forced onto Jewish citizens throughout Eastern Europe in the coming years, captures the truly international reach about the anxieties of jazz in the white imagination. However, these anxieties about jazz had originated not in Germany, but rather in the United States during the Jazz Age of the early 20<sup>th</sup> century. The fear that jazz threatened racial mixture was informed by stereotypes of Black Americans and Jewish Americans, and the collaboration between these two communities by which jazz was influenced.<sup>1</sup> Historically, a common accusation levied against both Jewish and Black communities has been that of multiculturalism and miscegenation, of perverting white daughters and dismantling white racial integrity and hierarchy.<sup>2</sup> I argue that these fears were reiterated and took on new form

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1 There is a species of scholarship that makes different claims about this “Jewish interracial mixing,” specifically in the production of jazz music in the early 20th century. This conversation among scholars posits several possible approaches for understanding the dynamics between the Black and Jewish communities in the jazz industry. For example, Michael Rogin in “Blackface, White Noise: The Jewish Jazz Singer Finds His Voice” advances that jazz served as a site of exploitation and reinvention for Jewish musicians, sometimes literally donning Blackface in a re-imagination of belonging. Jazz allowed for a break from the tensions surrounding Jewish identity, as well as a means for these tensions to be manipulated and replayed in the form of a swing tune. Maintained throughout is a certain ambivalence of Jewish appropriators toward their Black peers. In a different vein, Charles Hersch in *Jews and Jazz: Improvising Ethnicity* suggests that this relationship was actually much more reciprocal, or at least cooperative, and that the “Jewish music” with which Black jazzmen began experimenting demonstrates this mutualism. However, the purpose of this paper is not to forward an answer to this question, nor to determine the accuracy or validity of any of these existing claims. Departing from the work of these scholars, I argue that discursive attitudes toward jazz, which present the musical form as a product of this Jewish-Black project of white genocide, reveal as much (or more) about the cultural context of jazz as the relationships between the musicians themselves.

2 These claims of white genocide are old and pervasive. The sources of these claims range from the Protocols of the Elders of Zion, to their codification in anti-miscegenation laws throughout the United States and South Africa, to the contemporary tirades of far-right extremists like David Duke. Common throughout this history is the stereotyping of Jewish (communist, globalist, cosmopolitan, etc.) multiculturalism designing and promoting race mixing alongside uncontrolled Black sexual rage carrying out the act of miscegenation.

in the campaigns against jazz, which presented the musical form as a “Jewish-negro plot” to mix the races, encourage sexual deviancy, and undermine America’s white, Christian values.

Some scholars have drawn links between the demonization of jazz and these historical fears of racial mixing.<sup>3</sup> Maria Agui Carter, filmmaker and assistant professor at the University of Emerson, compiled her research on jazz and conversations with historians, musicologists, and journalists in her PBS documentary, *Culture Shock: The Devil’s Music*.<sup>4</sup> Carter’s work establishes that jazz is a fusion, born of the memory of old African spirituals and the contemporary Black American subjectivity, and expressed in a syncopated and improvised interplay between instrument and voice. The music itself embodies this mixed nature in supposedly sinister, sexual, and deviant means through its orientation toward dance and its sensuously percussive rhythms. Carter shows how jazz in its early years came to represent Black libido and the illicit mixture of races, urged on by the inexplicably tantalizing force of swing. It was also closely associated with prostitution and other vice industries because of its original performance in the red-light districts and lounges of New Orleans, Chicago, and Harlem. Furthermore, Carter refers to its association with the sex industry and the black-and-tan lounges in these centers of urban Black culture to argue that the genre became shorthand for Black masculine sexual energy, and a vision of Black predators preying on unknowing white women who naively frequented these mixed dances. Jazz was seen to fundamentally clash with white culture, and the consequent hostility only intensified as jazz grew more popular in white youth culture. Carter successfully conducts a thorough analysis of the racial tensions that jazz revealed and engendered in American public opinion. However, her work fails to address the historically anti-Jewish attitudes implicit in white fears of jazz, attitudes

3 Further scholarship on Black masculinity and sexuality coded in jazz is prolific; examples of analyses similar to Carter’s include Herman Gray’s work in “Black Masculinity and Visual Culture” and Eric Porter’s *What is This Thing Called Jazz?: African American Musicians as Artists, Critics, and Activists*.

4 *Culture Shock: The Devil’s Music*, dir. Maria Agui Carter (USA: PBS, 1999), DVD.

which were only deepened by the recent influx of Jewish refugees.<sup>5</sup> Drawing upon methods from cultural history and analyzing propaganda and political opinion, I argue that the anti-Jewish sentiment implied in the demonization of jazz is a telling feature of the cultural backdrop to the art form's genesis and reception.

Indictments of jazz during the 1920s were wide-ranging, from regular newspaper and journal articles to the tirades of liberal social reformers and conservative industrialists alike. Common throughout was the perception of jazz's inherent immorality, a barbarism in form and in performance that neither respected the status quo of good Western music nor the rules and structures of polite society. Such sentiments were iterated early on in the birthplace of jazz in a 1918 *New Orleans Times-Picayune* article titled "Jass and Jassisms." The three-page editorial began:

Why is the jass music, and, therefore, the jass band? As well ask why is the dime novel or the grease-dripping doughnut? All are manifestations of a low streak in man's tastes that has not yet come out in civilization's wash. Indeed, one might go farther, and say that jass music is the indecent story syncopated and counter-pointed. Like the improper anecdote, also, in its youth, it was listened to blushing behind closed doors and drawn curtains, but, like all vice, it grew bolder until it dared decent surroundings, and there was tolerated because of its oddity.

This stinging appraisal of the emerging music genre ran less than a year after the shuttering of Storyville, the city's red-light district and the cradle of the first generation of jazz. It reveals that at the very beginning of the movement, "jass" was viewed as the vocalization of the vices of prostitution and crapulence confined to the neighborhood between North Robertson, Iberville, Basin, and St. Louis Streets. But once it was no longer bound to these urban and

5 A poll conducted by the American Institute for Public Opinion titled "America's views on accepting refugee children from Germany" in 1939 found that only 26% of Americans surveyed were in favor while 67% opposed. <http://news.gallup.com/opinion/polling-matters/186716/historical-review-americans-views-refugees-coming.aspx>

socioeconomic parameters, the argument went, the music could freely proliferate beyond its home in the brothel and parlor like a disease, infecting the rest of the city with its perversion. The rest of the piece was rife with these characterizations of jazz's sexual indecency: the sound of jazz was "loud and meaningless as exciting, almost an intoxicating effect, like crude colors and strong perfumes, the sight of flesh, or the sadic pleasure in blood"; listening was a "sensual delight quite different from... the refined sentiment and respectful emotion" of proper classical music; and jazz altogether epitomized "musical vice." The author ended the article urging New Orleans to "be last to accept the atrocity in polite society... its musical value is nil, and its possibilities of harm are great."<sup>6</sup>

The migration of jazz to new cultural centers of gravity, like Chicago and New York City, exposed these "possibilities of harm" to national debate. Jazz became an "epidemic," inciting fevered commentaries in response. In 1922, *The New York Times* ran pieces like "RECTOR CALLS JAZZ NATIONAL ANTHEM; Dr. Percy Grant Says It Is Retrogression and Harks Back to African Jungle. SENSUALITY, HE DECLARES 'It Makes You Clatter on All Fours and Whisk Your Tall Around a Tree,' Says Pastor." In this column, Dr. Grant claimed, "jazz goes back to the African jungle and is one of the crying evils of today."<sup>7</sup> The *Times* ran another similar article in 1926, titled "JUDGE RAILS AT JAZZ AND DANCE MADNESS; Toms River Justice Says Spring Brings Out City "Cuckoos" to Disturb Rural Peace. DEPICTS WEIRD GY-RATIONS Dance Like an Asiatic Potpourri, He Tells Grand Jury -- Demands Law Be Enforced."<sup>8</sup> The New York City Cabaret Law

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6 "Jass and Jassisms," *New Orleans Times Picayune* (New Orleans), June 20, 1918.

7 "RECTOR CALLS JAZZ NATIONAL ANTHEM; Dr. Percy Grant Says It Is Retrogression and Harks Back to African Jungle. SENSUALITY, HE DECLARES "It Makes You Clatter on All Fours and Whisk Your Tall Around a Tree," Says Pastor.," *The New York Times* (New York), January 30, 1922, <https://www.nytimes.com/1922/01/30/archives/rector-calls-jazz-national-anthem-dr-percy-grant-says-it-is.html>.

8 "JUDGE RAILS AT JAZZ AND DANCE MADNESS; Toms River Justice Says Spring Brings Out City "Cuckoos" to Disturb Rural Peace. DE-



was enacted the same year, outlawing “musical entertainment, singing, dancing or other forms of amusement” without a license during Prohibition and effectively served as a dance ban.<sup>9</sup>

Newspapers ran frequent articles like these throughout the 1920s, many attributing the feared descent of society to jazz’s sinful, anti-Christian, and even anti-American persuasions. The contempt was as widespread as it was severe, with institutions on all points of the political spectrum contributing to a developing anti-jazz literature. Even feminist figures such as Anna Shaw Faulkner drafted extreme indictments of jazz, such as her lengthy 1921 feature in the *Ladies Home Journal* entitled “Does Jazz Put The Sin In Syncopation?” in which she called jazz an “evil influence on the young people together,” “retrogression,” “a savage crash and bang,” “revolt against authority,” and “the accompaniment of the voodoo dancer, stimulating the half-crazed barbarian to the vilest deeds.”<sup>10</sup>

While these criticisms were often couched in civil language, the vulgarity of jazz was consistently ascribed to certain qualities in its very nature that made it irredeemable: its “African” and “voodoo” roots, its irreverence for establishment and order (both musical and social), and its failure to stay confined to the segregation of its birth. Ethnic and racial stereotypes were coded throughout like clever euphemisms, but they implied a deep-seated fear that the assumed anarchy of jazz would inevitably break down the racial order, and the sexual norms that maintained it. This repulsion to miscegenation was linked implicitly to the stereotypes of the communities responsible for the popularization of jazz music.

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PICTS WEIRD GYRATIONS Dance Like an Asiatic Potpourri, He Tells Grand Jury -- Demands Law Be Enforced.,” *The New York Times* (New York), April 14, 1926.

9 “NEW YORK CITY ADMINISTRATIVE CODE, TITLE 20: CONSUMER AFFAIRS, CHAPTER 2: LICENSES, SUBCHAPTER 20: PUBLIC DANCE HALLS, CABARETS AND CATERING ESTABLISHMENTS,” [https://www1.nyc.gov/assets/dca/downloads/pdf/about/cabarets\\_catering\\_law\\_rules.pdf](https://www1.nyc.gov/assets/dca/downloads/pdf/about/cabarets_catering_law_rules.pdf).

10 Anne Shaw Faulkner, “Does Jazz Put the Sin in Syncopation,” *Ladies Home Journal* (Des Moines), August 1921.

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However, some of the most vitriolic anti-jazz propagandists articulated directly what many critics of jazz undoubtedly believed: that in all its saucy and sexual influence, jazz was a purposeful project by Jews and Blacks to undermine broader white order.

Henry Ford, early twentieth century industrialist, was one of the most venomous of these disparagers. In 1921, Ford's infamous newsletter, the *Dearborn Independent*, published an article titled "Jewish Jazz - Moron Music - Becomes our National Music--the Story of Popular Song Control in the United States." This serial declared:

Jazz is a Jewish creation. The mush, the slush, the sly suggestion, the abandoned sensuousness of sliding notes, are of Jewish origin. Monkey talk, jungle squeals, grunts and squeaks and gasps suggestive of cave love are camouflaged by a few feverish notes and admitted to homes where the thing itself, unaided by the piano, would be stamped out in horror.

Ford thus characterized jazz as an infiltration of Jewish "filth" that, like the similarly "Jewish controlled" industries of baseball, finance, theater, liquor propaganda, war, press, and movies, was corrupting America's integrity and contesting the values of the white Protestant elite. Even the "organizers of active opposition of Christian laws and customs [are] Jews." He continued, "and now, in this miasma of so-called popular music, which combines weak-mindedness with every suggestion of lewdness—again Jews." For this reason, Ford was apparently unfavorable toward restrictions on liquor stores and dance halls, instead advocating that the only way to prevent "the degradation of the non-Jewish public" was to pull the weed that was jazz out at its "Yiddish" roots. Curiously, he mentioned Black musicians only once in this article, claiming that the "Jewish 'jazz' that rode in upon the wave of Negro 'rag-time' popularity" was a result of "the organized eagerness of the Jew to make an alliance with the Negro." This phrase makes clear exactly what troubled him so much about the treachery of jazz – that it would augur a rising tide of sexual libidinousness and

moral depravity for which Jewish Americans and Black Americans were to blame.<sup>11</sup>

Although Ford's criticisms read like archaic conspiracy theories reminiscent of the Protocols of the Elders of Zion, he was not the only person to articulate the dangerous capacity for racial mixing that arose from Black-Jewish cultural production. American composer Henry Cowell wrote, "The fundamentals of jazz are the syncopation and rhythmic accents of the Negro. Their modernization is the work of New York Jews...So Jazz is Negro music seen through the eyes of the Jews."<sup>12</sup> Edgard Varèse announced that jazz was not American at all, but rather "a negro product, exploited by the Jews."<sup>13</sup> And in Europe, the National Socialist Party of Germany understood these notions of jazz as a force of cultural miscegenation to justify their brutal suppression of art. Thus Nazi conceptions, while exceptional in their frankness, did not represent a logical break from the rest of the anti-jazz movement. Indeed, they merely verbalized the fear of race mixing that had informed the derision of jazz in the American press, a fear associated with two communities who had been historically stigmatized in Anglo perception, and whose statuses as "American" were themselves contested.

The anxiety provoked by jazz was as infectious as the sensuousness of its swing rhythm, extending over geographic and cultural lines throughout the United States and across the ocean to Europe. Jazz traveled from New Orleans, to Chicago, to Harlem as the United States was undergoing rapid demographic, industrial, and cultural change during the first decades of the 1900s. The spread of jazz coincided with, and perhaps embodied, the swiftly changing rules of American society represented by the massive waves of migration to and within the United States, the Great

11 Henry Ford, "Jewish Jazz - Moron Music - Becomes our National Music--the Story of Popular Song Control in the United States," *Dearborn Independent*, August 6, 1921, Library of Congress General Collection.

12 Bernd Polster, *Swing Heil - Jazz im Nationalsozialismus* (in German) (Berlin: Transit Buchverlag, 1998), 9.

13 Robert Morse Crunden, *Body & Soul: The Making of American Modernism* (New York, New York: Basic Books, 2000), 42-43.

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Depression, and two World Wars; the fears of jazz, then, paralleled the reemergence of the Ku Klux Klan, the Red Scare, and the US government's restrictions on immigration in the years preceding and during WWII. These fears transformed jazz into a black box, a specter that haunted the ethics and values of white, Christian society. Jazz was fetishized so that it was, in American consciousness, a force of immorality rather than an art form that only contributed to and commented on a nation in flux. Jazz was abstracted from the contexts of its production: its nature as an expression of fraught Black experience, the disputed but undoubtedly profound collaboration between the Black community and the Jewish community, and the very histories and politics of anti-Blackness and anti-Semitism with which jazz was forced to reckon.

This fetishization hints at the evidently uncomfortable reality that jazz *was*, in fact, mixing and moving across space and time, over color lines and between cultures in musical dialogue. The logic, albeit skewed, of Henry Ford's claims ran much deeper than the simple fact of Black-Jewish interchange, creativity, and virtuosity. Perhaps his vitriol can be understood as the expression of more embedded white American anxieties over the conditions from which jazz was born and on which jazz was commenting. These conditions are what bore and bred the likes of Louis Armstrong, the acclaimed father of jazz.

In a personal account, Armstrong told of his upbringing in the Third Ward alongside an immigrant, working class Jewish family, the Karnofskies. Armstrong recounted that Mr. Karnofsky bought him his first tinhorn and employed him to deliver coals to the brothels and dance halls of the segregated blocks of Storyville. He also remembered that Mrs. Karnofsky's traditional Russian lullaby (sung every night after dinner, to which Armstrong was always invited) influenced some of his later music. Armstrong's childhood affinity toward this Jewish immigrant family remained with him while he wrote his memoirs, only several years before his death.<sup>14</sup>

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14 Louis Armstrong, "Louis Armstrong the Jewish Family in New Orleans, L.A., the Year of 1907.," in *Louis Armstrong, In His Own Words: Selected Writings*, ed. Thomas Brothers (New York, New York: Oxford University Press,



Figure 2: Photograph of Recording "Louis Armstrong Plays W. C. Handy," July 1954, Jack Bradley Collection, Louis Armstrong House Museum, New York.

Armstrong's memoir is by no means representative of Black-Jewish relations in the twentieth century, nor can the Russian-Jewish lullaby be cited as Armstrong's sole inspiration for his later music. Neither is this anecdote meant to encourage a reduction of Black-Jewish contact to a story of two oppressed groups united by their shared exclusion from society. Rather, his story reveals key considerations about the context of jazz's origins – the back alleys of New Orleans' working-class neighborhoods, and a tune played over a cheap tin horn or sung in harmony over an immigrant folksong. Considered alongside the prevalent hatred of jazz described above, this personal history complicates the common retrospective notion of jazz as one of the only indigenous American art forms: at the time, it was widely understood to be the most "un-American" art form. It originated in a changing urban world, born of an exchange between two communities in the margins. Jazz packaged this hybridity and held it up like a mirror to America. Perhaps the reason for the deep anxiety it generated is the same reason jazz typifies American musical creation: because in its complexity, it mimics the indistinctness of American identity itself.

In this way, fears of jazz held some truth, although only

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as a twisted and ugly distortion, like the minstrel character at the “Entartete musik” exhibit with the Star of David pinned to his lapel. Thus, a popular image of Louis Armstrong, in which he sings into a microphone, eyes closed, with the Star of David around his neck, serves as a powerful inversion of this Nazi propaganda.<sup>15</sup> The charm, worn as a necklace, asserts an agency in the Black-Jewish exchange that until this point had rarely been permitted. Armstrong donned this necklace as a deliberate choice, an ode to the beautiful capacity for symbiosis at the fringes of polite society, which had the power to test, resist, and disregard racial divisions in the form of a jazz harmony and swing rhythm.

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15 Photograph of Recording “Louis Armstrong Plays W. C. Handy,” July 1954, 2006.1.0586-2006.1.0660, Box 7, Jack Bradley Collection, Louis Armstrong House Museum, New York, New York.

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# A MODEL OF REVOLUTIONARY REGICIDE: THE ROLE OF SEVEN- TEENTH-CENTURY ENGLISH HISTORY IN THE TRIAL OF KING LOUIS XVI

Introduction by Professor Keith M. Baker and Ian P. Beacock

With the public guillotining of King Louis XVI on January 21, 1793, the men and women of the French Revolution broke irrevocably with the *ancien régime* and entered a brave new political world. As Heath Rojas shows in his brilliant exploration of French political culture, however, they did so while gazing backwards upon the European past: most of all the execution of English monarch Charles I in 1649. Heath's imaginative research brings into focus the historical imagination of the forward-looking French Revolution, showing that revolutionaries used 17th-century English political history as a tool for reckoning with their own political problems. Bringing together three rich but challenging bodies of primary source material (political philosophy, trial records, and parliamentary papers), Heath reveals that revolutionaries used the execution of Charles I to think through issues of jurisdiction, immunity, and popular sovereignty—as well as justify their own regicide. With a distinctive scholarly voice, an eye for the intellectual stakes, and a real sense of literary flair, Heath uses these empirical findings to intervene in major historiographical debates about the French Revolution. His essay is worth reading because it persuasively restores an important dimension of the Revolution's historical consciousness. But it is also a thoughtful meditation on how the past can be an instrument of democratic thinking.

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## A Model of Revolutionary Regicide: The Role of Seventeenth-Century English History in the Trial of King Louis XVI

Heath Rojas

On Christmas Day 1792, Louis XVI wrote in his final testament: “I, Louis XVI King of France...involved in a trial the end of which it is impossible to foresee, on account of the passions of men, and for which one can find neither pretext nor means in any existing law...do not reproach myself with any of the crimes with which I am charged.”<sup>1</sup> Less than a month later, on January 21, 1793, Louis XVI was guillotined at the *Place de la Révolution* before a crowd of his former subjects. The political body that the French had known for centuries toppled with the bloody head of Louis XVI. In its place a republic was established, and with the death of Louis XVI, the final and most conspicuous vestige of the *Ancien Régime* was eliminated.

Despite the king’s claim that there was no legal precedent for his trial, the events of 1792 and 1793 closely resembled a previous moment in English history: the trial and execution of King Charles I in 1649. In his own testament before the High Court of Justice more than a century earlier, Charles I had proclaimed: “I would like to know by what power I am called hither...I would know by what authority, I mean lawful: but it is not my case alone, it is the freedom and the liberty of the people of England; and do you pretend what you will, I stand more for their liberties.”<sup>2</sup> Like Louis XVI, Charles I was publicly executed, and a republican commonwealth thereafter replaced the monarchy. The similarities here are striking: both kings were put on trial amidst a revolution; both stood accused of having conspired against the nation; both were subject to the penalty of a public execution. Indeed, when the French revolutionaries put their own king on trial, they repeatedly referred back to English history as an example of regicide, al-

1 Louis XVI, “Testament de Louis XVI, Mort le Lundi 21 Janvier 1793,” Basset, Paris, 1793.

2 Quoted in Geoffrey Robertson, *The Tyrannicide Brief: The Story of the Man Who Sent Charles I to the Scaffold* (New York, 2006), 149, 155-



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though not necessarily as a model to entirely imitate.

Yet historians have paid limited attention to the ways in which French revolutionaries invoked the trial of King Charles I to justify and defend the decisions made during the trial of Louis XVI. Throughout the eighteenth-century, England's unique structure of government remained an enigma for French political theorists, since it failed to conform to any clear political model. When the French Revolution initially gravitated towards a constitutional monarchy during the period from 1789 to 1792, England's government, with its tempered monarchy and republican undertones, offered a possible example. While there is a significant corpus of scholarship that discusses how the revolutionaries reflected upon the English government in drafting their own constitution of 1791, most scholars emphasize how they chose to abandon it.<sup>3</sup> Following Keith Baker, who persuasively argued that the French revolutionaries ultimately opted instead for a government founded upon the general will in the National Assembly, historians have generally concluded that this represented a rejection of the English constitutional settlement.<sup>4</sup> In adopting a unicameral legislature and a suspensive veto for the king, the revolutionaries certainly altered some of the most fundamental elements of the English government. However, a separate school of historians have demonstrated that English political thought continued to exert an influence on French republicanism. For example, Rachel Hammersley has shown that revolutionaries still looked to the English constitutional model as offering a form of republican government that could work in a large state – an idea that would be taken up in particular

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3 See Keith Baker, *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century*, (Cambridge University Press, 1990), 252-305; Norman Hampson, *The Perfidy of Albion: French Perceptions of England During the French Revolution* (Basingstoke: Macmillan, 1998), 1-61; Frances Dorothy, *Anglophobia in France, 1763-1789; an Essay in the History of Constitutionalism and Nationalism* (Durham: Duke University Press, 1950).

4 Keith Baker, *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century*, (Cambridge University Press, 1990), 271-305.

by the Cordelier's Club.<sup>5</sup> Furthermore, both Hammersley and Ann Thomson have shown how certain French revolutionaries purposefully translated relevant seventeenth-century English works with the hope of enlightening the French public through the parallels of the French and English Revolutions. Still, in tracing references to England to the founding of the French republic in 1792, these historians give little to no description of how English *history* factored into the debates during the trial of Louis XVI.<sup>6</sup> While the trial of Louis XVI undeniably took on a different form than that of Charles I, I argue that seventeenth-century English history played a much more important role during the French trial than has been previously acknowledged. If the revolutionaries no longer viewed England as a political thought-experiment, they instead turned to its history, which seemed to offer them a possible script for regicide.

The French revolutionaries carefully reflected upon seventeenth-century English history in order to understand how the trial of Louis XVI could be made to advance their objectives for the Revolution. In doing so, they were forced to identify the immediate and long-term effects of Charles I's trial on England's political development, reviving questions that French authors had debated throughout the eighteenth century. Recognizing that 1649 offered a particularly modern example of regicide, the revolutionaries meticulously scrutinized the English model to resolve a variety of critical issues: whether the king was protected by royal inviolability; what body should conduct the trial, whether an official court or the National Convention; and how the trial might affect the recently established republic. Because the French revolutionaries hoped that the trial and death of Louis XVI would serve as the founding ritual of a new social order – a transference of sovereignty from the

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5 Rachel Hammersley, *The English Republican Tradition and Eighteenth-Century France: Between the Ancients and the Moderns* (New York: Manchester University Press, 2010); Rachel Hammersley, *French Revolutionaries and English Republicans: The Cordeliers Club, 1790-1794*. (Rochester, NY: Boydell Press, 2005).

6 Rachel Hammersley, *The English Republican Tradition*, 155-181; Ann Thomas, "La référence à Angleterre autour de l'idée républicaine, in *Révolution et république: L'exceptin française: actes du colloque de Paris I Sorbonne, 21-26 Septembre 1992* (Paris: Ed. Kimé, 1994), 134-140.

king to the general will that was embodied by the new republic – they knew they had to purposefully construct the trial to seamlessly achieve this end. Though the French revolutionaries eventually rejected most aspects of the English model of regicide, framing the trial of Louis XVI in contradistinction to that of Charles I allowed them to more clearly define and strengthen their existing political goals.

### England in the Pre-Revolutionary Political Imagination

Throughout the eighteenth century, England functioned as the predominant foil to France, its constitutional monarchy serving as a stark contrast to the “tyrannical absolutism” of the French kings. But if there was one aspect of English history that most interested the French, it was, as Montesquieu put it in his *Spirit of the Laws* in 1748, “the fine spectacle in the last century to see impotent attempts of the English to establish democracy among themselves.”<sup>7</sup> If Montesquieu commended England’s ability to establish separation of powers, he stated that this did not produce any real sense of security for the people. “It is not for me to examine whether at present the English enjoy this liberty or not,” he concluded. “It suffices for me to say that it is established by their laws.”<sup>8</sup> Montesquieu ultimately attributed England’s instability to the unbridled passions of its people, a condition that made them fickle and prone to partisan conflicts. Furthermore, this was the natural product of England’s climate, which promoted a volatile type of individual liberty that translated to social instability.<sup>9</sup> This explained why the English nation vacillated between constitutional order and revolution throughout the seventeenth century. Having stripped English history of all purposefulness, Montesquieu rele-

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7 Charles de Secondat Montesquieu, *The Spirit of the Laws*, ed. Anne M. Cohler, Basia C. Miller, and Harold Stone (Cambridge: Cambridge University Press, 1989), 22.

8 Ibid., 166.

9 On the Prevalence of this idea in French literary discourse during the eighteenth century, see Eric Gidal, “Civic Melancholy: English Gloom and French Enlightenment.” *Eighteenth-Century Studies* 37, no. 1 (2003): 23-45.

gated its significance to the realm of political theory. The “spectacle” of England was to be observed but not reenacted.

Voltaire, on the other hand, wanted to explain the English revolutions of the 1640s rather than merely accept them as the logical outcome of English temperament. In his *Letters Concerning the English Nation*, he was less concerned with the merits or pitfalls of English government, and was instead interested in taking a historical approach to the country’s political problems. According to Voltaire, the English Civil Wars in the 1640s were a victory for the English people; by resisting the king, they limited his power and produced a government in which “the prince is all powerful to do good, and at the same time restrained from committing evil.”<sup>10</sup> In comparison, he added that the French Wars of Religion of the sixteenth century lasted longer, produced greater evils, and were ultimately fruitless: “None of these civil wars,” he wrote, “had a wise and prudent liberty for their object.”<sup>11</sup> Regarding the trial and execution of Charles I, he ironically remarked that, contrary to the multiple assassinations of French kings, Charles I was “first defeated in pitched battle, imprisoned, tried, sentenced to die... and then beheaded.”<sup>12</sup> There was legitimacy to Charles I’s execution that could not be found in French history. For Voltaire, the English had been motivated by a clear intention – to limit the power of the king – and the “revolution” of the 1640s had successfully achieved this goal. As Jean Marie Goulemot has noted, Voltaire’s depiction of the English Revolution represented a novel type of historical discourse. Instead of emphasizing origins and the stability of existing political forms, Voltaire’s history signified progress and development. The present was imagined as something that could be molded to achieve perfection in the future.<sup>13</sup> The political upheavals in England were therefore not an unfortunate product of volatile English society, but were purposefully enacted by the English as

10 Voltaire, *Letters Concerning the English Nation*, ed. Nicholas Cronk (Oxford, 2009), 34.

11 Ibid., 35.

12 Ibid., 36.

13 Jean Marie Goulemot, *Discours, révolutions et histoire: représentations de l’histoire et discours sur les révolutions de l’âge classique aux lumières* (Paris: Union générale d’éditions, 1975), 409-422.

the result of their passion to acquire liberty.

Voltaire was not alone. In his *History of England*, first published in 1724, Paul de Rapin also argued that the English were fighting for a specific cause. “Charles Stuart,” he wrote, “had a wicked design, totally to subvert the ancient and fundamental laws and liberties of this nation.”<sup>14</sup> He suggested that the English were fighting against a tyrant, stating at the beginning of Book XX (“The Second Part of the Reign of Charles I”) that, “if it is not supposed that Charles I from the beginning of his reign to the time of his last Parliament, had formed a design to establish in England an arbitrary government, it will be impossible to understand this history.”<sup>15</sup> Rapin prefaced his account so aggressively in order to demonstrate the purposefulness and legitimacy of the English Civil Wars. Unlike Voltaire, however, whose historical treatment of England ended by describing the execution of Charles I as a victory over arbitrary government, Rapin argued that it was not until the Glorious Revolution of 1688 that the English finally managed to attain their liberty.<sup>16</sup> An opponent of the Catholic Church, Rapin praised the events of 1688 in religious terms as a victory for Protestants and the destruction of popery, but he maintained that it benefited the entire English nation. “The constitution of England,” he contended, “was by the revolution and subsequent settlement not only renewed and brought back to the first principles... but moreover was fixed upon surer and more lasting foundation.”<sup>17</sup> It is important to note that in using “revolution” to describe the events of 1688, Rapin invoked the term’s traditional sense: a return to an earlier form of government. While the word did not yet signify an ongoing action to be performed by a collective group of people, it still received a new connotation in such descriptions of 1688 as the endpoint of English political upheavals during the seventeenth century.<sup>18</sup> In fact, Jean-Louis de Lolme, in *The Constitution*

14 Paul de Rapin-Thoyras, *The History of England*, Ed. George Vertue, Jacobus Houbraken, and Claude Du Bosc (London: Printed for James, John and Paul Knapton, 1732), 567.

15 Ibid., 373.

16 Ibid., 29.

17 Ibid., 30.

18 Keith Baker, “Revolutionizing Revolution,” in *Scripting Revolution*:

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*of England*, emphasized the fact that the English were distinct in their ability to terminate their revolutions “by extensive and elaborate provisions for securing the general liberty,” as exemplified in 1688.<sup>19</sup> In contrast to Voltaire, Rapin and de Lolme believed that the Glorious Revolution reaffirmed the fundamental principles of the English constitution and thus restored English liberties that had been subverted throughout the seventeenth century.

Although French authors had no consistent interpretation regarding English history, their discussions centered on three general points of dispute. First, they wondered whether instability in English society diminished the political liberty established by its balanced form of government. Following this question, French authors debated whether the English revolutions of the 1640s were simply a reflection of this instability, or instead a purposeful uprising in the pursuit of liberty. Finally, they questioned when exactly the English had secured liberty: in the Revolution of the 1640s or, conversely, in the “Glorious Revolution” of 1688. As we shall see, these three points of contention profoundly shaped references to England during the trial of Louis XVI. However, as the revolutionaries became more and more cognizant of the parallels between their own Revolution and that of England in the 1640s, French discourse regarding English history dramatically shifted in the second half of 1792. Aware that the English had already tried and executed a king over a century and a half before, the French sought to understand how this had influenced England’s long-term political trajectory. English history could offer practical answers both to the challenges of their own trial of Louis XVI and the future course of the Revolution. In short, it offered a direct model of revolutionary regicide.

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*A Historical Approach to the Comparative Study of Revolutions.*, ed. Keith M. Baker and Dan Edelstein (Stanford: Stanford University press, 2015).

19 Louis de.Lolme, *The Constitution of England: or an Account of the English Government ; In which it is Compared, both with the Republican Form of Government, and the other Monarchies in Europe* (London: Printed for G. Robinson, No 25, Paternoster-Row, 1784), 314-5.

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## English History and The Trial of Louis XVI

The trial and execution of Louis XVI marked a major turning point in the French Revolution. After his failed flight to Varennes on June 20, 1791, Louis XVI was no longer viewed as the benevolent king who had opened the Estates-General; instead, to many revolutionaries it was obvious that he was working to thwart the Revolution. Following Louis XVI's shameful return to Paris, the National Constituent Assembly had to quickly determine the fate of the treacherous king. Though the Assembly initially declared that Louis XVI had been abducted, the discovery of his manifesto, in which he repudiated the Revolution, seemed to point undeniably to his guilt.<sup>20</sup> Louis XVI was reinstated as king on July 16, but the very next day, at the Champ de Mars, the National Guard opened fire on a crowd of people gathered to sign a petition for the removal of the king. Public opinion in Paris rapidly turned against him, and the storming of the Tuileries Palace on August 10 finally forced the National Assembly to suspend royal power. Within a month it abolished monarchy and established the republic on September 22. Finally, on December 11, the National Convention summoned him to stand before the deputies and hear his indictment. Despite this whirlwind of events, the decision to try and execute the king was not the inevitable consequence of the Revolution, and it provoked an important question: If the monarchy had already been abolished, what reasons could justify the trial of a king who no longer had any real political power?

In their attempt to answer these questions, historians have largely ignored the fact that revolutionaries persistently turned to the English example to justify their actions and think through the major challenges of the trial. References to England during Louis XVI's trial were numerous, for English history offered practical information about the process of trying a king. More specifically, in contemplating the English model of regicide, the French revolutionaries were able to find possible solutions to the four major challenges of Louis XVI's trial: whether the king could be judged; who should judge him, either the National Convention or a spe-

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cialized court; whether the nation should be consulted through a referendum; and, finally, how the trial and execution of the king might signify the legitimate transition to a new republic.

### **Royal Inviolability**

In examining the testimonies of Charles I and Louis XVI, a similarity between the predicaments of these two kings is immediately apparent: they both demanded to know which laws were being used to justify their trial. Indeed, both men were generally protected from punishment by law due to the principle of royal inviolability. Yet inviolability rested upon different principles for each king, and between 1649 and 1792, royal status had undergone fundamental changes in England as well as France. Whereas the royal inviolability of Charles I was predicated on his sacral status as king, that of Louis XVI was founded on the constitution of 1791, which directly stated that “the person of the king is inviolable and sacred.”<sup>21</sup> This proved to be a rather strong defense, for revolutionaries could not easily dismiss the newly established constitution without seriously undermining the legitimacy of the Revolution and the republic of 1792. And so the revolutionaries were forced to craft nuanced arguments in order to skirt Louis XVI’s constitutional defense. The example of seventeenth-century English history offered them a means to do so.

Jean-Baptiste Mailhe, a Girondin deputy who was the head of the committee assigned to determine if Louis XVI could be charged, redefined inviolability by arguing that it was meant to serve the interest of the nation rather than the personal interest of the king.<sup>22</sup> But Mailhe took his argument one step further, insisting that Louis XVI was not king by divine right or hereditary principles: he was a simple magistrate, “no more than first among public officials.”<sup>23</sup> It was here that Mailhe invoked English example. “Like Louis XVI,” he said, “Charles Stuart was inviolable, but

21 <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution/les-constitutions-de-la-france/constitution-de-1791.5082.html>.

22 Michael Walzer, *Regicide and Revolution: Speeches at the Trial of Louis XVI*. London: Cambridge University Press, 1974), 95.

23 Ibid.



like Louis XVI he betrayed the country which placed him on the throne.” Characterizing both men as having been “placed” in their position was a significant move, for it denied any fundamental notion of royal privilege. While it is true that Louis XVI’s position as king was considerably altered once he agreed to rule as a constitutional monarch, Mailhe’s argument transcended the specific French case: “Everywhere kings were created only to execute laws.”<sup>24</sup> Monarchs were simply elected magistrates charged with the task of enacting established laws.

Other revolutionaries took this argument even further. Saint-Just famously proclaimed that kings were intrinsically tyrants and did not even merit the right to be tried according to established laws.”<sup>25</sup> He dismissed royal inviolability altogether. “There was nothing in laws of Numa by which to judge Tarquin, or in England to judge Charles I,” he declared, “for there is no citizen who does not have the right that Brutus had over Caesar.”<sup>26</sup> Saint-Just ignored the fact that Charles I was tried according to the laws of treason, but such an exaggeration accorded nicely with his argument that the problem did not lie with the errors or treachery of individual kings; rather, it was the institution of monarchy that enslaved subjects under the yoke of tyranny. But a few revolutionaries, recognizing that royal inviolability retained some significance, thought that the Convention should intentionally try Louis XVI not as a regular defendant, but as a king. For example, an article in the *Révolutions de Paris* on December 8, 1792, described how English judges were careful throughout the trial of Charles I to only refer to him as “king” and “sire.” This was not mere flattery. It demonstrated that monarchy was just as much on trial as the person of the king. Criticizing the Convention’s desire to prove Louis XVI’s inviolability null and void so that he could then be tried as an ordinary citizen, this article praised England’s decision to try Charles I as a king “with the crown on his head.”<sup>27</sup>

If the French deputies struggled with whether or not to

24 Ibid.

25 Ibid., 125-6.

26 Ibid.

27 *Révolutions de Paris*, dédiés à la nation, Ed. Proudhomme, Dec. 8, 1792, 548.

base the trial on legal arguments, they also questioned how to retain some sense of impartiality. To justify the legitimacy of the trial, they turned to an even more ominous figure during the trial of Charles I: Oliver Cromwell. In almost all eighteenth-century French writing on Cromwell, the Lord Protector was depicted as a power hungry usurper who influenced events of 1649 in his favor. In particular, they denounced the way in which he had pressured the judges to try and execute the king, thereby creating a power vacuum that he himself proceeded to fill. Rapin, for example, had stated that Cromwell “seized a government to which he had no right” and had suggested that “what can never be excused in him, is the death of Charles I, to which he contributed to the utmost of his power.”<sup>28</sup> As early as 1689, French historian, Pierre-Joseph d’Orléans, wittily expressed his own biting criticism of Cromwell. “It had been expected that the House [of Commons] should sit upon the monstrous trial they were going to bring on,” he wrote, “but it was their good fortune that Cromwell had not quite so ill an opinion of them as to trust that villainy in their hands.”<sup>29</sup> Deputies during the trial also employed this line of reasoning. Robespierre noted that, “to judge Charles I, Cromwell availed himself of judicial commission,” and Louis-Joseph Faure echoed, “it was Cromwell who directed the trial of his king, not the English people.”<sup>30</sup>

During the trial of Louis XVI, the deputies in the Convention referenced Cromwell as much as Charles I, a strange phenomenon given that there was no similar, dominant figure looming over the French trial. In fact, Jacques Brissot, a leading member of the Girondist movement, stated in his speech on July 9 that “we have nothing to worry of, neither a despotic king, nor a Cromwell.”<sup>31</sup> Instead, he turned his attack toward his *Montagnard* enemies. “One speaks of a third faction, of a faction of regicides, who want

28 Rapin, *The History of England*, 600, 602.

29 Pierre Joseph d’Orléans, Pierre Joseph d’. 1722. *The History of the Revolutions in England Under the Family of the Stuarts, from the Year 1603 to 1690* (London: E. Curl, 1722), 124.

30 Walzer, *Regicide and Revolution*, 133; Louis-Joseph Faure, *archives parlementaires*, v. 53 Oct. 27 to Nov. 30, 1792, 639.

31 Jacques-Pierre Brissot, *archives parlementaires*, v. 47, July 23, 1792, 134.

to create a dictator in establishing the republic.”<sup>32</sup> Brissot’s statement did not go unanswered. On August 3, deputy Mathieu Dumas directly cited Brissot’s speech and accused him of having “altered the history of Great Britain in talking thus about Cromwell.”<sup>33</sup> In order to condemn Brissot’s desire for war, Dumas sought to use English history against him. He provided a lengthy summary of all of Cromwell’s military battles and victories that contributed to his rise to power, finally concluding: “Such are the degrees by which this model, cited by M. Brissot, managed to silence the Constitution of his country, subjugate legal authority, and drive the unfortunate Charles I on the scaffold.”<sup>34</sup> Interpretations (or rather misinterpretations) of English history could provoke serious debates in the Convention. But the revolutionaries went further in their attacks on Cromwell by condemning his insidious usurpation of power during the period of the republican commonwealth. Pierre-Joseph Cambon implored his fellow deputies to take note of this: “Do you not see that Cromwell had hidden himself until the circumstances had brought the occasion for him to become protector?”<sup>35</sup> This fundamentally challenged the relationship between regicide and the establishment of a republic, since it clearly demonstrated that the Commonwealth of 1650 had simply functioned as the guise for another monarch’s rise to power. After all, “Cromwell had also spoke without break about his love for liberty and often repeated the word republic,” remarked deputy Marc David Lasource. Saint-Just also used the example of Cromwell in his speech on November 13, but he did not attribute Cromwell’s usurpation of power to his own strength and ability; it was because the English were so accustomed to living under the tyranny of Charles I, he asserted,

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32 Ibid.

33 Mathieu Dumas, *archives parlementaires*, v. 39, Aug. 3 1793.

34 Ibid.

35 Pierre-Joseph Cambon, *archives parlementaires*, v. 53, 27 october 1792. Bernard Voysin-de-Gartemoe expressed a similar argument: “The usurper had already prepared everything to triumph: he had swallowed royalty, served himself amongst factions bitterly armed against each other, and to create his particular power, he only had to announce his plans, to teach his accomplices what they owed him, for their own benefit, and range themselves under his domination” in *archives parlementaires*, v. 52, august 8, 1792.

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that they easily succumbed to Cromwell's rule. As he put it, "When a people is so weak as to yield to the tyrant's yoke, domination is the right of the first comer."<sup>36</sup> This argument was particularly relevant considering that the transition from constitutional monarchy to a republic in France had only just occurred. It indicated that a monarchy could not simply be replaced at the governmental level: the mores of the people who had previously lived under a monarchy also had to be transformed. The example of Cromwell revealed that the structuring of Louis XVI's trial would have significant implications for the progress of the Revolution. In analyzing how Cromwell had managed to take control so quickly, the revolutionaries arrived at a single conclusion: He was able to manipulate the trial because a court of judges had tried Charles I, rather than a constitutional body representing the will of the nation.

### Who Should Try the King?

One of the most important debates during the trial of Louis XVI centered on whether the National Convention itself should judge the king, or if, following the English example, a court of justice should be established to do so. It was here that the French deputies referenced the trial of Charles I in most detail, since they firmly rejected the idea of establishing a special court for the trial. If the king was to be tried by the sovereignty of the general will he had to be tried by the National Convention. Furthermore, as Michael Azéma from the department of Aude remarked, the Convention had already acted on behalf of the general will by abolishing the monarchy on August 10.<sup>37</sup> It had proved itself to be a legitimate expression of the people by conducting one of the most important acts of the Revolution.

Mailhe, speaking with a more precise understanding of English history, reminded the other deputies that the House of Commons, seizing parliamentary power after Pride's Purge on December 6, 1648, had also claimed to speak on behalf of the English people. Few deputies thought to make a parallel between

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36 Walzer, *Regicide and Revolution*, 124.

37 Michel Azéma, *archives parlementaires*, v. 54, Dec. 3, 1792, 94.

the Commons and the National Convention, but Mailhe stressed this point to show that it was exactly by purporting to represent the people that the Commons had been able to usurp power and manipulate the High Court of Justice. He claimed to see through the veneer of official legal proceedings, and instead of pointing out that the establishment of the High Court of Justice altered the national will or mistakenly delegated it to a faction of people, Mailhe attacked the very nature of the Commons. "Parliament itself was only a constitutionally established body," he explained. "It didn't represent the nation in sovereignty, but only those specified by the constitution."<sup>38</sup> By identifying the Commons as the culprit of Charles I's trial, Mailhe was able to reinforce the legitimacy of the National Convention. Having been formed by national elections that were independent of the constitution and the influence of the king, the National Convention could authoritatively represent the nation. Condorcet, however, disagreed with this point, not because the Convention was unable to act on behalf of the national will, but because it went against all legal principles. While the English House of Commons at least relied upon established laws to try the king, Condorcet noted that by acting as legislator, accuser, and judge, the Convention "would violate the first principle of jurisprudence."<sup>39</sup> In the end, Condorcet's argument did not hold sway, and the National Convention took on the authority of trying Louis XVI. As Michael Walzer has claimed, the trial of Louis XVI functioned as a form of political justice, meaning that French revolutionaries were not merely interested in applying the law to Louis XVI. They wanted to publicly repudiate the ideology of the *ancien régime* still embodied by the king. The trial was a ritual process in which revolutionary principles were publicly acted out in order to legitimize the power of the Revolution.<sup>40</sup> Girondin demands for judicial standards appeared to misunderstand the purpose of the trial.

Nonetheless, expanding the trial beyond the confines of the law proved to be a challenge, especially since Louis XVI was

38 Walzer, *Regicide and Revolution*, 106.

39 *Ibid.*, 150.

40 Michael Walzer, "A Defense of the Trial and Execution of Louis XVI," in Michael Walzer, *Regicide and Revolution: Speeches at the Trial of Louis XVI*. London: Cambridge University Press, 1974), 79-88.

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actively working to offer a legal defense. The king employed a team of three lawyers, appeared in the National Convention armed with arguments to defend himself, and, most significantly, did not directly challenge the Convention's authority to act as a court. Louis XVI's carefully constructed defense stood in stark contrast to Charles I's. Indeed, the English monarch had openly challenged the authority of the high court of justice and refused to mount a serious defense on the grounds that the trial itself was already illegal. Such confidence and smugness would not be found with Louis XVI, and the French revolutionaries acknowledged that the contrasting comportments of the two kings had distinct effects on the tone of each trial. It is worthwhile to examine an article in the newspaper, *Révolutions de Paris*, in light of the different behavior of the two kings. It offers an "outside" perspective on the proceedings of the trial within the National Convention and demonstrates that the French public was also conscious of the parallels between the trial of Louis XVI and that of Charles I. On December 8, 1792 the newspaper bolstered Saint-Just's concern when it compared the behavior of the two monarchs: "Brought two times before his judges, Charles had the impudence to argue that his subjects had no rights on him."<sup>41</sup> But the article then went on to praise the English judges by acknowledging that they provided a serious defense of their right to try the king, whereas "The National Convention's justification for trying the king was so poorly argued that people would be tempted to think that he was not at all being tried by legal standards and had no risk of being executed."<sup>42</sup> This argument reveals that the public was not only aware of the events of the trial taking place within the Convention, but was actively questioning the legitimacy of its actions.

Identifying the will of the nation in the Convention proved to be an ongoing battle, especially regarding the issue of whether the verdict of the trial ought to be sent to the entire nation for approval by representatives in each department of France. Saint-Just recognized that sending the decision to the nation would under-

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41 *Révolutions de Paris, dédiés à la nation*, Ed. Proudhomme, Dec. 8, 1792.

42 Ibid.

mine the National Convention's authority to act on behalf of the national will, and he feared that the French population beyond the revolutionary capital might not share the same harsh sentiments towards the king. Like other deputies, he recognized that the decision of the Convention could be rejected by the nation.<sup>43</sup> The example of Charles I served as an important framing device for this debate. As Saint-Just went on to say, "If the tyrant [Louis XVI] appeals to the people who accuse him, he does that which Charles I never dared."<sup>44</sup> Robespierre followed Saint-Just's argument by pointing out that with such a referendum, "it is not the question of Louis XVI which must be sent out to the people, but the entire revolution."<sup>45</sup> This alarming statement was not mere rhetoric. The Revolution drew its legitimacy from the assumption that it had the full support of the national will. Of course, proponents of the referendum could always turn to the example of Cromwell, as did Pierre Vergniaud. "When Cromwell...sought to prepare the dissolution of the Parliament by means of which he overthrew the crown and brought Charles I to the scaffold," Vergniaud asserted, "he made insidious propositions to them, which he knew well should revolt the nation."<sup>46</sup> Vergniaud recognized that it would be much more difficult to deceive the entire nation than a group of revolutionary deputies, and thus the referendum to the people would serve as a safeguard to prevent the dominance of any particular faction or individual throughout the trial. In the end, however, the *appel au peuple* was deemed too risky and was decisively defeated: national sovereignty was only to be expressed by the National Convention.

## The Trial and the Republic of 1792

The trial and execution of Louis XVI represented a transfer of legitimacy from the former constitutional monarchy to the republic, and it was here that the revolutionaries were most critical about the English example of regicide. Cromwell had rapidly over-

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43 Walzer, *Regicide and Revolution*, 175.

44 *Ibid.*

45 *Ibid.*, 189.

46 *Ibid.*, 205.

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taken the republican commonwealth that had been established in 1650, but by 1660 Charles II returned to rule England, restoring the Stuart family to the English crown. The French revolutionaries, on the other hand, wanted to ensure that no monarch would ever rule France again. The legitimacy of monarchy as an institution had to be destroyed. Deputy Louis-Joseph Faure asserted that, “The Death of Charles I was the principle cause of the restoration of royalty among a people too enlightened for loving kings. The torture of the father pleaded the case of the son.”<sup>47</sup> While many deputies argued that Charles I’s execution had aided Cromwell’s rise to power, others pointed to an even more glaring failure of the English model: Charles II had returned to the English throne in 1660, permanently reestablishing monarchy in England. “In place of one head cut off others will appear,” remarked deputy Charles-François-Gabriel Morrison. “England caused the head of the criminal Charles Stuart to fall upon the scaffold, and yet is still subjected to a king.”<sup>48</sup> The French Revolutionaries recognized that Charles I’s execution had failed to permanently destroy the monarchy. Hoping to avoid a similar outcome, the deputies knew that they needed to find a way to purge France of monarchy. One of the most creative arguments for permanently ridding France of the monarchy came from the deputies Louis-Joseph Faure and Thomas Paine, who both asserted that exile would be the most effective punishment for the king. Faure noted that “At the revolution of James II, who also had a son, one took other measures...the English were more advanced than us...remember that you are also working for posterity.”<sup>49</sup> Paine echoed this argument in describing 1688 as such: “The Stuart family sank into obscurity, confounded itself with the multitude, and is at length extinct.”<sup>50</sup> Though most deputies quickly rejected exile as a possible solution, the shift of focus from the trial and execution of Charles I to the expulsion of James II in 1688 was essential. The French once again confronted the issue of determining when precisely the English had secured liberty. This time, howev-

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47 Louis-Joseph Faure, *archives parlementaires*, v. 53 Oct. 27 to Nov. 30

48 Walzer, *Regicide and Revolution*, 118.

49 Louis-Joseph Faure, *archives parlementaires*, v. 53 Oct. 27 to Nov. 30.

50 Walzer, *Regicide and Revolution*, 211-212.



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er, the conclusion could have tangible effects for the French nation.

The French revolutionaries viewed the Glorious Revolution as the best example of how to provide legitimacy and stability to a newly established government. However, the case of 1688 was particularly thorny. The French revolutionaries understood that seventeenth-century English history offered a slow model of revolution and political change. It had taken two revolutions, a protectorate, the return of the monarchy, the expulsion of a hereditary king, and an invasion by a foreign king for the English to finally achieve stability and some form of political liberty. The French hoped to expedite this process and achieve their political goals in a few years rather than an entire century.

In 1792, Condorcet published his *Reflections on the English Revolution of 1688 and that of the French, August 10, 1792*. In the introduction to the work, he wrote the following: “The revolution of England in 1688, compared with the revolution in France in 1792...proves that the cause of the French is exactly similar to that of England, and indeed to that of all nations who are or have conceived the hope of becoming free.”<sup>51</sup> Although the English Parliament, by allowing William to take the throne, had assumed a new authority to alter the original contract established between the nation and its government, it had still failed to completely abolish monarchy.<sup>52</sup> They “confined [themselves] to the necessities of the moment,” he explained. As a result, “the idea of an original contract between the English nation and the king prevailed.”<sup>53</sup> Why was Condorcet so invested in explaining the nature of the Glorious Revolution? It confirmed that the French, in establishing the National Convention, “cannot, without contradicting these same principles [of the English], but grant to our convention the legitimate power of doing all which it shall think necessary for public good.”<sup>54</sup> While Condorcet evidently supported the idea that the establishment of the National Convention affirmed the sovereign-

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51 Marquis de Condorcet, *Reflections on the English Revolution of 1688, and that of the French, August 10, 1792* (London: Printed for James Ridgway, No. 1. York-Street, 1792), 1.

52 Ibid., 15.

53 Ibid., 12.

54 Ibid., 16.

ty of the general will, it is striking that he framed it in relation to the Glorious Revolution. He presented the French as the honorable heirs to this admirable, but ultimately limited, attempt by the English to redefine the sovereignty of their nation through revolution. In drawing a comparison between 1688 and 1792, Condorcet certainly hoped to bolster the idea that the Revolution was a universal cause that should also concern other European nations.<sup>55</sup> In a similar manner, deputy Jean Baptiste Treilhard sought to frame the French Revolution in relation to England's revolutions in the 1640s. In his speech on December 3, he boldly declared: "Representative of a sovereign people, we honor today the memory of our brave ancestors, who resisted the tyranny of Charles I and we celebrate the revolution that dispelled his son."<sup>56</sup> According to Teilhard, the political trajectories of these nations had been remarkably similar and driven by the same purpose: "to hasten the reign of liberty...and to make human rights (*les droits de l'homme*) respected on Earth so that the character and distinction of the tyrant and the slave would no longer be known in history."<sup>57</sup> As both Condorcet and Teilhard maintained, these two nations were linked by their political developments and their goals were remarkably similar. If they disagreed on which moment should be seen as the predecessor to their own revolution, 1649 or 1688, such a debate only revealed that the French deputies had to consult seventeenth-century England in its entirety in order to comprehend its significance.

## Conclusion

Throughout this essay, I have argued that with the trial and execution of Louis XVI, the French revolutionaries continuously referred back to seventeenth-century England in order to more clearly understand how regicide could be made to fit with the goals of the Revolution. Certainly the most obvious parallel was made between the trial of Louis XVI and that of Charles I, since the En-

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55 David Williams, *Condorcet and modernity*. Cambridge: Cambridge University Press, 2004), 262.

56 Jean-Baptiste Teilhard, *archives parlementaires*, v. 54, Dec. 1, 1792, 3.

57 Ibid.

English method for trying and executing Charles I provided practical solutions to many of the same questions that the French revolutionaries faced. Yet they also considered seventeenth-century English history as a model for the future of their new republic. While the meaning of England's political developments had already been intensely debated during the eighteenth century, the events of the French Revolution lent new relevance to English history. The French deputies recognized in England's seventeenth-century political development a parallel to their own fraught revolutionary context, and discussions of 1649 and 1688 no longer operated within intellectual debates amongst *philosophes*. The French revolutionaries had a pragmatic interest in English political history. By 1792 and 1793, they were no longer concerned with how English government functioned. The focus was now on England's previous attempt, through revolution, to redefine the nature of its political body – a goal that the French revolutionaries clearly claimed as their own when they decided to abolish the monarchy, establish a republic, and execute the king in order to secure a legitimate transition between the monarchy and the republic. In other words, it was the specter of Voltaire, not that of Montesquieu, that hovered over the deputies during the trial of Louis XVI.

Since the publication of François Furet's groundbreaking book, *Penser la révolution française*, the historiography of the French Revolution has shifted from a Marxist, social interpretation to a new political interpretation based on the importance of language and power.<sup>58</sup> The Revolution was no longer framed exclusively by the rise of the bourgeoisie from the remnants of feudalism: instead, revisionist historians emphasized its political nature, in which various discourses about legitimate forms of power competed to fill the space of authority that had been abandoned by the traditional, royal government.<sup>59</sup> One important result of

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58 For an overall discussion of this shift in historiography, see Keith Michael Baker, "Enlightenment and Revolution in France: Old Problems, Renewed Approaches," *The Journal of Modern History* 53, no. 2 (1981): 281-303. For an early critique of the Marxist interpretation of the French Revolution, see Alfred Cobban, *The Social Interpretation of the French Revolution* (Cambridge: University Press, 1965).

59 François Furet, *Interpreting the French Revolution* (Cambridge: Cam-

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this radical shift in historiography is that historians have come to accentuate the French deputies' framing of their own revolution as a complete break from the past. The establishment of a new revolutionary calendar, for instance, indicated how dramatically the French revolutionaries attempted to construct a completely novel and reformed society to replace the *Ancien Régime*.<sup>60</sup> Historian Lynn Hunt has even gone so far as to label the French Revolutionaries as reveling in a "mythic present," in which they continuously reaffirmed and swore oaths to the new revolutionary community that was infused with symbolic meaning.<sup>61</sup> References to the past supposedly became meaningless.

Yet the revolutionaries did not always view the developments and changes of the Revolution within the contemporary French context. Considering the French Revolution in light of seventeenth-century English history, many of the French deputies believed that they had achieved in a few years what the English had done in the span of an entire century. Such detailed parallels between the French revolution and that of seventeenth-century England represented a profound ideological claim: in constructing the universal significance of the French Revolution, the French deputies could search beyond their particular national context. Recognizing that the English had also sought to redefine national sovereignty by executing the king, many French revolutionaries constructed a rival discourse of universality, founded on England's regicidal legacy. By putting their own king on trial and using his execution to found a new political order, the French saw themselves as the legitimate heirs of seventeenth-century English attempts at securing political liberty. Progress was to be achieved not by repeating history, but by perfecting it. If the French Revolution has come to be defined as a unique French endeavor, the greatest example of a revolution based on universal principles, we should also be attentive to the fact that such rhetoric was often constructed upon lessons of the past lurking beneath the surface.

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bridge University Press, 1981),43-48.

60 Ibid., 2.

61 Lynn Hunt, *Politics, Culture, and Class in the French Revolution* (University of California Press, 2004), 28.

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# CAUGHT BETWEEN TWO WORLDS: THE FEMINIST ARAB-AMERICAN NET- WORK, 1981-1985

Introduction by Professor Estelle Freedman

Recent historical studies of Second Wave Feminism have explored the ways that organizing by women of color challenged the white, middle-class dominance of the movement and contributed to the emergence of the politics of intersectionality. Few scholars, however, have included Arab American women within their accounts. Ramah Awad's study of the Feminist Arab-American Network during the 1980s contributes to this project. Using a rich archival source, the papers of Network founder Carol Haddad at Harvard's Schlesinger Library, Ramah constructed the first account of the origins of the Network. She then used its history to understand the growing tensions between Arab American and Zionist Jewish feminists. The analysis placed the Network carefully within the domestic context of identity politics as well as showing how international conflicts shaped feminist politics during the 1980s.

## **Caught Between Two Worlds: The Feminist Arab-American Network, 1981-1985**

**Ramah Awad**

“As an Arab-American feminist, I am caught between two worlds - worlds that should be easily integrated, but often are light years apart,” explained Carol Haddad at the American-Arab Anti-Discrimination Committee’s Annual Convention in 1984. Haddad captured a widely shared sentiment among Arab-American women in the 1980s, a period of intensified political turmoil in the Arab World and of renewed feminist mobilizing in the United States. Facing dual forms of systematic discrimination based on both their ethnicity and their gender, Arab-American feminists grappled with how to politically mobilize as Arabs, in solidarity with the Arab World, and as women, participating in the feminist movement. This paper examines Arab-American feminism during the 1980s, a decade that marked a crucial yet under-researched juncture in the histories of both international feminism and the Arab solidarity movement in the United States. How did Arab-American feminists understand their identities and articulate their roles during the 1980s? How did Arab-American women situate themselves within a Third World feminist movement despite their racial categorization as white within the American racial system?<sup>1</sup> How did Arab-American feminism fit within a larger context of political and social movements, both in the United States and globally?

My research draws on scholarship about the histories of Arab-American identity formation and political activism, American feminism, and the global women’s movement to contribute to an emerging body of literature on the history of Arab-American feminism.<sup>2</sup> This paper focuses on the development of Arab-Amer-

1 The Third World feminist movement, or postcolonial feminism, is a political orientation that recognizes that women globally are oppressed by both patriarchy and colonialism.

2 On the history of Arab-Americans in the U.S., see Alixa Naff (1993), Evelyn Shakir (1997), and Michael Suleiman (2010). On Arab-American iden-

ican feminism in the 1980s through the efforts of the Feminist Arab-American Network, or the FAN, formally established in 1983.<sup>3</sup> In the 1980s, the FAN was the only Arab-American women's organization that espoused an explicitly feminist politic yet it has been largely overlooked in the literature. I draw on the papers of the FAN's founder, Carol Haddad, which include correspondences between members of the FAN, conference notes and materials, articles, and speeches. My paper comprises three parts. First, I give an overview of Arab-American identity formation to examine the role of the FAN in articulating an Arab-American feminist politic. Second, I examine how the FAN articulated its relationship to the Arab world and situated its Arab solidarity activism within Third Worldism. Last, I examine the FAN's critique of the liberal branch of second wave feminism, in particular Zionist feminism, in the context of the FAN's developing stance on Arab-Jewish dialogue.

I argue that the mobilization of the FAN's members reflected their positioning within different political and social systems. As simultaneously Arab, American, and women, they sought inclusion in U.S. and global feminist movements, and a role in addressing repression in the Arab world. The FAN's activism in the 1980s contributed to a more clearly articulated Arab-American feminist identity, strengthened Arab-American representation, and centered Arab issues, such as anti-Arab racism, within a broader feminist movement. The development of Arab-American feminism paralleled and converged with other radical forms of feminism at a time when second wave feminism had ignited a moment of heightened identity politics.

## **The Role of the FAN in Identity Formation**

At a time when Arabs in the United States faced political

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tity formation and feminism see Helen Hatab Samhan (1987) and Nadine Naber (2000, 2012). On the history of U.S. feminism see Estelle Freedman (2002, 2007).

3 I found references to the FAN in secondary sources but nothing to substantiate a full understanding of its history. Carol Haddad account of the FAN, titled "Second-Wave Arab-American Activism: The Story of the Feminist Arab-American Network," is pending publication (Haddad Papers, Finding Aid).

stigmatization, the Feminist Arab-American Network worked to reclaim and politicize the label “Arab-American” through a feminist politic. Arab-Americans have historically occupied a unique social position within the United States’ racial system, relating to whiteness differently than other minority groups. Arab immigration to the United States began in the late nineteenth century, with the first wave of immigrants arriving between 1880 and 1925. This first wave consisted primarily of Christian Arab immigrants fleeing sectarian tensions and seeking economic prosperity.<sup>4</sup> The second and third waves, which occurred between 1925 and 1965 and post-1965, respectively, brought immigrants from all over the Arab world, including from North Africa.<sup>5</sup> Nadine Naber, a scholar of the Arab diaspora, explains Arab-American identity formation through the phenomenon of “invisibility,” which she defines in terms of Arab-Americans’ paradoxical positioning within the United States’ racial classification system. Arab-Americans faced dual racialization as “whites” and “non-whites:” they comprised an invisible minority simultaneously subjected to political hyper-visibility.<sup>6</sup>

Beginning in 1914, the U.S. Census Bureau classified Arab immigrants as “white” or “Caucasian” for the purposes of naturalization. Second generation Arab-Americans growing up in the 1930s and 1940s increasingly internalized their civic and cultural loyalties to the United States and identified as white. They commonly Anglicized their names and limited the expression of their ethnic identity to the private sphere.<sup>7</sup> The inclusion of Arab-Americans as “white” in the United States census and their effective acculturation shielded them from the racism and discrimination that affected other minorities – those more distinctly categorized as

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4 Paul San Miguel, “Entrepreneurship in Detroit,” *American Journal of Business* 27 (2012): 57-78; Rachel Soloom, “I Know You Are, but What Am I – Arab-American Experiences through the Critical Race Theory Lens” *Journal of Public Law and Policy* 27 (2005).

5 Ibid

6 Nadine Naber, “Ambiguous Insiders: An Investigation of Arab American Invisibility,” *Journal of Ethnic Studies*, (2000): 37-61.

7 Naber, “Ambiguous Insiders: An Investigation of Arab American Invisibility.”



“non-whites,” such as Chinese, Jewish, or Italian immigrants. By the 1950s, Arab-Americans represented one of the best-aculturated ethnic groups in America.<sup>8</sup> While they made strides towards social, legal, and economic integration, both later waves of Arab immigrants and subsequent generations of Arab-Americans would continue to face anti-Arab, Orientalist attitudes, as well as growing “political racism.”<sup>9</sup>

Political racism, which Helen Samhan defines as distinct from forms of religious or ethnic-based racism, suggests that anti-Arabism in the latter half of the twentieth century stemmed not from “the traditional motives of structurally excluding a group perceived as inferior” but from Arab-Americans’ political engagement.<sup>10</sup> The later waves of Arab migration constituted a higher proportion of Muslim Arabs escaping varying degrees of political and economic crisis in their home countries. They had grown up in an era of pan-Arab nationalism situated within a wider Third World decolonization movement and arrived in the United States with strong national and regional Arab identities. Maintaining a commitment to their cultural and political heritage, they resisted assimilation and helped to revitalize Arab ethnic institutions in the United States. Beginning in the later 1960s, Arab community organizers reclaimed the term “Arab” by deploying “Arab-American” as a unifying ethnic identity and as a political strategy for advancing their rights.<sup>11</sup> They established Arab-American organizations including the Arab-American University Graduates (AAUG) of 1967, the American-Arab Anti-Discrimination Committee (ADC) of 1980, and the Arab-American Institute (AAI) of 1985.<sup>12</sup> Beginning in the 1960s, the term “Arab” began to carry stigmatized political undertones as a result of increased Arab-American political activity, the United States’ pivot to the Middle East, and a persisting discourse that homogenized and demonized such a di-

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8 Helen Hatab Samhan, “Politics and Exclusion: the Arab American Experience,” *Journal of Palestine Studies*, (1987): 11-28.

9 Ibid.

10 Ibid.

11 Samhan, “Politics and Exclusion: the Arab American Experience.”

12 Susan E. Marshall, Jen’nan Ghazal Read, “Identity Politics Among Arab-American Women” *Social Science Quarterly* (2003): 875-891.

verse group of people into a singular label.<sup>13</sup> In a period of political turmoil in the Middle East and increased United States support for Israel, Arab-American communities faced stigmatization and political repression through the 1960s and onwards.

The 1960s also marked a period of social movements that galvanized both liberal and radical feminist perspectives during the second wave. The liberal strand of second wave feminism in the United States focused on anti-discrimination laws to achieve equal pay and promotion for women workers. The radical strand of second wave feminism emerged in tandem with the black freedom struggle and Third World decolonization movements as women of color began to reorient feminism into a multiracial, transnational liberation movement. This radical feminist framework offered a justice-oriented paradigm of social change based on a class and race analysis, rather than an individual rights-based approach that sought women's equality with men.<sup>14</sup> Radical feminism espoused Third World solidarity within the women's movement, which included support for anti-occupation, anti-apartheid and anti-war movements in Palestine, South Africa, and Vietnam, respectively. Self-identifying women of color, lesbian, and gay activists produced self-reflective essays and anthologies in the 1970s and 1980s, establishing foundational bodies of critical theory on "identity politics." Publications such as *This Bridge Called My Back: Writings by Radical Women of Color* (1981) and the Combahee River Collective Statement (1977) encapsulated this new chapter of intersectional, radical feminism.

The Feminist Arab-American Network was a product of these converging political moments. Amid the heightened anti-Arabism in the United States and the emerging intersectional feminism of the 1980s, Arab-American feminists sought to carve

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13 Naber, "Ambiguous Insiders: An Investigation of Arab American Invisibility."

14 Becky Thompson, "Multiracial Feminism: Recasting the Chronology of Second Wave Feminism" in *The Feminist Theory Reader: Local and Global Perspectives*, ed. Carole R. McCann and Seung-kyung Kim. (Routledge, 2013). Estelle Freedman, "Race and the Politics of Identity in U.S. Feminism" in *No Turning Back: The History of Feminism and the Future of Women* (New York: Ballantine Books, 2002).

out space for their politics within the feminist movement.<sup>15</sup> Within this context, Carol Haddad, an Arab-American whose grandparents immigrated to Boston from Lebanon and Syria in the early twentieth century, began to articulate the need for Arab-American feminist representation. In 1955, ten-year-old Haddad and her family had moved into a lower middle-class Irish, German, and Polish neighborhood in suburban Detroit. From a young age, Haddad was aware of her “otherness” and the pressures to conform to whiteness. She recalled, for example, bleaching her arm hair: “My skin developed a sore rash each time but the resulting blond hair was worth the pain.”<sup>16</sup> In the 1960s, Haddad realized that despite the prejudice she faced, her family “had enough white-skin privilege” to live in a neighborhood where black families would not have been allowed.<sup>17</sup> In her adolescence, Haddad became more conscious of the events in the Middle East and the role of the United States government in shaping them. In 1978, she became a professor in the Department of Labor and Industrial Relations at Michigan State University while continuing her political activism and involvement in the women’s movement.<sup>18</sup>

Haddad first connected with other Arab-American feminists at the June 1981 National Woman’s Studies Association (NWSA) Conference, the principal academic body dedicated to feminist studies in the United States. As Haddad described it, her participation in the 1981 Conference was the first of many steps towards “finding home.”<sup>19</sup> The feminists with whom she networked at the NWSA conference would later become core members of the Feminist Arab-American Network, or the FAN. The conference also proved a critical moment for Haddad’s personal identity formation

15 Keith Feldman, *A Shadow over Palestine: The Imperial Life of Race in America* (University of Minnesota Press, 2015).

16 Carol Haddad, “In Search of Home,” in *Food for Our Grandmothers*, ed. Joanna Kadi (Boston: South End Press, 1994), 218-23.

17 Haddad, “In Search of Home,” 219.

18 Carol Haddad Papers, 1981-2015; Letter from Haddad, 1982. MC847, 2.5. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass. (Hereafter Haddad Papers).

In 1993, Haddad joined the faculty of the School of Technology Studies at Eastern Michigan University and earned emeritus status in 2016 (Haddad Papers, Finding Aid).

19 Haddad, “In Search of Home.”

as an Arab-American *and* a woman of color. She recalled, “Despite all the racism we as Arab Americans experienced, I had failed to regard myself as having legitimate claim to that [woman of color] identity.” During one workshop, Haddad joined the “white” women group instead of the “women of color” group and was questioned about her choice by another Arab-American woman afterwards. “It was an epiphany of sorts,” she wrote, “connecting the dots between experienced childhood discrimination and systematic societal racism with permutations based upon degree of non-whiteness.”<sup>20</sup> Through conversations with other Arab-American participants, Haddad came to align her personal experiences growing up as an Arab-American with the experiences of other minority groups of color. Following the conference, Haddad wrote to Barbara Davis, an organizer of the NWSA conference, noting the lack of Arab-American representation and underscoring anti-Arab racism as a core feminist objective.<sup>21</sup>

Determined to continue these conversations with other Arab-American women and within the broader feminist movement, Haddad initiated efforts to establish a feminist network of Arab-Americans. She envisioned the collective as a forum to discuss, exchange resources, and connect Arab-American feminists throughout the United States. Between December 1981 and August 1982, Haddad sent a series of letters to Arab-American women from a wide array of backgrounds: feminist scholars in anthropology and political science, photographers, attorneys, artists, poets, and musicians. In her letters, Haddad noted several key factors that shaped the impetus for forming “a network of Arab-American women who consider themselves feminists.”<sup>22</sup> First, Haddad

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20 Carol Haddad Papers, 1981-2015; “Second-Wave Arab-American Feminist Activism: The Story of the Feminist Arab-American Network,” 2015. MC847, 1.2. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

Haddad, “In Search of Home.”

21 Carol Haddad Papers, 1981-2015; Letter from Haddad to Barbara Davis, July 1981. MC847, 1.1. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

22 Carol Haddad Papers, 1981-2015; Recruitment letter, July 1982. MC847, 1.13. Schlesinger Library, Radcliffe Institute, Harvard University, Cam-

noticed that, despite the lack of Arab-American representation in feminist forums such as NWSA, many feminists expressed interest in learning more about issues facing Arab-American women. In an early recruitment letter, Haddad noted that participants in the 1982 NWSA conference appreciated her presentation on Arab-Americans as a forgotten minority in feminist circles. Azizah al-Hibri's presentation on Lebanon had also garnered support, resulting in a statement that denounced the Israeli invasion of Lebanon and demanded the immediate cessation of U.S. arm shipments to Israel.<sup>23</sup>

Second, Haddad insisted that Arab-American feminists needed a means to be "visible and vocal" about repression in the Middle East.<sup>24</sup> Palestinians residing in the West Bank and Lebanon faced intensified Israeli repression during the Lebanese Civil War, which began in 1975. Third, Haddad believed that an Arab-American feminist perspective could address anti-Arabism within the women's movement and challenge liberal feminism's acceptance of Zionism as a progressive cause in reference to Phyllis Chesler and Adrienne Rich, two prominent Jewish American feminists that defended a Zionist agenda.<sup>25</sup> Haddad also cited articles in major feminist publications, namely *Ms. Magazine* and *Off Our Backs*, that perpetuated the notion that any condemnation of Zionism was tantamount to anti-Semitism.<sup>26</sup> Haddad felt that a network of Ar-

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bridge, Mass.

Carol Haddad Papers, 1981-2015; Follow up Letter from Haddad, August 1982. MC847, 1.13. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

23 Azizah al-Hibri was a Professor of Philosophy at Washington University of St. Louise and a member of the FAN.

24 Haddad Papers, Recruitment Letter from Haddad, July 1982. MC847, 1.13.

25 Adrienne Rich was a prominent activist and poet in the 1960s involved in anti-war, women's, black and queer liberation struggles. In 1982, she authored a letter with other Zionist feminists titled "What Does Zionism Mean? An Open Letter to the Women's Movement" published in *Off Our Backs* in July 1982. Since then, her politics shifted, most notably when she joined Jewish Voice for Peace and endorsed the Palestinian call for an academic and cultural boycott of Israel.

26 Haddad Papers, Recruitment Letter from Haddad, July 1982. MC847, 1.13

ab-American feminists would facilitate these conversations within the broader feminist movement.

Haddad formally established the Feminist Arab-American Network in June 1983 by means of a press release sent to 88 feminist publications nationwide as well as to the American-Arab Anti-Discrimination Committee.<sup>27</sup> In its “Preliminary Statement of Purpose,” the FAN declared itself “an outgrowth of the long-term alienation we have experienced as Arab-Americans working within the U.S. feminist movement and as feminists operating within our Arab-American communities.”<sup>28</sup> The statement recognized the ways in which “a larger American culture [had] historically and systematically suppressed information, news, and research about the Arab world, contributing to the portrayal of Arabs in negatively stereotypical ways.” Haddad articulated four key objectives for FAN:

To increase public awareness of issues affecting Arab-American feminists; to eliminate negative stereotypes of Arabs, particularly within the American feminist community; to work in coalition with our sisters in Arab countries and to support their liberation struggles; and to share resources and support amongst ourselves.<sup>29</sup>

Between 1982 and 1984, members of the FAN actively participated in the annual NWSA conferences. The FAN’s membership was mainly comprised of professional, middle to upper class women. Its elite membership and scholarly engagement shaped the FAN into an intellectual rather than a cross-class, grassroots organizing body. Rather than formulate any official positions in the name of the collective, the FAN operated as a loose network of Arab-American

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27 Carol Haddad Papers, 1981-2015; Press Release, June 1983. MC847, 3.12. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

Haddad Papers, “Second-Wave Arab-American Feminist Activism: The Story of the Feminist Arab-American Network,” 2015. MC847, 1.2.

28 Carol Haddad Papers, 1981-2015; Preliminary Statement of Purpose, n.d. MC847, 2.5. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

29 Haddad Papers, Preliminary Statement of Purpose, n.d., MC847, 2.5.

ican feminists whose perspectives emerged in print and at conferences. When the FAN formally launched in 1983, its members had already been engaging politically for two years. Between 1981 and 1985, two issues dominated its efforts: their solidarity with the Arab world and their engagement with Zionist feminists in the U.S.

## The FAN and the Arab World

As Arab-Americans organized in solidarity with the Arab world in the 1960s, Arab-American feminists saw it as their prerogative to mobilize in solidarity with Arab women who were facing political repression and violence in the Middle East. The late 1970s and early 1980s marked a period of intensified political repression throughout the Arab World and violence against Palestinians in the West Bank, Gaza, and Lebanon. As United States government support for the State of Israel increased, radical Second Wave feminism proved a major site of support for the Palestine solidarity movement.<sup>30</sup> The “question of Palestine” became a topic of debate as feminists of color were developing their identity politics and in the process, radicalizing and expanding their feminism.<sup>31</sup> In one literal example of this coincidence, the 1982 NWSA conference convened as the Israeli army dropped bombs on Palestinian refugee camps in Lebanon. Members of the FAN played a key role in folding these geopolitical issues into American feminist discourse by responding to solidarity movements with the Arab World.

The FAN demonstrated its solidarity with the larger Arab world and with Arab feminists in particular during the campaign demanding the release of Dr. Nawal Saadawi. An Egyptian writer, psychiatrist, and prominent Arab feminist, Saadawi was widely considered “the Simone de Beauvoir of the Arab World,” publishing scientific and scholarly work on Arab society, the plight of women under patriarchy, sexuality, and the status of Egyptian

30 After the 1967 Arab-Israeli War, the U.S. solidified its relations with Israel through the 1969 Nixon Doctrine and as part of its Cold War containment strategy.

31 Feldman, *A Shadow Over Palestine: The Imperial Life of Race in America*.

woman.<sup>32</sup> While her work earned her both regional and international prominence, it also drew criticism from more conservative sectors in Egypt. Consequently, Dr. Saadawi faced severe censorship and lost her government position as Director of the Health Education Department.<sup>33</sup> In September 1981, Egyptian security forces, by the order of President Anwar Sadat, arrested Dr. Saadawi along with more than 1,500 religious, political, and cultural figures as part of a broad crackdown on Egypt's oppositional intellectuals and political activists. In October 1981, the American Committee to Free Nawal Saadawi requested Haddad's support its campaign.<sup>34</sup> The Committee circulated a petition to apply American and international pressure to demand that Sadat's successor, President Hosni Mubarak, release Dr. Nawal Saadawi and the other 1,500 intellectuals and "restore democratic rights and freedom of expression in Egypt."<sup>35</sup> Haddad forwarded the petition and relayed materials on civil and human rights violations in Egypt to potential FAN members in her initial December 1981 letter.<sup>36</sup> The petition demonstrated widespread solidarity by American intellectuals, including American and Arab-American feminists, with Egyptians and Arab feminists facing political repression.

The 1982 Israeli invasion of Lebanon and the ensuing massacres of Palestinian refugees compelled progressive movements in the United States to grapple with the nature of Zionism and the role

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32 Carol Haddad Papers, 1981-2015; "Egyptian Feminist Author Nawal El Saadawi" by Linda Simon, 1981. MC847, 4.12. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

33 Ibid.

34 Carol Haddad Papers, 1981-2015; Letter from Committee to Free Nawal El Saadawi, October 1981. MC847, 1.9. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

Carol Haddad Papers, 1981-2015; *The Nation* Article, October 1981. MC847, 1.9. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

35 Carol Haddad Papers, 1981-2015; Petition to Free Nawal El Saadawi, October 1981. MC847, 1.9. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

36 Carol Haddad Papers, 1981-2015; FAN pre-formation letter from Haddad, December 1981. MC847, 1.9. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.



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of United States imperialism in the Arab world. The events in Lebanon prompted Third World and black feminists, in particular, to break with liberal strands of feminism. In 1982 African American feminist poet, essayist, and activist June Jordan authored a poem titled “Apologies to All the People in Lebanon” in which she criticized militarism and mourned the loss of civilian life.<sup>37</sup> The poem, dedicated to the “600,000 Palestinian men, women, and children who lived in Lebanon from 1948-1983,” expressed solidarity with the Palestinian people.<sup>38</sup> In a 1985 review of Jordan’s book, *The Living Room*, Haddad called Jordan “the voice of Palestinians, cluster bombed and rendered homeless in the name of ‘peace’ and ‘self-defense’... the voice of Palestinians called ‘beasts with two legs’ by Israelis, ‘exterminated’ and ‘mopped up,’ but whose ‘massacre remains invisible’ because their skin is not white.”<sup>39</sup> June Jordan’s poetry demonstrated the growing awareness of American feminists of color to events in the Middle East and an emerging solidarity across ethnic and national lines.

Members of the FAN supported broader solidarity efforts with Lebanon and engaged American feminists on the question of Zionism. In her August 1982 follow-up letter to the FAN, Haddad advertised an event by the “Women’s Ad Hoc Committee Against the Israeli Invasion of Lebanon,” a San Francisco-based collective of anti-imperialist feminists. The Committee believed that the women’s movement could not claim a coherent anti-imperialist politic unless it “clearly [recognized] that the aggressive, expansionist policies of Israel [were] a direct expression of the policies and ideology of Zionism. Support for Zionism is not compatible with anti-Imperialist politics.”<sup>40</sup> The panel discussion framed the Israeli invasion of Lebanon as a direct question for the women’s

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37 June Jordan later published her poem in her 1985 poetry book, *The Living Room*.

38 Carol Haddad Papers, 1981-2015; “Apologies to All the People of Lebanon” Poem by June Jordan, 1982. MC847, 1.12. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

39 Carol Haddad Papers, 1981-2015; June Jordan Review by Haddad, May 1985. MC847, 1.10. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

40 Carol Haddad Papers, 1981-2015; Committee Against Israeli Invasion

movement, and included both Arab and Jewish women participants.<sup>41</sup> The June 1984 issue of FAN's publication, *Network News*, advertised the efforts of "Women for Women of Lebanon," a grassroots women's organization that organized humanitarian aid and promoted self-sufficiency among Palestinian and Lebanese women.<sup>42</sup>

In the early 1980s, the FAN promoted these efforts but had not yet defined its own role in relation to the Arab world. The growing Palestinian solidarity among American feminists prompted FAN members to more explicitly align themselves with Third Worldism and also sparked an internal conversation about the transnational nature of Arab feminism. Since the FAN's beginning, Haddad had recognized its potential to expand internationally. She proposed "study tours," or delegations of prominent Arab-American and American feminists to Arab countries as a way to expand the FAN to the Arab world.<sup>43</sup> In a 1984 letter to Haddad, Barbara Nimri Aziz, another FAN member, even suggested changing "Arab-American" to "Arab." Aziz, having met Arab feminists in Amman and Lebanon, believed expanding the network would give "an identity for the women... who need support cross-culturally."<sup>44</sup> She elaborated that expanding the network would result in a productive exchange between Arab-American feminists in the United States and Arab women abroad: "There are many idle middle-class women in the Arab countries who we can learn from and because

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of Lebanon, 1982. MC847, 3.26. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

41 Haddad Papers, Committee Against Israeli Invasion of Lebanon, 1982. MC847, 3.26.

Haddad Papers, Follow up Letter from Haddad, 1.13.

42 Haddad Papers, "Second-Wave Arab-American Feminist Activism: The Story of the Feminist Arab-American Network," 2015. MC847, 1.2. (17, 29).

43 Haddad Papers, Recruitment Letter from Haddad, July 1982. 1.13. Carol Haddad Papers, 1981-2015; Letter from Haddad to Barbara Nimri Aziz, August 1984. MC847, 2.18. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

44 Carol Haddad Papers, 1981-2015; Letter from Barbara Nimri Aziz to Haddad, 1984. MC847, 2.18. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

of their political situation, it is difficult for them to initiate or to publish themselves, but we can help them.”<sup>45</sup>

Haddad, however, believed that it would be more strategic for the FAN to remain North American-based because “some ‘Third World’ women shun the label of ‘feminist’ and might be put off by the notion of a *Feminist Arab Network*.” Furthermore, members of the FAN recognized that women’s movements in the Arab world had a particular history that differentiated them from American feminism. Indeed, some Arab feminists critiqued American feminism as a Western-dominated political framework. In her address at the 1983 NWSA conference, FAN member Ghada Talhami criticized American feminists for their misconceptions concerning Palestinian feminism.<sup>46</sup> According to Talhami, Palestinian feminists historically rejected the “typical course of Western liberation” in favor of political activism that served their national liberation movement.<sup>47</sup> The Palestinian women’s movement of the 1920s prioritized the anti-Zionist, anti-British struggle and later evolved into organized unions in the 1960s that supported national resistance to Israeli occupation. Talhami’s analysis echoed Rosemary Sayegh’s remarks at the NWSA Conference two years prior: “For Palestinian women, equality of women with men is meaningless in a colonized country.”<sup>48</sup> According to Talhami, Palestinian women articulated their feminism in terms of a national project because they recognized that their rights and equality rested on national self-determination.

By 1983, members of the FAN more intentionally identified

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45 Ibid.

46 Ghada Talhami was a FAN member and professor of African History at the University of Illinois at Chicago Circle. In 1982, she served as Planner-Consultant of Arabic Studies at the University of Illinois and national secretary of the Association of Arab-American University Graduates. (Carol Haddad Papers, 1981-2015; Letter to *Ms. Magazine* by Ghada Talhami, July 29, 1982. MC847, 4.11. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.)

47 Carol Haddad Papers, 1981-2015; “Palestinian Women: The Case for Political Liberation” by Ghada Talhami, 1983. MC847, 2.5. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

48 Haddad Papers, NWSA 1981 handwritten conference notes, 1981. MC847, 1.1.

with the Arab diaspora and situated themselves within a broader, transnational Arab feminist. Their sense of responsibility towards Palestinian women was grounded in their shared Arab identity and their belief that women globally should act in solidarity with Palestinian women. Rather than attempt to bring women in the Arab world into its fold, the FAN continued to support Arab women's organizations around the globe.<sup>49</sup> In March 1987, Talhami chaired the Palestine Human Rights Women's Conference with the goal of providing a forum "to study Palestinian women under occupation and in diaspora" and "to affirm the bonds of sisterhood and humanity with women everywhere."<sup>50</sup> The conference brought public attention to the struggle of Palestinian women under occupation and exemplified the FAN's efforts to educate American feminists on the history of Palestinian women's struggle for justice and liberation. Through this convening, the FAN also challenged American feminists to acknowledge the Palestinian cause as part of their own, particularly feminists who claimed Zionist support for Israel - a stance perceived as antithetical to Palestinian rights.

### **Debating Dialogue: Conflicts with Zionist Feminism**

Within American feminist circles in the United States, members of the FAN focused their efforts on addressing anti-Arab biases and educating other feminists about Arab feminism. Their activism engaged and challenged Zionist and liberal feminists. According to Brook Lorber, liberal feminism in the 1980s became more entwined with American state policy and assumed a Zionist posture through the normalization of support for Israel. Following the 1982 Israeli invasion of Lebanon, debates about the meaning of Zionism and the feminist movement's position on Palestine exposed underlying tensions between the liberal and radical strands of second wave feminism.<sup>51</sup>

49 Haddad Papers, Letter from Haddad to Barbara Nimri Aziz, August 26, 1984. MC847, 2.18.

50 Carol Haddad Papers, 1981-2015; "United Sisterhood" by Ghada Talhami in Palestine Human Rights Newsletter, May 1987. MC847, 2.5. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

51 Brooke Lober, "Conflict and Alliance in the Struggle: Feminist An-

As Jenny Bourne wrote in the 1980s, identity politics of second wave feminism brought about a “crisis for Jewish feminism.”<sup>52</sup> While some Jewish feminists critiqued Jewish identity politics, others used it in defense of Zionism. During the 1960s and 1970s, Jewish feminists played a prominent role in the women’s movement. Yet as Jenny Bourne later explained, “we were not there as Jews. We were feminists who just happened to be Jews. Our Jewishness was unarticulated and unsung.”<sup>53</sup> Drawing on their own histories of oppression, Jewish feminists like Bourne were propelled towards radical politics through their anti-racist, anti-imperialist, and anti-fascist work. The 1982 Israeli invasion of Lebanon prompted many liberal feminists, including Jewish feminists, to grapple with whether they should condemn Israeli actions in Lebanon in the name of a larger feminist politic: “Were we Jews first or feminists first?” Bourne wrote. According to Bourne, the identity politics of the 1980s reversed the political priorities among some Jewish women; they were no longer politically active feminists who happened to be Jews, but Jewish feminists whose main objective was to engage in defining their identity. Identity politics permitted some Jewish feminists to conflate the political and personal rather than confront the “crises of Jewish feminism,” or the contradictions between their identity-propelled nationalism and their leanings towards a more radical feminism.<sup>54</sup>

This “crisis of Jewish feminism” manifested in tensions between Arab-American and Jewish American feminists at both the national and the global level. The United Nation Decade for Women conferences, the first UN structure to address the status of women globally, provided women with a platform to vocalize their experiences of oppression, network, and strategize globally. Women from socialist and decolonizing movements used the UN women’s conferences as a site to build alliances and to strengthen anti-colonial feminist internationalism that linked the global problem

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ti-Imperialism, Palestine Solidarity, and the Jewish Feminist Movement in the Late 20<sup>th</sup> Century” (PhD diss., University of Arizona, 2016).

52 Jenny Bourne, “Homelands of the Mind: Jewish Feminism and Identity Politics” *Race & Class* XXIX (1987),

53 Ibid.

54 Ibid.

of gendered oppression to the economic disparities perpetuated by capitalism and colonialism.<sup>55</sup> These conferences also proved key sites of pro-Palestinian organizing in the 1970s, as the Palestinian Women's Work Committee began sending delegates to raise awareness among women about Palestinians in the occupied territories.<sup>56</sup> At each convening, the question of Palestine became central to debates concerning the meaning of feminist politics and transnational solidarity.<sup>57</sup> During the first conference in July 1975 in Mexico City, the UN Women's Forum passed a resolution condemning Zionism alongside colonialism, imperialism and apartheid. Much to the dismay of Jewish Zionist and Israeli feminists, the resolution reflected a developing feminist discourse that viewed anti-Zionism as part of a global anti-colonial struggle.<sup>58</sup> Tensions ran high again during the 1980 Women's Conference in Copenhagen, hindering participants from building consensus around significant issues.<sup>59</sup>

These UN conferences largely shaped the conversations between Arab-American and Jewish American feminists in the United States throughout the 1980s. Between 1980 and 1985, the FAN debated merit of dialogue with Zionist feminists and the terms of engagement. In a questionnaire attached to her initial December 1981 letter, Haddad asked potential FAN members, "Do you think we should attempt to begin a dialogue at the conference between Arab American feminists and anti-Zionist Jewish feminists on the Arab-Israeli struggle from a feminist perspective?" One respondent, Evelyn Shakir, replied, "It's a great idea but why just anti-Zionist Jewish feminists?" suggesting that the FAN might also consider engaging with Zionist Jewish feminists. In contrast, Suhair, another respondent, stated that she had "no interest in Camp David style 'negotiations.'"<sup>60</sup> By referencing the 1978

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55 Ibid, 56.

56 Ibid, 5.

57 Lober, "Conflict and Alliance in the Struggle."

58 Several months after the 1975 Forum, the U.N. General Assembly passed Resolution 3379 that declared Zionism as a form of racism and racial discrimination. The resolution was revoked in 1991, following years of pressure (Lober, 60).

59 Lober, "Conflict and Alliance in the Struggle," 53-88.

60 Carol Haddad Papers, 1981-2015; FAN pre-formation questionnaires

Egyptian-Israeli Peace Treaty brokered by President Jimmy Carter, Suhair expressed concerns that such efforts would normalize relations with Zionist feminists and represent a tacit acceptance of Zionism's premise: the denial of Palestinian national rights.

Tensions between Arab-American and Zionist Jewish feminists heightened in June 1982, when Letty Cottin Pogrebin, a Jewish feminist and an editor of *Ms. Magazine*, published a controversial article titled "Anti-Semitism in the Women's Movement," arguing that any critique of Israeli state policies against Palestinians equated to anti-Semitism. Pogrebin wrote, "I have no tolerance for anti-Zionists even if they are feminists. Again, like many Jews, I have come to consider anti-Zionism tantamount to anti-Semitism because the political reality is that its bottom line is an end to the Jews."<sup>61</sup> Her article drew harsh criticism from anti-Zionist Jewish feminists and Arab-American feminists alike. In the July issue of *Off Our Backs* that same year, "Women Against Imperialism," many of whose members were Jewish, stated that, "Progressive Jewish women and the women's movement as a whole must take a stand on the question of Palestine and Israel."<sup>62</sup> They believed that as women, they must side with the Palestinians facing "the same imperialist systems whose bedrock is the oppression of colonized nations inside the US and around the world."<sup>63</sup> In its February 1983 issue, *Ms. Magazine* published a letter authored by a collective of self-identifying "Jews and feminists." They asserted that "although Pogrebin and other Jewish feminists correctly claim that anti-Zionism can serve as a cover for anti-Semitism, there is an absolutely crucial distinction between the two."<sup>64</sup>

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from Haddad, December 1981. MC847, 1.9. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

Suhair's last name was not indicated on the questionnaire.

61 Carol Haddad Papers, 1981-2015; Pogrebin Article "Anti-Semitism in the Women's Movement," 1982. MC847, 1.13. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

62 Carol Haddad Papers, 1981-2015; Article by "Women Against Imperialism" in *Off Our Backs*, July 1982. MC847, 4.11. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

63 Ibid.

64 Carol Haddad Papers, 1981-2015; "Letters Forum: Anti-Semitism" in *Ms. Magazine*, February 1983. MC847, 4.11. Schlesinger Library, Radcliffe

The letter recognized a history of Jewish opposition to Zionism and urged other Jews to criticize Israeli politics in the hope “that charges like Pogrebin’s will not contribute to the decline of that tradition nor silence the open expression of controversial views in the movement.”<sup>65</sup>

Haddad and Talhami challenged feminists to reexamine Zionism as being antithetical to Palestinian feminism and to core feminist principles of anti-racism and liberation. In a letter to the editors of *Ms. Magazine*, Talhami outlined the implications of Zionism for Palestinians and challenged Pogrebin’s anti-Arab doubts over “the legitimacy of the Palestinian feminist struggle.” Talhami stated, “Zionists, in short continue to pursue their own national liberation at the expense of another people’s well-being and independence” and identified Israeli attacks against civilians as “logical outcomes of a ‘national’ movement which sought to take by force what was not theirs and to eliminate all those who stood in the way.”<sup>66</sup> In June 1982, Haddad asserted her perspective as an Arab-American by presenting at an NWSA workshop on the intersections of race, class, and sex. In her presentation, she faulted the State of Israel and United States-based Zionist organizations for “the blanket of silence and misinformation regarding the Arab world.”<sup>67</sup> According to Haddad, proponents of Israel, including Pogrebin, perpetuated the notion that anti-Zionism equated to anti-Semitism in order to discredit those who criticized Israel or advocated for Arab causes, including both Arab-American feminists and anti-Zionist Jewish feminists.

As the debate on Zionism widened the schism between the liberal and radical strands of feminism, the FAN became more hesitant to engage in conversation with Zionist feminists. By 1985, three years after its inception, the FAN developed a firmer stance on dialogue with Zionist feminists. The FAN’s concerns over

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Institute, Harvard University, Cambridge, Mass.

65 Ibid.

66 Haddad Papers, Letter to *Ms. Magazine* by Ghadah Talhami, July 29, 1982. MC847, 4.11.

67 Carol Haddad Papers, 1981-2015; Haddad speech, “Arab-Americans: The Forgotten Minority in Feminist Circles” at NWSA, 1982. MC847, 1.16. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.



dialogue manifested in an April 9, 1985 meeting in New York organized by the members of New Jewish Agenda (NJA), an organization of progressive Jewish Americans established in 1980. Having witnessed the tensions at the two prior UN Decade for Women conferences in 1975 and 1980, NJA approached the five years leading up to the next convening in Nairobi with the intention of reviving the conversation between Arab-American and Jewish Americans. NJA intended that the April 9 meeting would bring together a small group of Jewish, Arab, and other feminists to share their concerns and to plan how to have conversations at the upcoming Nairobi Forum.<sup>68</sup>

One month after the meeting, Reena Bernards, Executive Director of NJA, wrote to Haddad emphasizing concerns about “the reaction of some women who are saying that the issue [of Palestine] should not be discussed at all in Nairobi.”<sup>69</sup> Bernards, however, believed in the potential for constructive dialogue and deemed it necessary. In her response to Bernard’s letter, Haddad criticized NJA’s handling of the pre-Nairobi dialogue efforts. She pointed to the exclusion of Arab and Black feminists in the planning and problematized the role of Pogrebin, a self-identified Zionist, in coordinating the meeting. “As you will recall, Letty authored a viciously anti-Arab article which appeared prominently in the June 1981 issue of *Ms. Magazine*,” Haddad wrote, “Letty’s article not only insulted Arabs... but also Jews who do not equate anti-Zionism with anti-Semitism.”<sup>70</sup> Haddad argued that organizers, predominantly Jewish, had dictated the terms of the conversation and had silenced Arab-American feminists by setting the task of searching for a peaceful solution to the Arab-Israeli conflict as their prerogative.

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68 Carol Haddad Papers, 1981-2015; Letter from Pogrebin to Haddad, March 1982. MC847, 3.6. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

69 Carol Haddad Papers, 1981-2015; Letter from Reena Bernards to Haddad, July 1985. MC847, 3.6. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

70 Carol Haddad Papers, 1981-2015; Letter from Haddad to NJA, July 1985. MC847, 3.6. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

Haddad believed that “dialogue for the sake of dialogue” detracted from the FAN’s efforts to take action. She underscored the FAN’s commitment to working in coalition “to promote greater understanding of Arab concerns and Arab culture among the American people,” and their willingness to work with people committed to the same ends. “People need not be engaged in dialogue to recognize and take action on any number of critical human rights issues,” she explained in her response to NJA.<sup>71</sup> As reflected in Haddad’s writing, the FAN believed that their efforts were best spent “attempting to influence the actions of our own government to allow and encourage direct negotiations between the parties to the conflict, and to cease all military aid to these parties until a peaceful settlement is achieved.”<sup>72</sup> Haddad extended her critique of Zionist Jewish feminists to the broader liberal American feminist movement. She asked rhetorically, “Why do American feminists believe that they have the right to plot our future directions and courses of action for people of other nations?” In Haddad’s words, it was “precisely this type of thinking that [had] alienated ‘Third World’ feminists from Western feminists.”<sup>73</sup> As Haddad’s writings reflect, the FAN considered dialogue with Zionist feminists counterproductive to solidarity actions and antithetical to their feminist principles of empowering Arab-American feminists.

As radical second wave feminists, members of the Feminist Arab-American Network challenged liberal feminism, and particularly Zionist feminism. The FAN was a product of a particular historical moment during which heightened political turmoil in the Middle East coincided with a feminist movement that was in the midst of reformulating itself. The network emerged at a moment when feminists of color began articulating an intersectional feminism that accounted for class and race and took a Third

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71 Haddad Papers, Letter from Haddad to NJA, July 1985. 3.6.; These human rights issues included Israel’s illegal detention and torture of hundreds of Palestinians, interference with the academic freedom of Arab West Bank Universities, illegal settlement of the occupied territories, and discrimination against Arab-Americans and Arabs in the United States.

72 Ibid.

73 Ibid.

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World, anti-imperial orientation. Through the efforts of the FAN, Arab-American feminists pushed U.S. feminism to include national and ethnic-based feminisms and to concern itself with matters beyond its geographic borders. The FAN's efforts to critique Zionist feminism contributed to the development of an intersectional, radical feminism that would remain a powerful force well into the mid-nineties.

The FAN demonstrated how Arab-American feminists in the 1980s negotiated their identity as Americans, feminists, and Third World women. As Arab-Americans, members of the FAN sought to combat their ethnic and political "othering" in the American feminist movement by aligning themselves with the Third World. While women had held leadership roles in the progressive Arab-American political organizations in the 1960s, these groups had deferred issues of gender as secondary to the political struggle for Arab rights in the United States and abroad. The FAN was the only Arab-American women's organization that espoused an explicitly feminist identity. By re-asserting the role of Arab-American women in national and international conversations, the FAN reclaimed "Arab-American" as a unifying identifier for their feminist politic. The last issue of *Network News* in July 1985 marked the end of the FAN's tenure as a formal networking organization, but FAN members continued their activism individually.<sup>74</sup> The FAN laid the foundations for future Arab-American organizers to reconcile their feminist and nationalist perspectives and for the American feminism movement to exercise Third World solidarity.

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74 Haddad Papers, "Second-Wave Arab-American Feminist Activism: The Story of the Feminist Arab-American Network," 2015. MC847, 1.2.



