

HERODOTUS

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EDITORS' NOTE

Now in its twenty-first volume, *Herodotus* is Stanford University's student-run history journal. It highlights the scholastic achievement, intellectual passion, and broad range of academic interests represented among undergraduate students in the Department of History. While we received many outstanding submissions for this year's edition, the following four essays stood out in their originality, attention to detail, and creativity, as well as the diversity of perspectives that they together present.

We thank Margo Richardson and Monica Wheeler, without whom this edition of *Herodotus* would have been impossible to produce, for their guidance and encouragement. We also acknowledge the Carl E. Brand Fund for its generous financial support, without which *Herodotus* would not exist. Lastly, we applaud all the students who dedicated their time and energy to the production of this journal.

As always, we encourage feedback and questions about this year's volume and the journal in general. Please address comments to the Department of History staff.

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 THE SECRET HISTORY OF AKBAR AND JAHANGIR:
CHINGGISID LEGACIES OF TOLERANCE IN MUGHAL INDIA

JACOB STERN

World conquerors, ruthless savages, uncultured nomads: these are the images evoked in the popular consciousness when one considers the legacy of Chinggis Khan and his Mongol warriors.¹ However, Chinggis' empire involved far more than simply destruction and warfare. In the 13th and 14th centuries, Chinggis and his descendants built one of the largest empires the world has ever seen, creating a realm of relative peace that allowed peoples of disparate parts of the globe to interact on a scale heretofore unprecedented. From the 14th century onward, the Mongol empire began to fragment, leaving successor states in China, Transoxiana, Persia, Russia, and, eventually, India, where the Mughal dynasty took control. Starting with Northern lands held by Muslim Sultanates and moving down through Hindu territories, the Muslim Mughals, descended from the Transoxianian successor state, established their sovereignty starting in the first half of the 16th century. By the time Akbar (r. 1556-1605), the third Mughal emperor, and his son Jahangir (r. 1605-1627) ruled the empire in the late 16th and early 17th centuries, the Mughals controlled a vast swathe of territories, administering Hindus, Muslims, Jains, Sikhs, and Europeans who lived in the subcontinent. Much scholarship has been devoted to unraveling the complex relationships between different ethnic, racial, and religious groups living in Akbar's and Jahangir's India; however, few scholars have addressed the impact of the Mughals' Mongol heritage on decision making in the courts. The great Mughals Akbar and Jahangir legitimized their rule partly through claims to Mongol lineage and emulated Mongolian administrative policies in maintaining their empire—most notably that of encouraging multicultural toleration, which facilitated cross-cultural interaction and cultural hybridization in the Indian subcontinent.

To examine the policies of Akbar and Jahangir and demonstrate the pervasiveness of the Mongol legacy through space and time, this essay draws upon a selection of both primary and secondary sources.² The argument begins by connecting the Mughals to the Mongols through lineage, claims to legitimacy, and political similarities between the two polities. Following this, it becomes clear that Akbar and Jahangir carried on the Mongol tradition of multicultural acceptance within India despite the many differences between the Mughal and Mongol empires. It is important to note that, as it stands, the relationship between Mongol and Mughal

toleration is one of correlation rather than causation; more intensive primary research would need to be done to establish causality. Finally, this essay provides a series of particularly interesting instances of cross-cultural interaction and hybridization under Jahangir and Akbar to emphasize the effects of Mongol-style tolerance on 17th century Indians.

The Mongol Connection

Though the Mughal emperors Akbar and Jahangir ruled three to four centuries after, and in a different part of the world from, Chinggis Khan, they linked themselves both by design and by practice to their Mongol predecessors via a claim to a shared lineage and similar political practices. Most notably, Akbar and Jahangir legitimated their rule by associating themselves with the Mongol legacy through their descent from the emperor Timur. Timur (r. 1370-1405), 14th century conqueror of Transoxiana infamous for his brutality, was "both a Muslim and a Mongol."³ Timur was "fully Muslim" and ruled over a largely Muslim empire, but he derived his legitimacy as a conqueror from his position as "a son-in-law to the dynasty of Ghenghis Khan," since he claimed to be a descendant of the mythical Mongol princess Alanqoa.⁴

As Muslims ruling a theoretically Muslim empire, Akbar and Jahangir emphasized their descent from Timur—Akbar's great-great-grandfather—to establish kingly legitimacy. For the Muslim rulers of Central Asia in the 16th and 17th centuries, particularly the Safavids and Uzbeks, genealogical and political links to Timur provided a large share of royal legitimacy. The dynasty that "relied most directly on Timurid legitimacy," however, was that of the Mughals.⁵ Jahangir, in particular, latched on to the legacy of his Central Asian ancestor. At his coronation, Jahangir's poets ordained him "King of kings Jahangir, a second Timur."⁶ Jahangir's "obsession with his Timurid lineage" was known throughout Central Asia, and "rival rulers were quick to make use of it in diplomatic exchange."⁷ Jahangir went so far as to imitate Timur's eccentric practices of gift-giving, and he constantly sought to conquer territory in Transoxiana, which he called "the hereditary kingdom of [his] fathers and forefathers."⁸ This preoccupation with Timurid descent was exhibited not only by Jahangir; the Mughals "referred to themselves as Guregeniyya, the dynasty of 'the son-in-law,' retaining Timur's choice of imperial title."⁹ Timur, after all, derived his legitimacy from Chinggis; by emphasizing their shared lineage with Timur, the Mughals were able to access both Timur's reputation as a world conqueror and that of Chinggis Khan.

In addition to their connection to Chinggis' empire by blood, Akbar and Jahangir used many of the Mongols' political practices in ruling their own empire. Akbar adopted some of the most efficient Chinggisid policies, helping him to accrue military victories and administer his vast

empire. As one historian notes, Akbar organized his cavalry along the traditional Mongol units of ten... and instituted a civil service based on merit. Just as the Mongols made China into the most productive manufacturing and trading center of their era, the Moghuls made India into the world's greatest manufacturing and trading nation.¹⁰

Akbar also instituted Chinggisid styles of submission, including Korunush, the Timurid and Chinggisid formal salute.¹¹ Jahangir, too, incorporated Mongol policies into his administration. He included the tamgha and the mirbabri—land-borne and maritime customs duties introduced by the Mongols in the 13th century—as centerpieces of his tax code.¹² He maintained the use of Khorunush in his court, and observed "the formalities the young owe their elders under the terms of the Genghis Code and Timurid law."¹³ Even in punishing his son Khusraw for rebellion and treason, Jahangir copied Chinggis, having his son "brought in to [him] from the left... hands bound and chains on his legs."¹⁴

The Mughals' most self-defeating administrative practice, their lack of a fixed law of succession, also derived from Mongolian protocol. The Mongols conducted khurlitai, or massive clan meetings at a fixed location, to select the Great Khan; these occasions, rather than being productive in the way intended, were the cause of a great deal of politicking, and sometimes led to war. In 1251, in a particularly egregious display of the pitfalls of uncertain succession, Chinggis' grandson Mongke had his cousins jailed before the khurlitai that selected him as Great Khan. The Mughals followed a similar system, knowing it came from the Mongol-Timurids.¹⁵ Perhaps it was for this historical and genealogical value that "the Mughals continued to display unwavering loyalty to a principle that was inefficient at best and often critically destructive."¹⁶

In their attempts to maintain legitimacy, Akbar and Jahangir emphasized their Mongol lineage in defining their ancestry and deliberately imitated the Mongols in many aspects of their administrations. The most striking continuity between the Mughals and the Mongols, however, was their relatively generous and accepting treatment of men of various ethnicities and religions in their courts. Though Akbar and Jahangir did not explicitly say so in their court histories, it seems that just as with policies of taxation and military organization, the similarities between Mughal and Mongol toleration that will be explored below were adopted consciously from a larger Mongol legacy that deeply influenced its successor states beyond just practices of conquest and administration.

Toleration in the Mongol and Mughal Courts

Like their Mongol ancestors, the Mughal kings Akbar and Jahangir

encouraged tolerance within their vast multicultural realm to foster political stability among their diverse subjects. It is important to remember that the Mongols, Akbar, and Jahangir were each ruling a different kingdom under a different set of circumstances, and therefore practiced tolerance in different ways. The Mongols, nomadic shamanists who worshipped the spirits of nature, "had no [well-defined] system of their own to impose upon their subjects," and were thereby open to the systems and ideas of the peoples they conquered.¹⁷ Akbar and Jahangir, in contrast, were Muslim kings; medieval Muslim kingdoms were predisposed toward certain established policies of prejudice, such as the *jizya* tax for nonbelievers and the influence of the *qadi* judges and *shari'a* law. And whereas Akbar had fifty years' worth of experience and legitimacy behind his multicultural precepts, Jahangir—who had to fend off his son's rebellion during the first year of his reign—had to pander to Muslim interests to bolster his authority, participating in Muslim festivals and presenting himself as a pious king.¹⁸

Despite these contextual differences, Akbar and Jahangir instituted tolerant and multicultural practices that resembled in substance and political motivation those of the Mongol empire. In their role as conquerors, the Mongols were bound to come up against resistance from the peoples they subjugated. Partly to "secure acquiescence from the native population[s]" and partly to improve the quality of administration in their empire, the Mongols granted nearly all religions the right to practice within their domains and also co-opted local elites into their courts and civil service administrations.¹⁹ The right to free exercise of religion should not be taken lightly; there were few, if any, kingdoms that practiced institutional religious tolerance before the Mongols. Chinggis Khan encouraged religious pluralism because he could derive spiritual legitimacy from any religion; having no organized religion of his own, he felt that "any religion might be right and that therefore it would be sensible to have every subject praying for the khan."²⁰ Under Chinggis and his son Ögödei, Buddhist monks, Christian priests, Muslim clergy and Daoist priests were exempted from all duties and taxes, so long as they could "bestow religious charisma on his rule."²¹ These practices of tolerance were seen throughout the Mongol empire. A comparison of decrees both issued in the 14th century by the Mongol rulers of China and Russia to a Daoist temple and an Orthodox church, respectively, look almost identical, issuing the same tax exemptions and requiring the same prayers on behalf of the rulers that Chinggis required in the 13th century.

Beyond simply allowing their subjects to practice their religions of choice, the Mongols co-opted some of the elites of conquered societies into their court, engendering loyalty with patronage and keeping potentially rebellious figures close at hand. Khubilai Khan—Chinggis' grandson, Grand Khan of the Mongols and the founder of the Yuan

Dynasty of China—combined Mongol and Chinese law into one code that could "simultaneously win support from both his Mongol and Chinese followers."²² He included peoples from all corners of his empire—Tibetans, Armenians, Chinese, Mongols, Khitan, Arabs, Turks, Europeans, Tajiks, and more—in his administration, simultaneously taking advantage of the available talent pool through meritocracy and incorporating the conquered into his system.²³ This multiethnic court, together with the Mongols' unprecedented religious tolerance, gave the Mongols a multicultural and integrated empire while strengthening their position at the top.

Like their Mongol ancestors, Akbar and Jahangir kept multiethnic courts and encouraged religious pluralism to maintain political stability in their realm, though as nominally Muslim rulers the Mughals had the additional challenge of placating entrenched Islamic interests. Akbar centered his religious policies on the concept of the king as a spiritual and temporal leader, as powerful as possible. Fundamentally, Akbar's was a Muslim empire in a region populated primarily by non-Muslims; especially early on in his reign, he had to maintain legitimacy with his Muslim constituencies. Until the Infallibility Decree of 1579 (declaring him to be the supreme arbiter of all questions of Muslim theology) Akbar invited the Muslim intellectuals of the empire to his House of Worship in Fatehpur Sikri every Thursday to discuss matters of faith.²⁴ To cement his ties to Islam, he and some of his closest advisors entered into marital alliances with important Central Asian Muslim families.²⁵

However, as his reign continued and his position as head of the Muslim faith in India became more and more secure, Akbar reached out to peoples of different ethnicities and different faiths within his empire—often to the chagrin of his Muslim elites—incorporating their ideas into his conceit of an all-powerful ruler of India. Akbar became the "first student of comparative religion," not only allowing figures from multiple faiths to practice in his empire but also engaging them with one another in serious debate.²⁶ He even allowed the Jesuits who visited his court in 1580 to formally challenge his leading Muslim theologians in debate.²⁷ After 1580, Akbar opened his House of Worship "to believers and teachers of all creeds," including Sunni and Shia Muslims, Hindus, Jains, Sikhs, Buddhists, Zoroastrians, Jews and Christians—anyone who might make a theological argument useful in his quest for spiritual unity and supremacy.²⁸ In establishing his own faith of *Din-I Ilahi*, which emphasized his role both as king and as a symbol for universal divine power, Akbar drew upon aspects of all of these faiths, and he allowed his practitioners to pray in Mosques that would otherwise shun practitioners of other religions.²⁹

Akbar's multiculturalism extended beyond matters of faith alone. He suspended many of Islam's more onerous laws, including the *jizya* tax and the traditional requirement that every male in a Muslim country be

circumcised, to the benefit of his non-Muslim subjects.³⁰ He publicly celebrated Divali and Dussehra, two of the largest annual Hindu festivals, and conducted “grand marital alliances with the Rajputs”—Indian nobles—to “consolidate the state” and “mark its strength.”³¹ In 1580, half of the Mughal court was Indian; two of Akbar’s most trusted lieutenants were Raja Bhagwant Das and his son, Raja Man Singh.³² Akbar’s integration of Indians into his elite served to increase his personal prestige—Rajas conflated Akbar with Rama, an incarnation of the supreme Hindu god Vishnu, and fitted Akbar into their warrior caste culture.³³

Jahangir, like his father, supported an integrated multi-religious and multi-ethnic empire as a means to maintaining legitimacy. As stated above, Jahangir faced threats to his legitimacy early in his rule, notably from his son Khusraw. In order to remain in power, “he had to gather around him the widest possible range of partisans.”³⁴ While he did have to pander to his Muslim nobles to circumvent future disloyalty, Jahangir was by no means a staunch practitioner of the faith: he drank often, and he did not reinstitute the *jizya*.³⁵ Instead, Jahangir engaged with other religions, particularly with holy men outside of Islam. He visited his favorite Hindu ascetic, Gosain Jadrup, on multiple occasions, and tales of his “[r]enowned kindnesse [sic] unto Christians” made it all the way back to England.³⁶ In his memoirs, Jahangir described his policy towards religions as open and accepting: “One should not sully one’s time with enmity to any religion; one should maintain complete peace with followers of all religions.”³⁷ However, this policy extended only so far as it served his ends as a ruler, as evidenced by Jahangir’s order that members of the Sewra sect of Jains, who predicted that he would rule for “at most two years,” be “expelled from the realm wherever they may be.”³⁸

As with Akbar, Jahangir’s multiculturalism did not stop with faith. Jahangir married women from Rajput families to cement political alliances, and he patronized a variety of cultural activity in his court, from Hindi poets to celebrations of Indian holidays to Persian and Hindi songwriters.³⁹ He supported courtiers from all manner of ethnic backgrounds; in addition to Muslim advisers such as Navvab Asaf Khan, Khwaja Abu’l Hasan-I Divan, Khavvas Khan, and others, Jahangir included Hindus and even Christians in his nobility. The *Jahangirnama*, absorbed as it is with Jahangir’s promoting and demoting his subjects, is rife with the names of Hindu nobles.⁴⁰ William Finch, a British East India Company envoy to Jahangir’s court, observed a particularly stirring instance of Rajput loyalty to the emperor:

About the sixth of January [1611] the King, being on hunting, was assailed by a lyon, which hee had wounded with his peece, with such fiercenesse that, had not a captiane of his, a Resboot... interposed himelfe, thrusting

his arme into the lions mouth as hee ramped against His Majestie, he had in all likelihood have been destroyed... [the King] make him a captiane of five thousand horse, in recompence of that his valourous loyaltie.⁴¹

Through a variety of incentives—patronage and marriage ties chief among them—Jahangir inspired loyalty from some of his Hindu nobles to the point that they would be willing to stand between the king and an attacking lion.

Europeans, too, played a large role in the politics of Jahangir’s court: Finch’s colleague William Hawkins was asked to remain with Jahangir as an ambassador from the king of England.⁴² Hawkins and Finch both attest to Jahangir’s use of Christianity for the purposes of politicking. Upon hearing a “prophecie of certain learned Gentiles, who told him that the sonnes of his body should be disinherited and the children of his brother should raigne,” Jahangir forced his brother’s children to become Christians “to make these children hatefull to all Moores, as Christians are odious in their sight” and thereby rendered incapable of finding favor among the Mughal Muslims.⁴³

As can be seen, the Mughal kings’ strategies of incorporating both foreigners and conquered peoples into their courts and societies correlate reasonably well with Mongol policies of toleration. The Mongols utilized their defeated enemies in their administrative systems and allowed freedom of religious practice within their empire; so, too, did the Mughals. However, Akbar and Jahangir took this program farther than the Mongols did: as Muslim kings ruling over a pluralistic realm, they fostered not only toleration but also intermixing of the various cultures of 16th- and 17th-century India. Under the auspices of Akbar’s attempts to build a new emperor-centric religion and Jahangir’s efforts to stabilize his rule, Muslims, Hindus, Christians, Sikhs, Zoroastrians and others interacted with one another in a peaceful fashion, learning from one another and competing for cultural supremacy among a sub-continent’s worth of people. What follows is an analysis of the impact of toleration—a Mongol concept—on Akbar and Jahangir’s India, highlighting the extent of peaceful cross-cultural contact, compromise and hybridization that occurred within the Mughals’ territory.

On the Ground: Toleration and Hybridization in the Mughal Empire

To a fascinating degree, religious and cultural influences, both native and foreign to the Indian subcontinent, competed and shared space with one another during the reigns of Akbar and Jahangir, facilitating large-scale dissemination of non-Muslim customs and sometimes resulting in the splicing of memes from different cultures to form hybrids. Perhaps the most telling example of this splicing can be seen in the use of the

Immaculate Conception to corroborate the divine nature of Akbar's reign. In the official court history of Akbar's reign, the *Akbarnama*, "the chronicler gives... a full chapter on the famous event of the divine impregnation of a Mongol princess, Alanqoa," who, as has already been mentioned, was used to substantiate the genealogical link from Akbar to Chinggis Khan.⁴⁴ The story presented in the *Akbarnama* "seems to be drawn closely after the immaculate conception of Virgin Mary," suggesting Christian and/or Jesuit influence in its arrangement.⁴⁵ However, as one historian notes, "Jesuit inspiration' must remain tentative," as one of the protagonists of the *Mahabharata*, one of the great Hindu epics, also "conceives a son by way of an 'immaculate conception.'"⁴⁶ It would seem that Akbar melded aspects from Christian, Hindu, and Mongol concepts of Immaculate Conception into one, distinctly Mughal melting-pot myth.

The above example demonstrates the influence of both Christianity and Hinduism on the culture of the fundamentally Muslim Mughal court. Under Akbar, the Jesuits were welcomed into court life and allowed to debate religion with Muslim theologians, with Akbar sometimes encouraging the fathers in their attacks on the Qur'an.⁴⁷ By the end of Akbar's reign, the Jesuits had accrued significant amounts of power in the court, to the point that they could impose their European political biases on Mughal decision-making processes. John Mildenhall, an Englishman attempting to secure trade rights for British merchants, recorded the following encounter in his letters:

I demanded of the Jesuites before the King: In these twelve yeeres space that you have served the King, how many ambassadours and how many presents have you procured to the benefit of His Majestie?... Then I said: If it please Your Majestie, I will not onely procure an ambassadour but also a present at my safe returne againe into your countric. Divers other demands and questions were at that time propounded by the King and his nobles unto me; and I answered them all in such sort as the King called his Vice-Roy (which before was by the Jesuites bribes made my great enemy) and commanding him that whatsoever priviledges or commandments I would have hee should presently write them...⁴⁸

Mildenhall, presumably an English Protestant, had trouble securing trading privileges because of the influence of the Catholic Portuguese Jesuits, who—through a combination of religious legitimacy and bribes—had penetrated into Akbar's court. However, with the coming of the English, Akbar's death, and political conflict between the Mughals and Portugal, the Jesuits steadily lost their political influence.⁴⁹

Under Jahangir, the Jesuits' residual presence and the rising influence of the British had profound and lasting cultural consequences. European culture found its way into Jahangir's India primarily through painting. The Jesuits and East India Company officials brought

European paintings with them to Jahangir as gifts; the Mughal emperor became enamored with their style, and had paintings copied by court artists.⁵⁰ European art "profoundly influenced the technique and vocabulary of Mughal painting," to the point that "Mughal painting is much more nearly related in its aims to European Renaissance art than to Asiatic art as a whole."⁵¹ Even Christian imagery found its way into Mughal painting. In one particular piece included in the *Jahangirnama*, *Emperor Jahangir Triumphant over Poverty*, the emperor's crown is held aloft by cherubim, while a figure resembling Jesus lounges on a fish at the bottom of the frame. The penetration of Christian European art into Jahangir's mainly Muslim and Hindu court culture was so thorough that he hung a painting of Jesus to the right of his throne and a painting of Mary to the left.⁵²

European influences were not the only sources of cultural pluralism and exchange in Mughal India; the traditions and practices of Hinduism, indigenous to the subcontinent and patronized by prominent Rajput princes, deeply affected the court cultures of Akbar and Jahangir. In his effort to understand Hinduism on a personal level, Akbar had the *Mahabharata* translated into Persian by Maulana Abdul Qadir Badauni, a "fanatical theologian," and two other Muslim courtiers, renaming it the *Razmnana*.⁵³ These men, who would never have otherwise read the *Mahabharata* and who considered the translation process to be "sinful," were thereby exposed to the precepts of Hindu theology. In his translation, Badauni unintentionally spliced aspects of Islam and Hinduism together, inserting "the concept of the Day of Judgment, which was alien to the Indians who believed in transmigration of souls," into the *Razmnana*.⁵⁴ Akbar also had the *Ramayana*, the other centerpiece of Hindu religious thought, translated into Persian, giving Mughal Muslims a further source for understanding "Indian ethos, customs, mythology, and literature."⁵⁵ Jahangir continued his father's efforts to make Hinduism accessible to Muslims in his realm; he had the *Ramayana* and the *Bhagavad Gita* (the most famous chapter of the *Mahabharata*) translated into Persian again, this time in poetic style.⁵⁶

Toleration and patronization of multiple cultures and faiths as practiced by Akbar and Jahangir left a legacy of its own that continued for decades under subsequent Mughal rulers. The legends surrounding Shah Nur, a Sufi saint, provide a window into this legacy. The cult of Shah Nur (d. 1692) was centered in Aurangabad, a predominantly Hindu city.⁵⁷ With only a limited clientele within range of the city, Shah Nur had to compete with other Hindu and Muslim saints for devotees. Competition in this case took the form of narratives, tales of miracles in which Shah Nur's acts were more powerful and effective than those of other saints.⁵⁸ Rather than painting Sufism as better than Hinduism in broad strokes,

these narratives were designed to paint Shah Nur as superior to saints of any religious persuasion, "advertis[ing] the shrine of Shah Nur as the most effective source of the power over their destinies that was requested by the shrines' clientele in exchange for their regular visits and devotion."⁵⁹ The example of the cult of Shah Nur, a Muslim saint who performed his miracles for both Hindu and Muslim clients, demonstrates that Muslim and Hindu saints were able to compete with one another peacefully on the basis of "merit" under the auspices of the Mughal Empire.

Conclusion

In the traditions of their Mongol ancestors, Akbar and Jahangir—mostly for political reasons—allowed a multitude of religions and cultures to coexist and interact in late 16th and early 17th century India. The Mongols, from Chinggis Khan down to many of the successor states of the 14th century, practiced toleration by allowing free exercise of religion and incorporating key indigenous nobles into their administrations; the Mughals, through Akbar and Jahangir's descendents, continued and expanded upon these policies, fostering a fertile environment for religious and cultural discourse between Muslims, Christians, Hindus, and other peoples of the Indian subcontinent.⁶⁰

Unfortunately, these policies of toleration had a limited shelf life. Today, Pakistan, home of the descendants of his original constituency, rejects Akbar, the emperor who brought much of Southern India under Muslim rule. To the contemporary Pakistani government, Akbar does not fit the nation's canonical Hindu-vs.-Muslim framework. Because he promoted toleration, rather than a distinct "Muslim" identity, Akbar is "ignored and not mentioned in any school textbook from class one to matriculation" in Pakistani institutions.⁶¹ While legacy of the Mongols and the Mughals has been momentarily forgotten in the wake of partisan strife within the region, an understanding of the Mongol legacy of tolerance shows that these seeds of tolerance may still lie dormant in fertile sub-continental soil.

Endnotes

1. The name of the great Mongol conqueror has many spellings across cultures and languages. This paper uses Chinggis Khan, the most commonly used form in modern Mongolia.
2. Who can be considered a Mongol? Is Khubilai Khan's Yuan China considered to be "Mongol"? The Ilkhanate in Persia? The Golden Horde? These questions, if left unresolved, would complicate the argument presented in this paper. For the sake of this argument, "Mongol" will be taken to include the rulers of the Mongol empire at its greatest extent and all of the successor states in these territories through the end of the 14th century.
3. Beatrice Forbes Manz, "Tamerlane's Career and Its Uses," *Journal of World History* 13, no. 1 (2002), 1.
4. *Ibid.*, 15; Jack Weatherford, *Ghenghis Khan and the Making of the Modern World* (New York: Crown Publishers, 2004), 253; Ruby Lal, "Settled, Sacred and All-Powerful: Making of New Genealogies and Traditions of Empire under Akbar," *Economic and Political Weekly*, 36, No. 11 (2001), 942.
5. Manz, "Tamerlane's Career," 9-10.
6. "Murtibi," *Conversations with Jahangir*, 30.
7. Lisa Balabanlilar, "Lords of the Auspicious Conjunction: Turco-Mongol Imperial Identity on the Subcontinent," *Journal of World History* 18, No. 1 (2007): 9.
8. "Murtibi" al-Asamm Samarqandi, *Conversations with Jahangir*, trans. Richard Foltz (Costa Mesa, CA: Mazda, 1998), 19; Jahangir, *The Jahangirnama: Memoirs of Jahangir, Emperor of India*, ed. Wheeler M. Thackston (New York: Oxford UP, 1999), 68, 76. "Murtibi", a visitor to Jahangir's court from Samarqand, tells an interesting story of his first meeting with Jahangir. Jahangir promises to give "Murtibi" four presents: spending money, clothing, a riding horse, and a slave-boy. In presenting this story, "Murtibi" connects Jahangir's four gifts to a test that Timur gave to one of his courtiers, wherein Timur promised the courtier four gifts if he could guess what the gifts were.
9. Balabanlilar, "Lords of the Auspicious Conjunction," 6.
10. Weatherford, *Ghenghis Khan*, 253.
11. Jahangir, *Jahangirnama*, 61.
12. *Ibid.*, 26.
13. *Ibid.*, 61.
14. Jahangir, *Jahangirnama*, 57-58.
15. Balabanlilar, "Lords of the Auspicious Conjunction," 10.
16. *Ibid.*
17. Weatherford, *Ghenghis Khan*, 233.
18. Corinne Lefevre, "Recovering a Missing Voice from Mughal India: The Imperial Discourse of Jahangir (R. 1605-1627) in His Memoirs," *Journal of the Economic and Social History of the Orient* 50, no. 4 (2007): 463.
19. Christopher P. Atwood, "Validation by Holiness or Sovereignty: Religious Toleration as Political Theology in the Mongol World Empire of the Thirteenth Century," *The International History Review* 26, no. 2 (2004), 246.
20. *Ibid.*, 238.
21. *Ibid.*, 242, 248. Here, one must distinguish between freedom of exercise and state-granted exemptions. Peoples of almost any religion enjoyed free exercise; only the clergy of those that served a political purpose for the Mongols received special government exemptions. *Ibid.*, 247
22. Weatherford, *Ghenghis Khan*, 200.
23. *Ibid.*, 203
24. Vincent A. Smith, "Akbar's 'House of Worship,' or 'Ibadat-Khana,'" *Journal of the Royal Asiatic Society of Great Britain and Ireland* (1917), 716, 722.
25. Lal, "Settled, Sacred and All-Powerful," 953.
26. Hugues Didier, "Muslim Heterodoxy, Persian Murtaddun and Jesuit Missionaries at the

- Court of Kin Akbar (1580-1605)," *The Heythrop Journal* 49 (2008), 913.
27. Paul Jackson, "Jesuits at Akbar's Court," *The Journal of Sophia Asian Studies*, No. 12 (1994), 205.
28. Didier, "Muslim Heterodoxy," 907.
29. *Ibid.*, 912.
30. *Ibid.*, 906, 914.
31. John Keay, *India: A History* (New York: Harper Collins, 2000), 313; Lal, "Settled, Sacred and All-Powerful," 952.
32. Keay, *India: A History*, 313.
33. Lal, "Settled, Sacred and All-Powerful," 955.
34. Lefevre, "Recovering a Missing Voice," 463.
35. The *Jahangirnama* is rife with examples of Jahangir's drinking. For one poignant example, see the following poem written by Jahangir in 1609 (all references to "you" are references to Jahangir): "What am I to do now that your arrow of grief has penetrated my heart? Before the evil eye arrived one comes before the other./ You strut drunk, and the whole world is intoxicated by you... It is time to admit helplessness, Jahangir. Offer your head in hopes that a spark of light may come to help" (103). For further evidence of Jahangir's drinking, see *Jahangirnama*, 26, 262, 247.
36. *Ibid.*, 209, 313; John Mildenhall, "1599-1606," *Early Travels in India*, ed. William Foster (London: Oxford UP, 1921), 55.
37. Jahangir, *Jahangirnama*, 53
38. *Ibid.*, 250-51
39. Lal, "Settled, Sacred and All-Powerful" 953; Jahangir, *Jahangirnama*, 93, 147, 19.
40. For examples, see *Ibid.*, 231, 96, 105.
41. William Finch, "1608-11," *Early Travels in India*, ed. William Foster (London: Oxford UP, 1921), 154.
42. William Hawkins, "1608-13," *Early Travels in India*, ed. William Foster (London: Oxford UP, 1921), 82.
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44. Lal, "Settled, Sacred and All-Powerful," 942.
45. *Ibid.*
46. *Ibid.*, 943.
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49. Nicholas Withington, "1612-16," *Early Travels in India*, ed. William Foster (London: Oxford UP, 1921), 191-192. In 1613, the Portuguese, out of frustration at the rising position of the English in Mughal politics, seized one of Jahangir's biggest trading vessels. In retaliation, Jahangir laid siege to the Portuguese town of Daman and closed the Jesuit church in Agra.
50. Maurice S. Dittman, "The Emperor Jahangir, Connoisseur of Paintings," *The Metropolitan Museum of Art Bulletin* 2, No. 6 (1944), 200.
51. Wheeler M. Thackston, "Translator's Preface," preface to *The Jahangirnama: Memoirs of Jahangir, Emperor of India*, by Jahangir (New York: Oxford UP, 1999), xxiv; A. K. C., "Mughal Painting (Akbar and Jahangir)," *Museum of Fine Arts Bulletin* 16, no. 93 (February 1918): 2.
52. Finch, "1608-11," *Early Travels in India*, 184.
53. M. Athar Ali, "Translations of Sanskrit Works at Akbar's Court," *Social Scientist* 20, No. 9/10 (1992), 41.
54. *Ibid.*
55. Maqbool Ahmen Siraj, "India: A Laboratory of Inter-religious Experiment," *Religion and the Arts*, no. 12 (2008): 321.
56. *Ibid.*, 325.
57. Nile Green, "Oral Competition Narratives of Muslim and Hindu Saints in the Deccan," *Asian Folklore Studies* 63, No. 2 (2004), 224.

58. *Ibid.*, 225-226.

59. *Ibid.*, 227-28.

60. This paper has been a high-level examination of the persistence of the Mongol legacy, a topic that has not received adequate attention in the historical literature. More in-depth primary source research would be necessary to solidify this argument as a true testament to the Mongols' global impact on history; however, this preliminary study indicates that there are historical parallels that can be drawn between the Mongols and their distant descendant states.

“[RAPE’S] SERIOUSNESS OUGHT NOT BE
AFFECTED IF BOTH ARE COLORED”:

INTRARACIAL RAPE CASES IN THE *BALTIMORE AFRO-AMERICAN*,
1920-1929

JESSICA MOORE

Given the fascination with interracial rape as a flashpoint of race relations in the history of the United States, it is not surprising that intraracial rape has been, and remains, understudied. An extensive literature has focused on the historical construction of the black male rapist, the rise of vigilante violence, lynching, and the resulting anti-lynch campaign. Furthermore, while scholars like Sharon Block and Martha Hodes present different arguments on the historical moment that rape became racialized, both agree that the image of the black man as a sexual threat to white women is a predominant image of rape entrenched in the American understanding.¹ At its core, the black rapist myth fostered the idea that black men possessed avacious sexual appetites stemming from an obsession with the sexual possession of white women. Other scholars like historian Howard Zinn, however, have demonstrated the image of the black rapist was primarily a myth used to justify violence against black men in order to maintain a racial hierarchy of white superiority.²

In regards to black women, their sexuality has been emphasized and they were historically perceived to be constantly sexually available; these assumptions justified the sexual violence enacted against them by white men. Less historical scholarship draws attention to the experiences of black females as objects of rape; instead, much of the work produced focuses on interracial sexual relationships between black women and white men, particularly the confusion surrounding the mixed race products of their relationships.³ Intraracial rape within the black community has not received the historical attention that it warrants. This study examines a historically black newspaper, the *Baltimore Afro-American*, and constructs a profile of the black female victim of rape as displayed by the black press during this time period based on information drawn from fifty different articles. Focusing on black women within the context of intraracial rape provides a unique opportunity to not only view the intersection of race and gender (and to a lesser extent class), but also gives insight into how the profile of the black female victim was constructed by the black press.

Baltimore was one of many final destinations during the Great

Migration (1910-1930), the mass movement of six million blacks from the racism, violence and limited opportunity of the South to a better life in the North. Other cities, including Chicago, New York, Philadelphia, and Pittsburg, among others, also saw tremendous growth in their black populations and established black-owned and -produced media publications. However, this paper's focus is limited to Baltimore and the *Baltimore Afro-American*. Founded in 1892, the *Baltimore Afro-American* was one of many newspapers that represented the voice and concerns of the black community. Given their identity as a black paper, the contributors and editors were certainly aware of the prevalent negative stereotypes circulating about black sexuality. In addition to their obligation to journalistic integrity, it is likely that the reporters and editors felt a sense of solidarity with individuals of their own race and were aware of how the actions of one affected the reputation of all. While the paper reported both interracial and intraracial rape, evidence shows that the newspaper treaded more carefully when reporting on cases of intraracial rape and took precautions not to confirm stereotypes of the wild, vicious black male rapist or the lascivious, promiscuous black jezebel.

All of the quotes and stories included in this paper are drawn from my research of *Baltimore Afro-American* articles printed 1920 and 1929. In cases where the race of the victims and perpetrators were unnamed, these individuals are assumed, based on the context of the paper, to be black. Not only do the writers of the *Baltimore Afro-American* explicitly categorize the racial identity of the victim or perpetrator when he or she is white, but many of the cases in which an accusation of rape was brought by a black man against a white woman ended either in a lynching, life sentence, castration, or a deadly combination of the three. On the other hand, cases involving an accusation of rape brought by a black woman against a white man were rare. The few that surfaced during my research highlighted the race of the male perpetrator, perhaps as a show of solidarity with scholars and anti-rape activists like Ida B. Wells, Booker T. Washington, W.E.B. Du Bois, and others who deconstructed the myth of the black rapist by providing proof that white men raped as well.

Examining the profile of the black female victim during this historical moment offers a rich opportunity given the many transitions that took place within both the black community and the United States as a whole. In addition to the Great Migration, the 20s and 30s were marked by massive cultural movements, like the Harlem Renaissance, the emergence of the New Woman and new, nontraditional ideas of femininity. In light of changing notions of respectability and an increased expression of sexuality, classifying cases of sexual coercion remained difficult. In an article on the role of the white press in portrayals of sexual violence, Stanford professor Estelle Freedman discusses how the overall age of rape victims from 1870

to 1900 decreased, with a wide gap between the ages of black and white victims.⁴ Historian Stephen Robertson speaks to how rape increasingly became understood as a crime against children, both female and male.⁵ On one hand, the successful reformation in the age of consent law forbid girls under 14, 16 or 18, depending on the state, from giving sexual consent where as before the age of consent had been ten.⁶ Thus, by virtue of their age, young women and girls were defended by law when sexually involved with men. On the other hand, many young women interacted more frequently with men given their greater participation in the labor market. As a result, substantiating claims of rape became much more difficult for older girls and women. A combination of these and additional factors caused the age of female victims or rape, both black and white to decrease during the early part of the nineteenth century.

In an active effort to counter the stigma and hypersexual stereotype attached to black women's sexuality, the *Baltimore Afro-American* focused disproportionately on the youth and the innocence of the victims of rape. While the newspaper does include the experiences of some black women whose situations fit neatly into the stereotypes of black sexuality in mainstream society at the time, victims of rape were infantilized by drawing attention to their age, the seemingly innocent situations in which they were exploited, in rare cases, their underdeveloped mental ability and the unequal balance of power between black men and black women. In articles that included the age of the victims, the girls were overwhelmingly young, many under sixteen. One particularly disturbing case recorded the experience of a girl as young as three.⁷ Headline after headline emphasized the age and the innocence of the victims of sexual abuse: "Given 15 Years for Rape on 13-Year Old Girl," "Man Accused of Raping 14 Year Old Girl," "Gets 15 Years for Rape: Man Lured 10 Year Old Girl to Home Before Brutal Assault on Pretense of Sending Her on an Errand," and "Sentenced 15 Years on Rape Charge: George Thomas Convicted on Assault of Seven-Year-Old Child."⁸ These articles referred to the victims as "child" or "girl" to draw attention to their childhood and the sexual obliviousness. The youth and innocence of the girls is further juxtaposed against and enhanced by the various ways that their perpetrators are described. In over fifty percent of examined cases, the virtue of the female victims was stolen by "men" not "boys" or "youth." Other cases feature younger black male perpetrators, whose youth is emphasized as well, perhaps with the ulterior motive of debunking the inherent sexual drive of the black rapist and instead emphasize the delinquency and ignorance of these youth.

Furthermore, portrayals of the alleged assaults against young black girls emphasized the ways in which innocent victims were taken advantage of. Thirteen-year-old Hazel Morgan, on her way to the store to buy an orange, met Branch Rollins, who claimed to know her sister, and upon

gaining her trust, "took her by the arm and pulled her from the sidewalk into the basement door which led directly off the street." On another occasion, two sisters, Minnie and Brighta Wallace, 15 and 17 respectively, were out collecting cinders when they were approached by a group of three boys who insisted on following them and "when they cleared a railroad culvert seized the two older ones and dragged them out of sight."¹⁰ Young black girls walking home from school along the railroad track were met by boys who were "lying in waiting for them," "lured into the rear of 1429 Pennsylvania Avenue with a promise of ten cents" like eleven-year-old Agnes Hall or "taken into the basement of the shop" where nine-year old Rebecca Nicholson was raped.¹¹ Even in cases when black girls, like eleven-year-old Naomi Flippen, refused to accompany black men to isolated spaces, it was of no use as their perpetrators, in this case, John Wolfe "took her bodily up the stairs where he is alleged to have committed the assault."¹² The similarly graphic case of George Thomas, who "induced the mother to leave the house to purchase some provisions, and while she was absent carried out the attack" against seven-year old Julia Smith, illustrates the newspaper's emphasis on the helplessness of young black female victims, many of whom were powerless against the black men who schemed to exploit them.¹³

While the immaturity of the black victims and the exploitative situations they found themselves in characterize many narratives, a few rare and extreme cases concerning the experiences of the mentally disabled epitomized the infantilization of black female victims. In the title of one article, thirteen-year-old Margaret Carter was described as "Paralyzed, She Cannot Talk; Has Mind of 2-Year Old Infant." The act committed by Hampton Harris, age 57, was made all the more atrocious because "she was powerless to make even a noise while the crime was being committed."¹⁴ Although Carter was stripped of her agency by virtue of her mental condition, other articles within the *Baltimore Afro American* projected vulnerability and defenselessness onto the black female profile as well. One article indirectly draws the link between young black girls and black girls/women with mental handicaps with the title "Three Men Held in Assault Cases: One Victim an Imbecile; One Aged 10 and the Other 8 Years." The specific grouping of these three cases seems to suggest commonalities among them. Although the age of the Ida Jones, the mentally disabled black woman is not included in the article, one might infer that her mental state was comparable to Delmar Smith or Sarah Ann Street, the eight and ten year olds.¹⁵ This article draws attention to the sexual vulnerability of the black, female victim due to her age and underdeveloped mental reasoning. This theme resonates with the press' tendency to repeatedly stress the victimization of young black women, rather than any possible complicity.

For other black women whose sexual purity was more questionable,

like older or married women, the press emphasized specific details to affirm their victimhood. In a handful of cases whose victims were older black women, the portrayal drew attention to the violence committed. For women who did not confirm to the stereotype, the newspaper affirmed their victimhood by emphasizing how these women were exploited in seemingly harmless situations. "Pretty Miss Maud Brown" stopped by to visit her sweetheart, who was a boarder at Cecil Johnson's house. Upon arriving, Johnson told Brown that her boyfriend was lying down on the second floor of the house; assuming that he was injured and in need of help, Brown went to the room and was followed by Johnson who "fastened the door, dr[ew] a gun and forced himself upon her."¹⁶ In another case, under the pretext of providing information about employment opportunities, Richard White led Mrs. Amanda Hebron to the promised place of employment using a short cut. Upon successfully isolating her from the public, White "criminally assaulted her and made his escape." He later successfully utilized the same tactic on Mrs. Helen Hendersen.¹⁷ Taking advantage of the ride offered to her by Burnett Gans and Ralph Richards, Mrs. Hazel Lee got into the car, only to be taken to a secluded place where they raped and robbed her.¹⁸ The provision of specific information and details in order to establish the credibility of the black rape victims reoccurs through many of the articles featuring both young and older black women.

Rape cases in the *Afro-American* also included older women who were involved in consensual but socially forbidden relationships. Those who knew better and were aware of the gravity of their actions but unwilling to accept the consequences and unable to claim innocence like younger girls, used rape as a tool to exculpate themselves. When Mrs. Arnelia Woolford's husband discovered an unfamiliar hat in their bedroom, he questioned his wife, who accused Sidney Smith of breaking in and assaulting her. However, Smith testified Mrs. Woolford had invited him to her home, and when he was hurried away, took the wrong hat by mistake.¹⁹ Like Woolford, Mrs. Nettie Tripp tried to accuse William Clark of rape. By describing the furniture of her parlor, Clark was able to establish his familiarity with her and the consensual nature of their relationship.²⁰ Both Woolford and Tripp fell into the category of women, who out of fear of discovery claimed that their affairs were not consensual. These cases confirmed the widely held stereotype that women, especially black women, were sexually promiscuous and when caught, would claim rape. In addition to fearing of discovery, black women risked being accused and found guilty of framing black men out of revenge. After an argument with his wife because of her attraction for another man, Milas Adams was accused of "assaulting and attempting to rape his step-daughter, Lucy Hunt, age 16."²¹ Although cases in which the stereotype of the manipulative, adulterous black female were

rare, they provide evidence that adds nuance to the profile of the young, innocent naïve black female victim. Acknowledging these cases was necessary for the *Baltimore Afro-American* as denying their existence would decrease its legitimacy but the rarity of these cases reinforces the goal of the press to emphasize black women as victims of events which occurred under sexual coercion.

In order to combat the negative stereotypes of the black jezebel, the *Afro-American* emphasized the physical and mental inferiority of the victims. When Mrs. Psyche Morrow accused Reverend J.R. Jones of rape, the article went so far to describe the weight and the consequences of the act, "the minister is perhaps a man of 160 pounds, while Mrs. Morrow weighs less than 100 pounds...the minister forcibly pulled her into his arms and ferociously hugged and attempted to kiss her...after the attack, Mrs. Morrow had to be confined to bed under the care of her physician."²² Certain details, like the fact that Reverend Jones outweighed Mrs. Morrow by sixty pounds and could have easily overpowered her, helped substantiate the claim of rape of black women.

Often, perpetrators were black men in positions of authority who exploited the unequal power balance and forced black girls to service them sexually. Reverend R. A. G. Hunter forced thirteen-year-old Josephine Mankin to live with him and his wife and later sent her home when it was discovered that she was pregnant. While in childbirth, Josephine revealed that Reverend Hunter was "responsible for her condition."²³ Another story featured Reverend James Walton, a self-styled "prophet" who interpreted the visions of Beatrice Jones, 13, and told her that if she did not obey his demand that they procreate, she would go to hell. The article goes on, "Although the terror of impending motherhood had lifted the veil of religious fervor and awakened the girl to tragic fate into which she had fallen, she still seemed dazed as she told her story on the witness stand."²⁴ In this instance, Jones was thoroughly manipulated and entranced by Reverend Walton. And she was not alone considering that five other black girls were willing to testify that they were also coerced into a sexual relationship with Walton. These black men exploited the power they possessed as men and, in this case, as professionals, to place young, defenseless black girls into situations in which they could take advantage of them.

Though some black women were victimized in order to add credibility to their claims of rape, both the accused and the defense attorneys worked furiously to slander the legitimacy of the black girls and women who brought them to court, frequently by evoking negative stereotypes. Evidence emerged that twelve-year-old Annie Yorker, who accused black blind veteran Fred Hines of raping her, may have been motivated to exact vengeance on Hines because he refused to give her whiskey when she demanded it. In the closing argument, the defense attorney "denounced 'little colored alley urchins' who concoct plans to destroy the reputation

of good men."²⁵ Hines was found not guilty. Character defamation was a tactic regularly used against white women who sought to send white men to prison under charges of rape.²⁶ By besmirching the character of the black women and girls who brought charges against them, black men attempted to refocus the social microscope on the lives of the girls and divert attention from themselves.

Despite the prevalence of the myth of the stranger rapist, many of the victims knew the men who raped them, as other scholars have emphasized.²⁷ Ten-year-old Ruth Harris charged William H. Henson of rape but "evidence produced by the defense showed that the girl, despite her age, had been in company with these two and other men before."²⁸ Harris' case and others illustrated the prevalence of acquaintance rape, which actually occurred more frequently than stranger rape. Indeed, roughly seventy-percent of the cases examined contained charges of rape between young black girls and women and black men in their lives. When sexual activity of the black girls became evident, usually in the form of pregnancy or trauma from rape, many of the clandestine sexual relationships were exposed. Thirteen-year-old Sarah Curtis had been in a sexual relationship with Raymond High for over two years and "during that time...High had assaulted her on several occasions, each time using a weapon and threatening to kill her if she told. The sexual encounters between Curtis and High became public once Curtis' mother discovered that her daughter was pregnant."²⁹ Some desperate young black women, like fourteen-year-old Roberta Goodman, incriminated all black males in her acquaintance: her foster father, his son and another married man upon learning that she was expecting. Her tactic failed miserably as it bewildered both the judge and jury and led to discussion of her being housed in a mental facility.³⁰ Another pregnant girl, sixteen-year-old Lucille White, blindly followed the instructions of her sister and wrongfully charged her brother-in-law with rape.³¹ As demonstrated by the case of Sarah Curtis, the *Baltimore Afro-American's* emphasis on the desperation of these young black women stresses their powerlessness in situations in which they knew their aggressors.

Examining the subject of interracial rape as presented by a historically black newspaper, the *Baltimore Afro-American* complicates traditional characterizations of black men and black women involved in sexual coercion. In a way, the newspaper's representations reflect an acute consciousness of perceptions of black sexuality within American society. Because black women were assumed to be inherently hypersexual and promiscuous, they needed to prove beyond a reasonable doubt that rape had occurred. Emphasizing the innocence of the victim given her age, mental ability, or good intentions, as well as the manipulation and force utilized by the black perpetrator, the newspaper provided evidence to combat stereotypes that denied black respectability. The *Baltimore*

Afro-American navigated the very sensitive territory of rape to defend the morality of black women. Although there are cases that reinforce negative stereotypes of black female sexuality, overwhelmingly, the reports directly challenge these stereotypes. These articles serve as a counter-narrative that emphasize the possibility that black women were victims of coerced sexual acts, even at the expense of black men by confirming the myth of the black rapist. In this historical moment captured by the *Baltimore Afro-American*, the sexual personalities projected on black women by the newspaper gave them the ability to reshape and reclaim black womanhood.

Endnotes

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8. "GETS 15 YEARS FOR RAPE: Man Lured 10 Year Old Girl To Home Before Brutal Assault on Pretense of Sending Her on An Errand ALIBI BRERKS DOWN Girl Tells of Horrible Struggle To Save Her Honor In Mans Room," June 27, 1924; "RAPIST GIVEN 15 YEARS IN 'PDN': GIVEN 15 YEARS FOR RAPE ON 13 YEAR-OLD GIRL. Branch Rollings Narrowly Escaped Death Sentence For Serious Crime TESTIMONY CONCLUSIVE Story of Girl Unshaken, While Accused Wavers After Consulting Atty," March 30, 1923; "SENTENCED 15 YEARS ON RAPE CHARGE: George Thomas Convicted Of Assault On Seven Year Old Child WAS BOARDER Had Threatened Victim With Death If Accused," October 27, 1928.
9. "RAPIST GIVEN 15 YEARS IN 'PDN': GIVEN 15 YEARS FOR RAPE ON 13 YEAR-OLD GIRL. Branch Rollings Narrowly Escaped Death Sentence For Serious Crime TESTIMONY CONCLUSIVE Story of Girl Unshaken, While Accused Wavers After Consulting Atty," March 30, 1923.
10. "3 BOYS HELD FOR RAPE: 3 YOUTHS HELD WITHOU'I BAIL FOR CRIME Arrest Follows Hunt of Six Days by Northwestern. Police for Assailants of Two Girls SISTERS TELL STORY Dragged Into Culvert, They Say, as They Picked Cinders Near B. & O. Tracks," October 12, 1923.
11. "SPORT OF ALL SORTS: BAD HEADLIGHT LEADS TO ARREST OF THIEF Police Nab Man Who Stole Auto After Single Glare Attracts Attention CLAIMS HE WON CAR IN GAME OF CRAP Conflicting Stories Told By William Carter Get Him Held For Court Under Bail," May 1, 1926; "FREE THREE MEN OF RAPE CHARGE: Lack Of Evidence And Testimony By Girls Cause Not Guilty Verdict GIRLS UNDER TWELVE Charge Is They Were Lured To Cellar," November 12, 1927.
12. "SENTENCED 15 YEARS ON RAPE CHARGE. George Thomas Convicted Of Assault On Seven Year Old Child WAS BOARDER Had Threatened Victim With Death If Accused," October 27, 1928.
13. "Prominent Lodge Woman Dies Here," August 18, 1928.
14. "THREE MEN HELD IN ASSAULT CASES: One Victim an Imbecile; One Aged 10 and the Other 8 Years," August 10, 1923.
15. "ATROCIOUS ACT LEADS QUICKLY TO ARREST: Hampton Harris, 57, IS Held Charged With Rape of 13-Year Old Child VICTIM AN IMBECILE Paralyzed, She Cannot Talk; Has Mind of 2 Year-Old Infant," December 7, 1923.

16. "GOOD MORNING JUDGE (D. C.): WINS FREEDOM," January 28, 1928.
17. "GETS FORTY YEARS FOR DOUBLE RAPE: Richard White Draws Heavy Sentence For Criminal Assaulting Two Women MAN LURED WOMAN TO LONELY SPOT," February 13, 1926.
18. "WOMAN CHARGES RAPE AFTER ACCEPTING OFFER OF LIFT: ACCEPTED LIFT, SHE CHARGES RAPE Mrs. Hazel Lee Accuses Two Autoists Who Offered Her A Ride TOOK HER IN COUNTRY Police Capture Armed Men Near Chesapeake Junction," September 15, 1928.
19. "TELL TALE HAT GETS MAN HELD FOR RAPE: Husband Finds Friend's Hat In Mate's Bedroom She Tells Story Of Assault," April 3, 1926.
20. "Talks Way to Freedom by Describing Function In Woman's Parlor," December 22, 1922.
21. "PROVIDENT HOSPITAL STAFF LIST NOT READY," November 10, 1928.
22. "PASTOR TICKLED THE PALMS OF HIS PARISHONERS: Congregation of N. C. Episcopal Church Dwindled From 150 To Six RAPE CHARGE LAID Respected Member Says He Ferociously Hugged And Kissed Her," December 27, 1924.
23. "PASTOR HELD UNDER BOND OF \$5,000: Accused of Rape Upon Fourteen-Year-Old Girl, Who Has Since Died With Her Infant FEELING AGAINST HIM Court Permits Case To Be Moved From Charles to Prince Georges Co.," December 14, 1923.
24. "'SIX GIRLS MAY ACCUSE 'PROPHET': PREACHER SAID LOVE BABY WAS LIKE VIRGIN'S Told Girl She Would Go to Hell if She Didn't Bear Him Child. GIVEN TWO YEARS Rev. James Walton Admits Parentage," September 21, 1929.
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28. "MAN GIVEN 3 MONTHS ON GIRL'S CHARGES: Ten Year Old Admits Accompanying Men To House To Get Movie Money," June 23, 1928.
29. "MAN, 52, SLAPPED GIRL SLAIN BY LOVER: Charles Sewell Dies From Fractured Skull After Severe Beating By Young Man TROUBLE STARTED NEAR FOOT OF BROADWAY Police Claim Slayer Was Member of Party Out For Nights Outing," June 12, 1926.
30. "WHOLE FAMILY ACCUSED IN GIRL'S CASE: Foster Father, His Son And Another Married Man In Puzzling Evidence JUDGE. BEWILDERED, ACQUITS ACCUSED Gaston Bell, Accused By 14 Year Old Expectant Mother Is Set Free," March 12, 1927.
31. "GIRL SAYS SHE FRAMED HER BROTHER-IN-LAW [sic]: Sister and Brother Made Her Accuse Him of Rape, She Admits. DREAM THREAT Man's Wife Frightened Her With Dream," September 28, 1929.

LA MESA DE DIÁLOGO
NATIONAL RECONCILIATION IN POST-PINOCHET CHILE

JESSIE AUBRY

La Avenida Once de Septiembre, or September 11th Avenue, cuts through the busy center of Providencia, an upper middle class neighborhood in Chile's capital city. In Chile, September 11th refers not to that 2001 day now infamous in American history, but to September 11, 1973, when the Chilean Armed Forces overthrew the democratically elected government of socialist president Salvador Allende. The coup ushered in sixteen years of military dictatorship—first under the rule of a military junta, and then under General Augusto Pinochet—characterized by gross human rights violations, a culture of fear, and the consolidation of power in the armed forces. The regime detained, tortured and murdered thousands during the 1970s, the most repressive period of the dictatorship. An increasingly vocal opposition movement grew in response to these tactics and by the late 1980s had forced concession from the regime in the form of limited democratization, leading to a national plebiscite in 1988 in which the Chilean people voted to end Pinochet's rule. Chile held democratic elections the following year, resulting in the victory of Christian Democrat Patricio Aylwin. But as the first democratic leader following Pinochet's regime, Aylwin faced a challenge common to leaders of countries with traumatic pasts: balancing the need for national healing with the reality that an issue as politically divisive as Chile's dictatorship meant potentially tearing the fledgling democracy apart. Pinochet's continued presence as Commander in Chief of the Army until 1998 and as senator for life thereafter made Aylwin's, and later President Eduardo Frei, Jr.'s, task of reconciliation all the more difficult.

This essay aims to understand the politics behind Chile's three official efforts to achieve national reconciliation under its first two democratically elected administrations. It begins with an examination of Chile's Commission on Truth and Reconciliation of 1990-91, the Corporation on Reparation and Reconciliation of 1993-4, and finally, the Roundtable of 1991-2001. The Roundtable provides a useful lens through which to examine the trajectory of Chile's efforts to heal from its traumatic past and to conduct an evaluative analysis of these efforts. The paper begins with a brief overview of the period of dictatorship. An evaluation of Chile's Commission on Truth and Reconciliation and Corporation on Reparation

and Reconciliation, as well as the presidencies of Patricio Aylwin and Eduardo Frei, Jr., follow. When viewed in conjunction, official efforts at reconciliation and the events of Aylwin and Frei's presidencies permit an understanding of the successes and failures of truth commissions in Chile relative to other factors, namely the judiciary. Finally, the contextualization of the Roundtable provides further insight into the trajectory of Chile's efforts at national reconciliation. Through the Roundtable, both a continuation and departure from past policies, the paper attempts to understand the success of all three truth commissions in Chile.

Chile Under Pinochet (1973-1990)

An understanding of post-dictatorial reconstruction in Chile necessarily requires a cursory understanding of the significant themes of the period of dictatorship.¹ In any study of Chile under Pinochet or post-dictatorial Chile, it is essential to consider the support Pinochet enjoyed during his rule as well as his complex legacy. Salvador Allende's Popular Unity government barely won the election of 1970, and despite his lack of support in the Congress or real mandate, he embarked on an ambitious socialist plan. In the face of increasing economic chaos, the result of deficit spending and rapid wage increases, the administration lost the support of the traditional political elite and turned to decree powers to enact policy.² Chilean businesses collapsed. Investors fled the country. Food shortages were common and inflation skyrocketed. By 1972, the center-left Christian Democrats, who had agreed to back Allende in the election of 1970, had abandoned him totally.³ As a result, despite the widespread condemnation of Pinochet's rule, the 1973 military coup and subsequent military junta enjoyed support even from Christian Democrats.

Following the democratization process that began in the early 1980s, Chileans would remember the tumultuous years under Allende from 1970-73 with fear and credit Pinochet with instituting the programs that saved Chile from economic chaos. Even Patricio Aylwin, the Christian Democratic candidate in the 1989 plebiscite, espoused many of Pinochet's economic reforms.⁴ This tension would emerge constantly during the 1990s, as human rights advocates attempting to achieve justice for Pinochet's many victims encountered resistance from supporters who often chose to ignore that record or viewed it as collateral damage.

Though a military junta of four generals ostensibly governed the country and divided areas of policy between them after the coup, General Pinochet quickly began to maneuver to gain greater control of the government. He convinced the junta to name him chief executive, and it was a short step from there to Supreme Chief of the Nation and then on to President of the Republic.⁵ Through a process that one scholar has termed "neopatrimonialism," Pinochet then vested supreme power in himself by

reducing his supporters' political autonomy through the establishment of ties of loyalty and dependence. Constant purges of the military command and even his own government allowed him to stave off dissent within the military and kept himself as its most vocal and visible representative to the Chilean people. Only when he sensed the imminent end of dictatorship did Pinochet cease to distance himself in this way from the military.⁶ Even after the end of dictatorship in 1990, this ability to consolidate power would make the task of diminishing Pinochet's presence and influence in Chile nearly impossible.

As was the case in many Latin American dictatorships, Chile's Directorate of National Intelligence (DINA), the military junta's secret police, relied especially on disappearance as a tactic to spread fear and intimidate opponents of the regime, thereby consolidating Pinochet's hold on the nation. Around one thousand Chileans were "disappeared," including members of the Movement of the Revolutionary Left (MIR) and the Communist and Socialist parties. The effects linger even today. Sola Sierra is president of Chile's largest victims' association; her husband was disappeared in December 1976. "People were afraid that if they spoke [about disappeared family members], if they said anything, they could be arrested and become one more disappeared person... [The government] wanted to crush the families."⁷ Much later, when families must legally declare a loved one dead though no body was ever found, they cannot "recover because they feel as if, because they are the ones that filed the death certificate, they actually killed the person. They feel responsible because of the fact that they have had to assume that he is dead and to declare him presumed dead."⁸ Psychologists and sociologists who have studied the phenomenon on a large scale have come to similar conclusions, that it is this destructive legacy of a continuing crime that makes it so devastating.⁹ For this reason, identifying the disappeared and finding their bodies became a major effort of reconciliation efforts during the 1990s.

Disappearance was not the only human rights violation that took place in Chile during this period. Immediately following the 1973 coup, the DINA detained and tortured thousands of Chileans in Santiago's National Stadium. Once Pinochet established his rule, the horrors continued. At its height during the mid-1970s, the DINA operated dozens of secret detention centers and deployed up to 4,000 agents. They employed both physical torture, including electric shock, and psychological torture, including forcing parents to listen to tapes of their children spliced with screams of agony.¹⁰ Victims often denounced their friends and colleagues and agents were sometimes successful in coercing victims to become collaborators of the military regime. Pinochet, and his supporters in the military and general population, consistently refused to acknowledge any human rights violations committed by his government. To protect himself and his regime

from future prosecution, in 1978 Pinochet issued an amnesty decree, which covered crimes committed by the regime between September 11, 1973, and March 10, 1978, claiming it would promote "national reunification" between the military government and its leftist opposition. The decree would prove an impediment to justice for the rest of the dictatorship and during the 1990s.¹¹ Even when the administrations of the 1990s wanted to prosecute members of the military dictatorship for human rights violations, the amnesty decree prevented them from doing so, diminishing the political will to seek justice and angering victims and their families.

Even in the face of the amnesty decree of 1978, scholars, lawyers and victims criticized the Chilean judiciary for its lack of vigor in pursuing human rights cases. It is true that the administration and the DINA regularly avoided court orders and the administration most likely would have, at least, removed judges who pursued human rights cases, but at the same time justices rejected petitions to protect prisoners and deflected claims brought to them.¹² This failure can be attributed partly to judges' conservatism, encouraged by the Allende years, and also to a very literal reading of laws that ignored intent or context, a method of analysis taught in the Chilean legal education system.¹³ This method of legal reasoning would also become relevant during the 1990s, when justices struggled with their ability to circumvent legal barriers and afford justice, especially in light of the amnesty decree of 1978.

The road to democracy in Chile began in the early 1980s and culminated in the election of Patricio Aylwin, a Christian Democrat, in elections held in 1989. In 1983, large-scale popular protests had erupted against Pinochet, especially among labor groups, and the opposition began to organize itself more publicly. Eleven political parties, representing the Catholic Church, the right and the left, signed an accord in August 1984 calling for free elections before 1989. Meanwhile, Chile came under increasing international pressure for its human rights record, including from the Reagan administration in the United States.¹⁴ Pinochet's response was far from conciliatory; rather, he tightened control until increasing unrest and international pressure finally forced him to introduce limited democratization. On October 5, 1988, in a national plebiscite sponsored by the regime, voters rejected another term for Pinochet. Though forty-three percent of the population had voted to give Pinochet another term, he did not run in the subsequent elections held in December 1989. Instead, his government chose Hernán Büchi Buc, a former finance minister, to run against Christian Democrat Patricio Aylwin. Aylwin won, and the Coalition of Parties for Democracy (CPD)—a coalition of center-left parties to which the Christian Democrats belonged—gained a majority in the lower chamber and nearly half the upper chamber of the Congress—thus ended the Pinochet era in Chile's history.¹⁵

The Return to Democracy: Chile in the 1990s

Chile is a unique case among Latin American dictatorships, as Pinochet retained a good deal of political power even after the 1989 elections technically ended his rule. Through the government's 1980 constitution and 11th hour decrees, Pinochet remained Commander-in-Chief of the military until 1998 and a senator for life thereafter, making the potential threat of renewed military action very real. Pinochet and the armed forces emerged as a united conservative front in Chile's political climate. Though Pinochet's interventions in politics were mainly confrontational, his continued presence in the country effectively limited debate and discourse, even forcing policy concessions at times.¹⁶ Pinochet often equated his rivals in the democratic government of the 1990s with the Marxist 'enemies' of 1973, complicating the contentious 'battle over history' in Chile between conservative supporters of the military government and liberal supporters of the return to democracy.¹⁷ In Chilean society the period of dictatorship represented "either a glorious period of national renewal following the military's decisive effort to save Chile from Marxism-Leninism or an unprecedented and unjustifiable breach of Chile's constitutional heritage that produced a human rights calamity."¹⁸

Patricio Aylwin took office in March 1990. As Chile's first democratically elected president after dictatorship, he had a difficult road ahead of him. Much of the country clamored for justice and Aylwin committed himself to addressing the human rights question though he knew he would encounter resistance from the military. His program—which included official truth telling, assistance for returning exiles, pardon and release of political prisoners, and compensation for families of executed and disappeared—was politically difficult and as a result he experienced only small victories. This experience led Aylwin and subsequent presidents to argue that in a system of separation of powers, these issues should mainly be left to the courts.¹⁹ That said Aylwin did, unsuccessfully, attempt to assert civilian control over the army. A testament to the dictator's lingering power, various branches of the armed forces united behind Pinochet in their opposition to Aylwin, asserting that the military had acted in the national interest by restoring order through the 1973 coup and after. Pinochet also made several public statements asserting that renewed military action against the administration, perhaps a coup, was not out of the question; by the end of 1990, none questioned his support amongst the armed forces.²⁰

By comparison, Aylwin's truth commission was a success. He convened the National Commission on Truth and Reconciliation just one month after taking office in April of 1990. The commission aimed to investigate crimes and human rights violations in order to create an official record of the period of dictatorship; in a country as divided as Chile was at that time and for which the period of dictatorship had many

interpretations, an official record itself presented significant challenges. The commission would release its report for public consumption, including recommendations for compensation for victims and victims' families and future policy suggestions. Eight human rights advocates, lawyers, psychologists, and historians served on the Commission, many of whom were well-respected members of Chilean society. They represented both the right and left. The Commission was presidential, rather than congressional since the president feared a congressional commission would not pass in the divided Congress. Also, knowing the Commission would be limited by Pinochet's 1978 amnesty decree (meaning it could investigate but not prosecute disappearances) and similar legal measures, the administration promised "the whole truth, and justice to the extent possible."²¹ The President gave the Commission six months to complete its task.

On February 9, 1991, the commission released what was nicknamed the "Retig Report" (named for the Commission's chairman). In response, President Aylwin gave an emotional televised address atoning for the dictatorship's gross human rights violations. The Commission had investigated 2,920 cases, 2,279 they classified as victims, and in 641 they could not come to a conclusion. Of the 2,279, 2,115 were classified as "victims of human rights violations" and 164 as "victims of political violence." The Commission also received 508 cases that did not fit within its mandate, and 449 "in which only a name was provided and hence there was no basis for carrying out an investigation."²²

The Commission had other serious structural limitations. First, it lacked subpoena powers, which hindered investigations. The process also took place behind closed doors—unless Chileans wanted to read a report of well over 1,000 pages, the Commission's healing process was inaccessible to them. And finally, the report did not disclose the names of human rights violators, a highly controversial decision. Commissioners and the president alike argued that naming criminals would have violated due process, given that the accused would not have had the opportunity to defend themselves. Meanwhile, many on the left voiced concerns about the inclusion of victims of violence perpetrated by leftist paramilitary organizations on the list of victims; this especially upset the families of Pinochet's victims and others who criticized the government for substantiating the military regime's justification of violence through the excuse that it had been at war with the left.²³ Ultimately, the Commission ended up with a backlog of cases and a lack of evidence. Given these shortcomings, it achieved little in the way of helping Chile come to terms with its traumatic past.²⁴ The Commission's recommendations may have even taken the pressure off the military to atone for its past wrongdoing by putting pressure on Aylwin to fix the problems with the Commission and its report.²⁵ Still, the only party to wholly reject the report was the armed forces, who had also been

uncooperative during its creation. Congress, though it contained Pinochet supporters, endorsed the document—likely because of its cautious and conservative tone. Judge and Commissioner José Zalaquett wrote in the introduction to the 1993 English edition of the report, “With the passing of time, there can be no doubt that the facts established in the report have come to be widely accepted in Chile as the truth,” at least on a case-by-case basis.²⁶ Again, it is likely the cautious nature of the report that allowed him to make such a statement, not a belief that Chileans were able to come to a consensus regarding the period of dictatorship.

On the recommendation of the Commission, President Aylwin supported formation the Corporation on Reparation and Reconciliation, a body that would continue the work of the Commission, especially in addressing the backlog of cases it had accrued, and the Congress approved. The Corporation primarily addressed the problem of the remaining disappeared Chileans. They also considered other human rights violations such as torture, illegal detention and forced exile. Unfortunately, the Corporation took two years to become fully functional and the law stipulated that its existence was to be brief. It proved unable to respond to the large volume of inquiries presented to it; its fate was therefore similar to that of the preceding Commission. However, the Corporation identified new victims and passed on additional information to the judiciary in order to aid prosecution. In 1994 the Corporation dissolved, and another similar effort at national reconciliation would not take place until some years later.

When Eduardo Frei, Jr., became Chile’s second post-Pinochet president following 1994 elections, the courts remained bogged down in human rights cases. In contrast to Aylwin, Frei did not make human rights a top priority during his administration; he instead left this task to the courts. He argued that focusing on the past, given how political divisive and contentious the period of dictatorship remained, would hinder efforts to rebuild Chile’s democracy.²⁷ Aylwin did attempt to establish civilian control over the military, but he never publicly questioned whether Pinochet should remain commander-in-chief of the army and generally tried to quiet civil-military antagonism in his administration.²⁸ Successes for victims generally took place outside his administration. In 1995, the Supreme Court found former intelligence chief General Manuel Contreras guilty of organizing the murder of Orlando Letelier, former ambassador to the United States under Allende. A car bomb killed Letelier in Washington, D.C., in 1976 and evidence suggests very senior officials in the Pinochet regime were responsible. A display of force by the military did not prevent Contreras from going to prison, though Pinochet negotiated concessions on his sentence from the administration.²⁹ The conviction constituted a huge victory for human rights advocates in Chile and beyond.

More judicial victories followed. Judges intent on bringing those

responsible for human rights violations to justice began to reinterpret the amnesty decree of 1978. They argued that when a body could not be produced—difficult when bodies were thrown into rivers or the ocean—disappearance constituted a continuing crime, and thus was not protected by the amnesty decree. In July 1999, the Supreme Court upheld the ruling of a lower court that the amnesty law was not applicable in cases of disappearances, which became a general precedent.³⁰ Thus, more and more military officials were prosecuted for disappearances after 1998; as of 2004, over one hundred officers had been indicted for human rights abuses by Chilean courts.³¹

In June 1998 the legislature formed the multiparty Senate Commission on Human Rights, Nationality, and Citizenship. On a few occasions during the 1990s, the legislature had formed task forces to address disappeared persons, but the efforts often stalled due to political infighting. The 1998 Commission proposed an end to the statute of limitations imposed on investigations of the disappeared, and that anonymity be granted to those who provided information during these investigations. Victims’ advocates were concerned about the precedent anonymity would set for holding the military accountable; at the same time, the military worried about the end of the statute of limitations. The proposal failed. Earlier, in 1993 and 1995, Presidents Aylwin and Frei had proposed similar measures, that had also been rejected.³² Thus political divisiveness between supporters of the military and victims’ rights advocates continued to impede presidential and parliamentary efforts at national reconciliation continued to well into the 1990s, largely because the military’s influence remained highly significant. In 1998, the Christian Democrats in Congress also launched an unsuccessful constitutional accusation against Pinochet—essentially an impeachment—in another attempt to separate him from his military protectors for individualized judgment. The great efforts the accusing parties made to launch this constitutional accusation demonstrate the strength of Pinochet’s continued hold over both the military and broader society. The first section of the constitutional impeachment reads,

It is necessary to state precisely that we are not accusing the Army, but rather one of its retired generals. The facts that constitute the grounds of the accusation that we attribute are personal; they were committed by the accused, not by the institution that he commanded...in the same manner that to accuse a Minister of State is not to accuse the entire government, to accuse a general is not to accuse the institution to which he belonged.³³

In spite of this carefully worded accusation, the military made public shows of discontent. Frei’s administration also rejected the constitutional accusation; as president, Frei generally attempted to avoid unnecessary conflict with the military. Thus, the constitutional accusation ultimately

failed due to a lack of political support in the Congress, due in part to the rancor it aroused within the military.³⁴ Methods of political justice that targeted Pinochet or the military, or that came from the administration or the Congress, clearly promised little success within the Chilean context.

Later that year, on October 16, 1998, on the order of Judge Baltasar Garzón, British authorities arrested Pinochet in London, where he had traveled for medical treatment. The arrest became a significant international media event. It also changed the nature of Chileans' response to the period of dictatorship. Both members of the right and left criticized the Spanish judge and cooperating British authorities, arguing the arrest violated Chile's national sovereignty. According to polls, only thirty-five percent of Chileans supported his detainment by a foreign power, even though a majority (72%) wanted to see Pinochet tried in a court of law (albeit preferably one in Chile).³⁵ Leftists, angry at the Spanish judge's violation of Chilean sovereignty and wary of the military's reaction to Pinochet's arrest, found themselves in the awkward position of defending Pinochet.³⁶ Retired General Alejandro Medina declared the arrest "an unusual and unacceptable fact for the members of the [Army]." He continued, "If this keeps up, victims will start falling on all sides." Though President Frei did not promise violence, he was similarly critical.³⁷

After over a year of house arrest, British authorities released Pinochet on medical grounds. Declared unfit to stand trial, he returned Chile. According to one scholar, the erosion of Pinochet's standing, a thawing of civil-military relations, and the normalization of competitive party politics in Chile were in effect before 1998, but Chilean judges were shamed into action by the arrest. At the same time the arrest encouraged the Chilean government to put increasing pressure on the judiciary.³⁸ Indeed, the Supreme Court confirmed lower court rulings on the amnesty law after Pinochet's arrest.

The Roundtable (1999-2001)

In this political climate, another official effort at reconciliation was formed: the Roundtable. This constituted Chile's third attempt at a presidential-congressional commission to address the investigation of disappeared persons and other victims of human rights violations. It was a historic moment for Chile, marking the first time the military would participate in a commission of this sort. The commission's proceedings at once represented a subtle break from the military's death grip on Chilean society while still demonstrating the armed forces' persistent influence over the nation and resistance to change. As with Chile's other truth commissions, there is ample reason to judge the Roundtable as a failure to achieve national reconciliation. At the same time, contemporaneous events and this landmark first instance of cooperation from the military suggest

that significant progress in this arena had been made by 1999. Perhaps most significantly, the administration proved it possessed the political capital to make demands of the military.

Following Pinochet's arrest in London, Chile's armed forces became increasingly nervous about the possibility of prosecution. In response, Defense Minister Edmundo Pérez Yoma created the *Mesa de Diálogo* (Roundtable) in 1999; its creation also enjoyed support from the presidential administration. Twenty-four Chileans made up the commission, representing a range of political and occupational backgrounds; notably, four representatives of the armed forces served on the commission.³⁹ Other members included the Minister of Defense, human rights lawyers, representatives of Chile's various religious organizations, other government officials, a journalist, a scientist, a historian, a judge, and a psychologist. They were charged with creating a plan to identify the names and locations of the remaining disappeared victims. Persistent uncertainty about the status of the disappeared continued to present a challenge to national healing in Chile, one that the Roundtable's founding document stated "prevented the country from advancing towards the future."⁴⁰ The proceedings began under the Frei administration, but concluded under the Ricardo Lagos administration, the first Socialist president elected since Salvador Allende. Examining the third iteration of national reconciliation and political justice, the following questions emerge: was the Roundtable a departure from the Commission and the Corporation? How important was the symbolic nature of the event versus its practical accomplishments? Ultimately, was *La Mesa* (or its predecessors) a success?

Scholars have argued that "dominant Chilean narratives of the extreme violence in the immediate aftermath of the coup have remained couched largely in a language of "response" to the "chaos" that the Allende years had wrought that had to be aggressively addressed by the armed forces." This phenomenon is precisely what can be seen in these documents.⁴¹ The texts produced by *La Mesa* also elucidate the barriers to reconciliation in Chile; even as supporters of the Pinochet regime accepted the reality of its human rights record, they justified the violence by blaming a runaway secret police force or leftist groups for instigating conflict.

The Roundtable's initial proposal to President Lagos shows clear deference to this popular view that violence against opponents of the Pinochet regime could be justified by the chaotic nature of the Allende years. It began with a description of the political violence and chaotic political climate of the 1960s, which "culminated in the facts of September 11, 1973, about which Chileans maintain, legitimately, differing opinions,"* suggesting a justification for dictatorship and the legitimacy of an entire range of interpretations of the period of dictatorship.⁴² As with the Commission, it makes reference to violence committed during the dictatorship by the

opposition as well. Similar statements appear in President Lagos's June 13, 2000, speech upon receipt of the proposal.⁴² In contrast to earlier attempts to create an official story regarding the disappearances, Lagos conceded that "this agreement doesn't establish an official history, nor can there be one, because never in our history has there been one account of the facts of the past."⁴³ He acknowledges different interpretations of the Pinochet years as normal and acceptable. He dances around discussion of the period of dictatorship despite mentioning the disappeared several times. Early on in the speech Lagos said, "All the members of the Roundtable admit to, both the intensity of the political conflict we lived through during the 1960s and beginning of the 1970s, and the human rights violations that were committed. And, of course, those who confronted this moment resorted to force."⁴⁴ The sentiment is similar to that presented in the proposal—the political climate in 1973 justified the coup.

Clearly, the military was reluctant to fully admit guilt—and President Lagos seems to accept that reluctance. Within this framework, it is hard to believe the Roundtable could truly have achieved national reconciliation. By saying that "the Roundtable accepts the assertion of the command of the Armed Forces and Police, in the sense that the respective institutions do not currently possess this information, but they are ready to cooperate in its obtainment,"⁴⁵ the proposal effectively absolved the armed forces of the crime of concealing information in the past, most likely because the military would have remained uncooperative without that assurance.⁴⁵ When Lagos thanked the participating bodies of the Roundtable, he began by telling the armed forces, "I want to appreciate the bravery and courage with which the Armed Forces and Police of Chile have admitted to what happened with regards to violations of human rights. Chile owes a deep recognition for this gesture which was made, as has been throughout its history, thinking in the greater interest of the country."⁴⁶ His words almost substantiated Pinochet's claims of resemblance to Roman farmer-turned-dictator Cincinnatus and suggest a fear of offending the military. Lagos next thanked human rights lawyers, representatives of civil society and those who made the Roundtable possible, President Aylwin and the president of the Commission Raúl Rettig, President Frei and Edmundo Pérez Yoma, who created the Roundtable, and finally acknowledged victims of the regime's brutality who survived and fought for human rights.

In spite of the challenge the military continued to pose to recognizing victims, the real success of the Roundtable came during these preliminary discussions. The section of the proposal entitled, "With respect to the Armed Forces and Police of Chile," read, "The institutions of the Armed Forces and Police of Chile solemnly promise to carry out, in a period of six months, from which time the legislation we propose enters into effect, the maximum efforts possible to obtain useful information, in order to find

the remains of the disappeared or establish their destiny."⁴⁷ This promise to cooperate was unprecedented in Chilean reconciliatory justice efforts. Not only did the Roundtable request participation from the military, the four representatives of the armed forces present during the Roundtable discussions agreed to it.

In January 2001, the military produced a report as per the Roundtable's instructions. It included the names of 180 disappeared persons whose bodies were dumped at sea, but nothing about the additional unaccounted-for Chileans. The results were disappointing to both the administration and the public, who had been encouraged by the military's participation and by the enthusiastic rhetoric surrounding the creation of the Roundtable.⁴⁸ The results, combined with the persistent deference to the military surrounding the Roundtable's creation, suggest both the inability of these commissions to bring about national reconciliation and the lack of progress made regarding civilian-military relations. However, minor successes tempered these failures. The commission called for the appointment of "Visiting Judges" to deal exclusively with human rights cases, which the nation enacted. Chile's success in prosecuting military officials after this time can in part be attributed to those judges. Furthermore, the simple gesture of the military's official participation cannot be discounted. It was a marked contrast from reconciliation efforts that took place only a decade earlier, when such participation would have been unthinkable.

Contemporaneous events played an integral role in the Roundtable's successes. The climate at the time can perhaps even account for many of them, especially given the argument that during the 1990s success in political justice occurred largely in spite of presidential action.⁴⁹ After Pinochet retired as Commander-in-Chief of the Army in 1998, a more moderate figure, General Ricardo Izurieta, took his place. Izurieta publicly supported the Roundtable's efforts and spoke out against Chile's past human rights violations. A turning point came in January 2001, the same month the Roundtable released its report. A year prior, an appellate court had stripped of the immunity for human rights abuses he claimed as a senator for life through a process called *desafuero*; Chile's Supreme Court upheld the ruling. Judge Juan Guzmán was therefore able to question Pinochet in the aging general's home regarding the kidnapping of seventy-five opponents of the regime in 1973. The former dictator denied knowledge of atrocities, instead blaming lower level officials in his government. Interestingly, Guzmán had supported the coup in 1973, but became a campaigner for human rights during the dictatorship. Given his critiques of the regime, Pinochet exiled the judge to Chile's icy south. The symbolism and irony of the trial was an unmistakable victory for human rights advocates. The Chilean judiciary's actions also meant that it no longer feared the political repercussions of trying the most controversial

member of the former dictatorship, Pinochet himself; if the judiciary possessed this political will, they could have no inhibition trying other members of Pinochet's regime. The military was no longer untouchable. Finally, Pinochet's denouncement of lower level officials who had military ties within his government indicated a breakdown of the once intractable unity between Pinochet and the military.⁵⁰

Furthermore, after cooperating on the Roundtable, the government had the political capital to force the military to cooperate in other regards, indicating a further breakdown of the military's hold on the civilian government. One such example came in 2002, when in response to pressure from the administration Air Force General Patricio Campos and Commander in Chief Patricio Ríos resigned after a scandal involving the deliberate concealment of documents important to the investigation of disappeared detainees became public. By 2004, Chilean courts had prosecuted over one hundred military officers for human rights violations committed under Pinochet. Yet tension between the administration and armed forces remained. Provisions in the 1980 Constitution continued to protect the military in some respects. In May 2000, the commanders in chief of the four branches of the armed forces held a public meeting in a Santiago restaurant to protest both the judicial action taken against Pinochet and other officers and the ongoing Roundtable investigations. It seems indicative of the military's diminishing influence that though the Chilean press widely publicized the lunch, it had minimal real political effect.

Conclusion

Chile's truth commissions, including the Commission, the Corporation, and the Roundtable, may have failed to achieve comprehensive, indisputable national reconciliation. They do however present a clear thawing of civilian-military relations, especially when one considers contemporaneous events and the progression of the three commissions. That is not to say the Roundtable was a complete success; the identification of only 180 victims fell far short of the administration's goal of finding and naming the remaining disappeared victims. Moreover, military's participation may have been disingenuous; anonymity in exchange for information protected those individuals who did come forward through the Roundtable's proceedings from prosecution. However, the military's mere presence at the Roundtable was unprecedented and radical departure from the reconciliation politics of the early 1990s. When combined with the successes of the Chilean judiciary, including but certainly not limited to the *desafuero* process and subsequent indictment of Pinochet himself, a more optimistic narrative emerges. The breakdown of unity between Pinochet and the military made the recognition of victims and prosecution of

military officials politically easier. However, the founding documents of the Roundtable clearly reflect the persistent legacy of dictatorship, specifically a cautious stance toward angering the military. In short, Pinochet's and the military's persistent influence throughout the 1990s is perhaps the most consistent thread that runs through Chile's efforts at national reconciliation. Thus the relationship between the military and civilian governments remains complex and at times tense, but that does not discount the significant gains Chile has made in the realm of political justice.

More broadly, though healing from the traumatic experience of dictatorship was an important goal of administrations during the 1990s in Chile, this goal had to be balanced with a desire to protect and strengthen Chile's fledgling democracy. Especially given the support Pinochet continued to enjoy in Chile and his prominent place in politics, Chile's presidents had to be careful not to upset of balance of a politically divided country. Presidential administrations clearly did not want to push the military into a corner, ushering in renewed violence, but also knew that victims of the Pinochet regime deserved justice and an accurate telling of the events between 1973 and 1990. One way they balanced the situation was by insisting that in a system of the separation of powers, prosecution should be left to the courts. This complied with Chile's legalistic culture, but also kept the rancorous issue of prosecution away from the administration. President Aylwin decided to focus on truth as a means to reconciliation, but proceeded in a highly conservative manner. He limited the duration of his truth commission, as well as its powers to investigate. These decisions angered many Chileans, but, on the other hand, the Commission's report was challenged only by the military and did not lead to renewed violence. The same can be said of the Roundtable. Its successes were perhaps limited, but it too maintained the balance of Chilean society, ensuring that Chile's presidents addressed the issue of national reconciliation while protecting its democracy. Remembering this trade-off, it is clear why Chile may have enjoyed more success in the area of political justice outside of presidential action, and why we must appreciate the minor successes of Chile's truth commissions. Clearly, Chile's democracy survived the uncertain decade of the 1990s, which is perhaps the greatest success of all.

Endnotes

1. For a comprehensive history of the dictatorship (1973-1990) see Mark Ensalaco's *Chile Under Pinochet* (Philadelphia: University of Pennsylvania Press, 2000), and Pamela Constable and Arturo Valenzuela's *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton & Company, 1991).
2. Pamela Constable and Arturo Valenzuela, *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton & Company, 1991), 25.
3. Constable and Valenzuela, 28.
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THE POWER OF THE VEIL IN THE ALGERIAN WAR OF INDEPENDENCE

IRTEZA BINTE-FARID

In the Algerian War of Independence of 1954-1962, the veil became the symbol of a trenchant divide between the two parties, religions, and societies of metropolitan France and Algeria. But the use of the veil as a political symbol did not arise during the Algerian War; rather, this politicization could be traced back to as early as 1830, when the French first invaded Algeria. The historical evolution from this point on of the veil and how it was represented through various images was just as complicated as the definition of the veil during the Algerian War of Independence itself. While the French viewed the veil as a representation of the barbarity of Islam, the Algerian people, and their inability to rule themselves, to the Algerians, the veil came to represent a political struggle as well as became a convenient way to conduct guerrilla warfare.

However, while the veil's significance is paramount in the over one-hundred year-long history of Algerian and French interaction, the underlying assumption in discourses about the veil is that the veil only serves as a symbol rather than a personal expression of the women who chose to wear the veil. The agency of the woman behind the veil has not been considered as important as the historical or political symbol that she represents to both the French and the Algerians. In analyzing the different meanings of the veil over the course of the French and Algerian interaction, the active role of the woman behind the veil must be taken account. Thus, this examination of the veil has a twofold aim: to examine the different meanings of the veil over the history of French and Algerian interaction, and to texture this examination with a focus on the active role of the women behind that powerful veil.

Visions of the Woman in the Harem

Before delving into the analysis of the differing interpretations of the veil, however, it is important to trace the historical arc of how the veil first came to signify the relationship between the French colonizers and the Algerian people, especially in the early period of colonial rule in Algeria. The first concepts of seclusion of Algerian women were symbolized in depictions of the harem, which emerged early on in the French colonizing process. Once the French entered Algeria in 1830, they quickly immersed

themselves in the political and economic sectors of Algerian society, quickly acquiring a large share of the country's resources and establishing French settlements in the country. During this time of colonization, the French also expressed great interest in the "mystery" of the Algerian woman. In fact, the various artists and painters who accompanied French officials to Algeria began the process of exoticizing Algerian women. Though these women were generally depicted in the setting of the harem, as in the painting *Women in Algiers in their Harem* (1834) by Eugène Delacroix, the artists produced much of their work from their imaginations because they were not allowed to enter harems. The harem was, for the most part, a very secluded area for women, children, and household servants, and perhaps it was this seclusion that allowed the European imagination to envision the harem as a place of intrigue and sexuality. In Delacroix's painting, there are no children, despite the fact that typically children were a major part of the scene. This painting and others of the kind, therefore, set the stage for which the harem came to represent seclusion of women, a concept that would later transfer to perceptions of the function of the veil.

The harem, in fact, functioned as a means by which French colonists developed their image of Arab women as sexual, caged beings. Julia Clancy-Smith, a historian specializing in the history of North Africa, argues that "even more than the veil, or perhaps as an extension of it, the harem—an all-female space to which men could not be admitted—represented the frustration of the colonizer's desire."¹ The obsession with veiling that the French exhibited during the Algerian War in the mid-twentieth century, therefore, did not emerge in that limited time frame. Rather, the preoccupation with veiling was inexorably tied to French men's long-standing desire to penetrate the harem. For example, Clancy-Smith, Hubertine Auclert, a feminist of the late nineteenth century, "described the casbah, the old section of the city of Algiers, in orientalist terms, as a place of unfettered sexuality."² The Arab women became nothing more than prostitutes in the fantasies of many French men, whose only real encounters with Algerian women were with the Ouled Nail tribe, which allowed great sexual freedom to its female members. Their interaction with these "daughters of the Ouled Nail," which became a common euphemism for prostitute, only contributed to the European notion of Algerian women as prostitutes and sexual objects. Furthermore, these sexualized Arab women were also perceived as "caged" individuals, imprisoned within the walls of the harems, which was both "a prison and a brothel, a place of constraint and abandon."³

This characterization of the harem as a place of sexual deviancy and women's oppression was a notion entrenched in nineteenth century French mind, and the French came to associate these two characteristics as an effect of the "barbaric" religion of Islam practiced by Algerians. With its

patriarchal foundation and the assumed inferiority of women, Islam, or at least Islam according to the French understanding, inadvertently promoted much of the deviant sexual behavior colonists felt existed in Algeria. For many French liberals and social justice activists of the time, this oppression of Algerian woman was unjustified; they thus concluded that the Algerians were socially inferior because they allowed such oppression of women to occur in their society, all in the name of religion. The correlation between Islam, sexual degeneracy, and social inferiority became so entrenched in French mindsets that it in fact came to inform French colonial rule. From the point of view of the French metropolitan rulers, it was irresponsible to entrust the barbaric Muslim Algerians with political sovereignty in the early colonial period.

Racial and Gendered Justifications During Early Colonial Rule

Belief in the sexual deviancy and degeneracy of Algerians was foundational in the racist ideology that the French used to justify early colonial rule in Algeria. In the French view, the Algerians were unfit to rule themselves, because they not only followed the Islamic injunction to oppress their women by imprisoning them in harems, but were also racially inferior (non-white) and exhibited perverted sexual tendencies. Many writers of the period, according to the contemporaneous voice for women's issues Clancy-Smith, heavily emphasized the connection between race and the discourse on Algerian female sexuality. On the basis of the nascent prevalence theories of social Darwinism and scientific racism within late 19th-century European thought, it was concluded that Algerians were inferior because of their sexual deviancy.⁴

These "scientific ideas" were part of the theoretical grounding for the French government's limited "civilizing mission" in Algeria. Interestingly, while the French sought to civilize the Algerians, they hesitated to erase all boundaries between the two races. Algerian men's homosexual tendencies and oppression of native women proved their racial inferiority and made clear to the French rulers that they would never be able to assimilate into civilized French society. The French rulers did not believe that it was possible for the racializers and the racialized to coexist in the same society, except perhaps under a scheme of domination and subordination. It was thus the burden of the civilized French rulers to bring the ideals of French liberalism to the colonial people, in order that they might enjoy a more enlightened lifestyle, though not racial equality with the French themselves. Still, while the French assumed the inherent inferiority of the Algerians, they still attempted to bring "civilization" to them, a duty the French assumed by initiating the colonial experience. There existed an unspoken contradiction in the colonist's attempts to edify the natives while clearly believing them to be biologically irredeemable.

However, the later parts of the nineteenth and the first half of the twentieth centuries saw a major shift in the racial ideology of colonial rule. Although social Darwinist ideas were still popular, there were alternative, non-biological theories to explain the variation between French and Algerian society and culture. Perhaps with the influence of these newer ideas, by the time of the Algerian War of Independence (1954-1962), "the presumed deviant sexuality and moral degradation of the Arab woman and Muslim family were no longer evoked. Instead, the newly configured colonial project advocated female education and the enfranchisement of Muslim women to save L'Algerie Francaise."⁵ Although both symbols assumed the inherent oppression and sexualization of the Algerian woman under Islamic law, the veil came to replace the harem as the more powerful symbol of the French "civilizing mission" to liberate women from the bonds of Islam and society. The veil, as it came to represent the Algerian woman, became politicized and came to hold different meanings for the French and the Algerians. The next section therefore traces the veil's various meanings during the Algerian War of Independence.

The Politicization of the Veil During the War

The justification for educating women to better conform with the gendered and sexual constructs French society—and, more generally, for molding Algeria itself more closely with French cultural standards, was initially cast in the nineteenth century in biological and racial terms. For women specifically, the harem stood as the centerpiece of this justification. In the twentieth century, however, there was an ideological shift to political and social ideas of oppression and justice that were used to legitimize France's continued rule in Algeria; in this new era, the veiled Algerian woman became the new crux of the political conflict. Thus, the reasons given to justify French rule over Algeria transformed over the course of the nineteenth and twentieth centuries.

One of the most apparent ways in which the Algerian men seemed to deny the cherished French values of freedom and equality to their women was by forcing them to wear the *hijab*, or the Islamic veil. Many Frenchmen at the time were appalled that Algerian men violated such ideas of liberty and equality, which were so characteristic of French liberalism, in their treatment of Algerian women. To the French, the veil represented Algerian backwardness. French republican and liberal ideals seemed firmly at odds with the Algerians' adherence to the barbaric religion of Islam, which oppressed women and abused power. It was therefore the French colonial apparatus' "civilizing mission" to discard the veil in Algerian society and disseminate notions of freedom and equality between the sexes. Most French liberals, in fact, firmly believed that "getting rid of the veil was a sign of this progress [towards freedom]."⁶ One French film made towards

the end of their colonial project in Algeria, *The Falling Veil*, emphasizes especially clearly what the French saw as the sinister power of the veil.⁷ The veil stunted the mental development of Algerian girls by preventing their education; instead, the veil and the Islamic culture that it represented forced young Algerian girls into child marriages, which Auclert characterized as "child rape." She described shocking examples of young girls married off to much older men in exchange for a bride price; the film found tragic examples of these older husbands then sexually abusing their child brides before they even reached puberty.⁸ In this critique of child marriages, Auclert depicted the veil as a visible, tangible symbol of the oppression that Islamic law propagated. It not only symbolized the injustice of Islamic institutions like child marriage, it promoted such horrendous practices as child rape, and Auclert vilified the veil as a symbol of oppression and cruelty.

In light of their conviction that traditional Algerian cultural structures oppressed Algerian women, Auclert and other French liberals argued that only way to eradicate the power of veil was through greater education for Algerian women—education facilitated by the French and in line with their own cultural standards. The philosophy of the time was: "nourish the mind and the veil will wither by itself," and in order to nourish the minds of the Algerian girls and women, French women organized a network of "feminine solidarity" centers.⁹ Supported by the French colonial authorities, these feminine solidarity centers worked to disseminate information about first aid, cleanliness, and notions of French culture to Algerian women, who were seen as dirty, superstitious, and uneducated. This unflattering characterization of the Algerian women reflected the superiority that French colonial women felt towards the colonized Algerian woman and reaffirmed their belief that they were bringing civilized ideals to Algeria through their social work. In addition to teaching Algerian women about health and social issues French women in the Movement of Female Solidarity (MSF) also promoted the actual physical unveiling of these apparently timid Algerian women. Instructions for women in the MSF stated that at the first meeting with Algerian women the veil should be tolerated, but that in following instances, they must do all that was within their power to ensure that the women no longer covered. Ridicule and persuasion were both methods suggested to encourage the women to unveil.¹⁰ French society thus mobilized to sway Algerian women against the veil—and thereby help them gain ground against Islam's oppressive gender constructs.

The French colonial military and civilian authorities endorsed the MSF's efforts by providing funds to these centers. While these funds were directed discreetly so that there was not much public knowledge of the link between the military and the MSF centers, such support nonetheless

suggests that French government agreed with these grassroots efforts toward the removal of the veil. In their minds, successfully removing the veil from Algerian society would undermine Islamic law and would given an opportunity to prove that French liberalism was better than Islamic law. Yet by devaluing Islam, the French colonial powers also were undermining Algerian ideas of sovereignty, which the Algerians expressed through religious and cultural expressions such as the veil.

Therefore, even as the MSF women attempted to turn Algerian women against the veil through seemingly innocuous, grassroots methods, women from both sides of the cultural divide were always cognizant of the broader political struggle between the colonizing French and the colonized Algerians into which efforts to remove the veil played. In fact, another set of instructions for the MSF women stated that they "must always retain psychological mastery...over the 'native,' since any sign of weakness could open a dangerous chink in the armour-plating of French hegemony."¹¹ Thus, even in this seemingly harmless instance of cross-cultural interaction, the veil embodied the French desire to fully assert their authority, and the Algerian women's corresponding struggle to maintain the veil represented their rebellion to French rule.

This constant struggle between unveiling and veiling is most strikingly illustrated in an incident in 1960. French authorities had ruled that all Algerians must carry a government-issued photo ID card, and all Algerian citizens, both men and women, were photographed in the course of issuing this ID card. Algerian women, who wore the veil, were forced to unveil when their pictures were taken. This forced unveiling was entirely illegal under Islamic law, as it violated women's privacy and exposed them to the world. Even in the face of such insensitivity, however, these women exhibited a defiant attitude that can be clearly seen in other, non-ID photographs from the time, such as in the Marc Garanger photo motif.¹² Women, although unveiled against their wills, appears to have maintained proud, aloof, and dignified expressions, and did not allow the French authorities to undermine their self-respect through this forced unveiling.

This resistance from the Algerian women frustrated the French ambitions for political supremacy because they realized how strongly both the Algerian women and men were willing to resist the French in their campaign for independence. The French marveled that it was not only the Algerian men who fought a brave war against the French, but that the Algerian woman "does not yield herself, does not give herself, does not offer herself."¹³ Despite French desires to unveil the women and thus undermine the Algerian political resistance and cultural sovereignty that the veil signified, the Algerian women's defiance grew France's frustration and humiliation. The veil, therefore, in the French mindset, served not only as a symbol of Algerian inferiority, but also as an emblem of Algeria's

political resistance to French rule. As the Algerians intensified their acts of resistance against the French in the years leading up to the Algerian War, the French attempted to quell the rebellion that was becoming increasingly more widespread all across the country. Since the veil represented the most visible form of resistance, "French soldiers patrolling the countryside violated women first by forcibly removing their veils and then by raping them" in an effort to reassert French domination over Algerians in reaction to the rebellion.¹⁴ Such callous actions of violence against Algerian women only further angered the Algerian people and strengthened their conviction that the French domination over Algeria must end.

While the Algerians only grew more determined in their acts of rebellion, French generals tried to convince themselves and the French government in Paris that all was well in Algeria, hesitating to admit to a failed colonial project. On May 16, 1958, the generals organized a demonstration of loyalty in Algiers to publicize the Algerian support of the French. In order to create this illusion of solidarity, the generals bused in several thousand native men and women from nearby villages. During the demonstration, the Algerian women brought in from the villages were solemnly unveiled by French women. While the act of unveiling itself was not a new tactic on the part of the French, "to unveil women at a well-choreographed ceremony added to the event a symbolic dimension that dramatized the one constant feature of the Algerian occupation," that of the French power over all Algerian subjects.¹⁵ Whether it was forcefully unveiling Algerian women, killing Algerian rebels, or condoning the violation of Algerian women in the countryside, each of these actions only increased the Algerians' resolve to oust the French from Algeria. These events added up over time to lead to the outbreak of the Algerian War in 1962.

The Political and Military Significance of the Veil for Algerians

The Algerians envisioned the creation of a society in which they could maintain their political, cultural, and religious sovereignty. Since much of this political, cultural, and religious sovereignty derived from their identity as Muslims, many Algerians hoped to maintain the wearing of the veil in an independent Algeria. Therefore, the Algerians, like the French, also acknowledged and emphasized the political significance of the veil, because for them, the veil was a "way of insisting on an independent identity for Algerians."¹⁶ French ideas of liberalism had called for women's liberation through the elimination of the veil. Preserving the veil, therefore, became an issue of utmost importance for the Arab nationalists and Muslim National Liberation Front (FLN) fighters of the time, because the veil represented active resistance to colonial authority.

However, even while Algerian nationalists and FLN fighters insisted that the veil remain as a symbol of political resistance, some Algerian

FLN members more privately regarded the veil as oppressive to women. Some FLN members, critical of the traditionalism that the veil signified, felt reluctant to perpetuate the practice of veiling simply in the name of rejecting French subjugation. Yet as Fanon writes, "the means (the veil) and the end (liberation) [got so] permanently entwined in this moment, [that] despite their critique of 'traditionalism,'" these reluctant members eventually conceded that veiling was important in the greater quest for liberation.¹⁷ Although many FLN members hoped to end the imposition of the veil on Algerian women after receiving Algerian independence, they were not willing to allow the French to outlaw the veil, an act that would only be seen as another instance of French colonialism. Only on Algerian terms would these FLN members gradually eliminate the veil, and that would be able to occur only after the Algerians achieved independence. Thus, some FLN members' reluctance to perpetuate such traditional ideas was undermined by the greater symbolic power that the veil came to represent in the struggle for Algerian independence.

In addition to the representation of the veil as a symbol of political resistance, it also served as a convenient tactic for guerrilla warfare and deception. The veil became a useful instrument in the war against the French because it could be used as a means of hiding arms and bombs during transport, a tactic that the film *The Battle of Algiers* (1966), produced relatively shortly after the war and based on true accounts, portrayed in one of its scenes.¹⁸ The veiled woman could easily carry a weapon under her veil and transfer it discreetly to a FLN member, who used it to assassinate his target. In this way, men and women worked collaboratively, by means of the veil, to carry out their missions. Both men and women were also donned the veil in order to get past French security checkpoints and escape French police. For example, while *Battle of Algiers* may have been a cinematic production, it presented many of the real tactics that were used in real life by the FLN members during the War of Independence. In the film, the leaders of the FLN don the veil in order to escape from the French pursuers; although in this particular instance their men's shoes make them vulnerable to capture, on many occasions during the war they did actually succeed in using the veil to deceive French security.

The increased usage of the veil as a military tactic during nationalist movements of resistance meant that it was at during the war that the veil took on another connotation—dangerous militancy.¹⁹ What was significant about this militancy was that it included both men and women in its ranks. Although initially FLN leaders hesitated to use women as militants or bombers, over the course of the war, a variety of Algerian women gained considerable agency within the ranks of the FLN. The women fighters were not only widows and spouses of other FLN fighters as well as young, unmarried women and mothers who felt that they had a

right to fight for their nation's independence.²⁰ Using the veil, they carried weapons, deployed bombs, passed messages, and served other strategic functions. Their success was in part due to the unexpectedness of veiled Algerian women working as militants. Since the French saw Algerian women as helpless, oppressed members of society, they did not expect such deceptions. The FLN used this image of Algerian women to their advantage.

Another form of manipulation was the trick of European look, a tactic that the FLN employed. By unveiling and exposing themselves to the inspection of the French soldiers and citizens whom she met on her way to her destination, Algerian women could masquerade as French. Because the Algerian women appeared to be French, they easily got past checkpoints. At other times, the guards assumed that because the women wore no veil, they were Algerian supporters of the government and thus posed no threat to national security. The Algerian women, with their suitcases of weapons intact, managed to gain entry into the French sections of Algiers and complete their appointed missions of bombing buildings or other such tasks assigned by the FLN. By taking advantage of the French characterization of the Algerian women, the FLN were able to successfully use the veil, or lack of it, in this case, as a military tactic.

However, the French belief in the powerlessness of the women was not the primary factor for female militants' successes. The conflicted, changing socio-political structure and the environment of a war setting required courage, quick wit, and nationalistic fervor which helped them face the many obstacles that encountered. Despite the fact that "the challenge to Algerian women was [both] physical (the sheer danger of violent combat) and psychological, [in that the fear of torture, rape, and death was ever-prevalent in their minds]," these women showed patriotism and valor in their continued opposition to the French.²¹ That is, the power of veil went beyond the simple functionality of the veil—it owed to the courage of the women themselves.

Despite the success of the strategy for the FLN, once the trick of European look had been discovered by security forces, women militants returned to traditional dress.²² What was significant about the women's return to the veil was that they made an active choice to unveil and then re-veil. The women were not coerced to use the veil in the particular way, and they served as their own agents in their role as militants and active participants in the war. Even though the women had to "consider the image of the occupier lodged somewhere in [their] mind and in [their] body, ... [they made the choice to] remodel it, [to] initiate the essential work of eroding it," and rendered inconsequential the power of the French tried to impose over their body and their mind.²³ By making consciously choosing work as militants, the Algerian women invalidated the longstanding and

prevalent French claim have colonized Algeria to free Algerian women from oppression. The unveiling and veiling Algerian woman in claiming her own agency refuted the French's justification for their presence.

The active role of Algerian women during the War of Independence is often hidden behind the politics of the veil itself. By turning the veil into a symbol of the power struggle between the French and the Algerians, "the Arab woman in Algeria [is] transformed into a political pawn" and loses her individual agency.²⁴ The veil has been made a static symbol in being reduced to two purposes—as a political symbol and as a weapon of war. While it is important to recognize the veil's value as a political symbol and a strategic tactic during the war, it is also important to situate the veil as a piece of cloth that a woman chooses to don as part of her personal identity, rather than simply as a sign of her political understandings.

The Significance of the Veil Today

Anthropologist Leila Abu-Lughod argues that, as shown above, the veil is often used by Western feminists and activists as an example that proves that Muslim women are oppressed. This assumption of the veil, or the *hijab*, as a sign that a woman lacks agency, echoes the viewpoint of the French rulers in Algeria during the nineteenth and twentieth centuries. Abu-Lughod argues that the West's critique of the veil is a way of covering up

...the history of the development of repressive regimes in the region. Such cultural framing...prevent[s] the serious exploration of the roots and nature of human suffering in this part of the world. Instead of political and historical explanations, we [a]re offered [explanations] that worked to artificially divide the world into separate spheres—recreating an imaginative geography of West versus East, us versus Muslims.²⁵

In essence, the veil is often used as a cover for real problems of political and social inequality that exist within a Muslim society. It is easier to critique an external symbol than to offer long-term solutions to problems of political inequality, racism, or xenophobia. In the case of the Algerian War of Independence, the French rulers chose to critique the veil, rather than address the real problems that colonialism created, specifically the political and social rights that colonialism denied the Algerians. While the French citizens born in Algeria continued to receive better schooling, better housing, and better jobs, the native-born Algerian was denied such luxuries, simply because of the fact that they were native-born Algerians. Instead of resolving such inequalities—and such inconsistencies in liberal rhetoric—the French rulers instead justified them; according to them, as long as the Algerians continued to force their women to wear the veil, they had not become "civilized" and were thus not ready to assume positions of

leadership within Algeria.

However, the fallacy in this argument lay in the fact that many women, in fact, chose to wear the veil. As anthropologist Hanna Papanek noted,

Many [women] saw [the veil] as a liberating invention because it enabled them to move out of segregated living spaces while still observing the basic moral requirements of separating and protecting women from unrelated men. Everywhere, such veiling signifies belonging to a particular community and participating in a moral way of life in which families are paramount in the organization of communities and the home is associated with the sanctity of women.²⁶

The veil, therefore, became a means of giving greater freedom to women from respectable families who were able to engage in societal activities because they were protected by the sanctity of the veil. Viewed in this light, the concept of the veil is antithetical to its characterization as an oppressive measure. Despite whatever perceptions of the veil the French held, as Papanek argues, "veiling itself must not be confused with, or made to stand for, lack of agency."²⁷ There is indeed a woman under the veil, who is her own person, rather than an extension of the cloth that she uses to cover her body.

The politics of the veil were certainly an integral part of the long and complicated historical interaction between French rulers and the Algerian subjects. While historically, the harem became the arena in which ideas of French domination first came into play, during the time of the Algerian War, the veil came to represent the political antagonism between the French and Algerians. The French believed that eliminating the veil would be an effective way to undermine the Algerian resistance because, as one scholar writes, "it is through women that we can get hold of the soul of a people."²⁸ This belief was also shared by Algerian fighters, who believed that protecting the veiled status of their sisters and mothers was one of the crucial ways in which they could win their fight for Algerian Independence. The veil reaffirmed an Algerian identity separate from French ideas and proved the continued vitality of Algerian resistance to French domination.

Yet while the veil did serve as a powerful political symbol during the Algerian War of Independence to both the French and the Algerians, the politics of the veil was not significant simply in the past. The banning of the veil in France in 2004 following the 9/11 attacks is a continuation of this narrative of the veil.²⁹ Just like the Algerian women during the War of Independence, Muslim women in the present era continue to be searched and scrutinized in airport security lines and regarded with suspicion in many places of the world. For the citizens of the modern era who continue to grapple with what the veil really means and what it stands for, understanding

this historical context of the veil during the Algerian War of Independence will shed light on recent controversies about the veil. The veil continues to be misunderstood, and because of this misunderstanding, many hold fear and discrimination against about those who wear it. Further study of the veil's significance in history, anthropology, and politics is needed to dispel such attitudes.

This study suggests that the veil is more than just a political symbol, and such an assertion is true not only regarding a historical study, but the veil in today's world. To wear the veil is a personal, oftentimes religious, choice that a Muslim woman makes every morning, of her own volition. Only by understanding the element of choice involved in the donning of the veil can the woman behind the veil become an individual entity in the eyes of the world. Only through this process can problems that people may have with the veil and Islam begin to be resolved.

Endnotes

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15. Leila Abu-Lughod, "Do Muslim Women Really Need Saving: Anthropological Reflections on Cultural Relativism and Others," *American Anthropologist* 104, no. 3 (2002), 784-5.
16. Fanon, 70.
17. *Ibid.*, 65.
18. *Battle of Algiers*, directed by Gillo Pontecorvo (1966), film.
19. Scott, 61.
20. *Ibid.*, 62.
21. Fanon, 75.
22. *Ibid.*, 68.
23. *Ibid.*, 64.
24. Clancy-Smith, 146.
25. Abu-Lughod, 784.
26. *Ibid.*, 785.
27. *Ibid.*, 786.
28. MacMaster, 55.
29. Scott, 61.