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All articles submitted to the *Columbia Undergraduate Journal of History* must be nominated by a professor at an accredited university or college. Teaching assistants may also nominate papers, but should receive approval from the course professor. The nominating professor certifies that the nominated article represents outstanding undergraduate scholarship. To nominate an article, the professor must send an email to cujh@columbia.edu, including: the name and position of the nominating professor; the the institution in which the undergraduate is enrolled; the class for which the paper was written; the title of the nominated article; and contact information for the nominated author.

Nominated articles must include footnotes and a bibliography that conform to the Chicago or Turabian style guide. Articles should be submitted as word documents or rich text files. Further details can be found at http://cujh.columbia.edu.

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Wednesday, May 7, 2008
Herbert Aptheker Undergraduate History Conference at Columbia University

Lectures by the Recipients of the
2008 Herbert Aptheker Undergraduate History Prize

The International Law of War as Viewed Through the Spatial Order of Carl Schmitt
BY LYDIA WALKER

Willful Forgetting: Methodological Approaches to the Problem of Historical Memory
BY DAVID PIENDAK

Controlling Flint: Inclinations and Obstacles to Workers' Control in the 1937 Sit-Down Strike
BY ANDREW TILLETT-SAKS*

Herbert Aptheker, a brooklyn native, earned both his bachelor's degree and his doctorate at Columbia University. His doctoral dissertation was later published in 1943 as *American Negro Slave Revolts*, and is a seminal work on slave resistance.

The Herbert Aptheker Undergraduate History Prize is awarded by the *Columbia Undergraduate Journal of History* Editorial Board from the pool of papers that are submitted to the *Journal* for publication. Award-winning authors are invited to present their papers at the Herbert Aptheker Undergraduate History Conference, for which they receive an honorarium of $150.*

* Andrew Tillett-Saks will not receive the honorarium, as he is a member of the *Columbia Undergraduate Journal of History* Editorial Board.

Introduction

Because things are the way they are, things will not stay the way they are.
- Bertholt Brecht

We hope this is not simply a one-time collection of excellent articles. With sufficient support and dedication, *The Columbia Undergraduate Journal of History* will grow into a biannual publication with submissions from across the nation. The intellectual isolation of undergraduate history students from their peers is troubling. We hope that this *Journal* will help make the study of history a more collective, shared endeavor.

To solicit manuscripts, the editors asked professors to nominate outstanding papers to be considered for publication in the journal. All the nominated papers are posted on our website, as we believe that undergraduates can benefit from having access to this wide range of historical scholarship. From the many nominated papers, we have selected six which we believe are worth special notice because of the extent of their research, the precision, nuance, and persuasiveness of their arguments, and the grace and elegance of their prose. Of the selected authors, three have also been awarded prizes and invited to present their papers at the Herbert Aptheker Undergraduate History Conference. Born in Brooklyn in 1915, Herbert Aptheker earned both his bachelor's degree and his doctorate at Columbia University. His doctoral dissertation was later published in 1943 as *American Negro Slave Revolts,* and is a seminal work on slave resistance, undermining the dominant narratives of slavery as a benign institution and slaves as docile subordinates. As Columbia undergraduates ourselves, we are proud to honor Aptheker's example of thorough research and bold reinterpretation that challenges the assumptions and prejudices of the status quo.

In selecting articles to be published, the editors came up against the question: what is history? History is not just "one damn thing after another," as H.A.L. Fisher quipped. The Popperian assertion that all structures, categories, and solidarities are imposed upon history by the historian is as misguided as the idea that history can be turned out by cranking the mechanical handle of the correct "Theory," whether

Whig, liberal, post-modern, or Marxian. We hope that the articles we have selected, more than any definition, represent the key questions, methods, and techniques of historical inquiry.

The maintenance of order, the process of change, the making of structures, and the imposition of power are at the core of historical inquiry. Jean Paul Sartre wrote that "history is not order. It is disorder; a rational disorder. At the very moment when it maintains order, i.e. structure, history is already on the way to undoing it."[1] Despite the wishes of those who want "real" patriotic history, or just the plain, simple truth, change is constitutive to the practice of history, both in the world as it was and in the way the past is constantly being reinterpreted by new generations of historians. As the Arab scholar Ibn Khaldun wrote in the fourteenth century:

> History is the record of human society... of revolutions and uprisings by one set of people against another, with the resulting kingdoms and states with their various ranks; of the different activities and occupations of men, whether for gaining their livelihood or in various sciences and crafts; and in general, of all the transformations that society undergoes by its very nature.[2]

History, it seems, has fallen out of favor with current intellectual fashions. Students are more interested in "Theory" and the various iterations of "post-," be it modern, structuralist, Freudian, Marxist, or colonial, than in the mundane drudgery of empirical research and concentrated close reading. History's dedication to providing real, meaningful knowledge seems quaint to those who delight in pointing out that sources are misleading and biased, our selection of evidence is necessarily incomplete, and our perspective skewed by dominant discourses and ideologies. These forces, long acknowledged by historians, are used to discredit the project of historical scholarship altogether. History, we are sure, has an important place. While all research is necessarily informed by theory, and inter-disciplinary work and the post-modern turn have made contributions, as a publication we hope to encourage and reward scholarship that is solidly grounded in the empirical core of critical, interpretative historical research.

Asserting the importance of history beyond the walls of the academy

[1] "Sartre Aujuord'hui," *l'Arc*, no. 30, trans. in *Telos*, 9 (1971), 110-116.
[2] Quoted in, *Past and Present* 1(1952): i.

is particularly needed at this moment, especially in the United States. A faith in progress, in the inevitable growth of abundance, happiness, and justice, is at the core of American national identity. This faith of a people on a hill untouched by the sins of the past or weighted down by the burden of history has disastrous and destructive consequences. Reflecting on the imperial arrogance of the British empire, Arnold Toynbee wrote that "there is, of course, a thing called history, but history is something unpleasant that happens to other people. We are comfortably outside all that."[3] And so it continues with the United States, the world's new hegemon. As Rashid Khalidi observes in *Resurrecting Empire*, the widespread belief that a Western power was capable of not simply insisting regime change but of administering the "democratization" of a major Middle Eastern country required a sealed vacuum which the realities of history could not contaminate.[4]

History should not be a set of policy prescriptions for one of the major parties, nor should we imagine that the historian could or should be an isolated, objective, de-personalized and de-socialized instrument of scientific investigation. History is neither the uncovering of absolute laws of historical determination, nor is it a series of random, unpredictable, and utterly contingent happenings. History is a narrative of choices made under pressing, constraining circumstances, as individuals struggle singly and collectively to survive, sustain, remake, overturn, or revolutionize the society in which they live.

The British historian E.P. Thompson writes that "meaning can only be given to history in the quarrel between 'ought' and 'is' - we must thrust the 'ought' of choice into the 'is' of circumstance." Human nature, for Thompson, is crucial to history, because it is both what we "make history with," and what history makes of us. Thompson reminds us that

> human nature is potentially revolutionary; man's will is not a passive reflection of events, but contains the power to rebel against 'circumstances' (or the hitherto prevailing limitations of 'human nature') and on that spark to leap the gap to a new field of possibility. ... We must discover the

[3] Quoted in C. Vann Woodward, "The Irony of Southern History" *The Journal of Southern History* 19, no. 1 (1953): 4-5.

[4] Rashid Khalidi, "The Perils of Ignoring History" in *Resurrecting Empire: Western Footprints and America's Perilous Path in the Middle East* (Boston: Beacon Press, 2004), v-xvi.

> way, and discriminate between many alternatives, deriving the authority for our choices not from absolute historicist laws but from the real needs and possibilities, disclosed in open, never-ceasing intellectual and moral debate.[5]

Because history is essentially about the changing world, it must be the foundation for any plan to change the world.

We believe that launching a scholarly undergraduate history journal is not only timely and useful, but that asserting the value and power of historical research is a pressing necessity. T.S. Eliot writes that we must not only recognize the "pastness of the past, but its presentness." We cannot escape history, nor can we safely ignore it. History must not be obliterated or forgotten, but rather studied, questioned, and re-interpreted, so that we may comprehend our world and build a better one.

The Editors
April 14, 2008
New York, New York

[5] E.P. Thomspon, "Outside the Whale" in *The Poverty of Theory & Other Essays* (London: Merlin Press, 1978), 27.

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Hygiene Aboard the Slave Ship in the Eighteenth Century: A Reevaluation

Alyssa DeSocio

The slave ship conjures up images of hundreds of naked, terrorized human beings trapped in a dark, cramped, filthy hold. Slave ships are rightly understood, both in popular culture and serious historical scholarship, to have provided some of the most inhuman conditions that human beings have ever been forced to endure. This understanding is complicated by the nature of the Atlantic slave trade, which demanded that these human beings reach the Americas alive in order for those manning and financing these ships to make a profit. Eugene Genovese's analysis of slavery as a contradictory institution in which the slave is simultaneously recognized as man and property can be extended in certain ways to the Atlantic slave trade.[1] While slaves were treated as commodities, preserving their value required attention to the corporal humanity of the slave. However, the acknowledgement of the slave as a human being did not afford slaves crossing the Middle Passage an opportunity to assert a "doctrine of protection of their own rights," as Genovese famously argues for the slaves of the Old South.[2] Legal restraints did not exist until very late in the history of the Atlantic slave trade. Nevertheless, the dual recognition of the slave as both human and property forced all aboard the slave ship, from the captain to the ship's doctor to the common sailor, to meet certain basic bodily needs of their slave cargo. Without discrediting the awful realities of life aboard the slave ship, the necessity of keeping slave men and women alive through the Middle Passage guaranteed the institution and upkeep of certain basic human necessities, including food, water, exercise, and some standards of sanitation aboard ship.

The traditional historical evaluation of hygiene has been that it was nonexistent. Many historians fail to mention any consideration of hygiene aboard ships, dismissing the conditions as so abysmal as not to warrant discussion. Even those historians who do not completely

[1] Eugene Genovese, *Roll, Jordan, Roll* (New York: Pantheon Books, 1974), 28-32.

[2] Ibid., 30.

disregard the attention to slave hygiene, like Stephanie Smallwood, qualify conditions as promoting subsistence but not health.[3] This was certainly true, but not for the same reasons that most historians imply in their discussion of conditions aboard slave ships. Despite much scholarship suggesting otherwise, some elements of basic hygiene were practiced on board the ships making the Middle Passage in the eighteenth century. This paper will detail these hygienic measures and place them in perspective within the history of medicine and the growing public outcry over the slave trade. Though slavery undoubtedly degraded the African captive into a commodity in the global market, the economic incentive of the slave trade simultaneously demanded an acknowledgment of the bodily humanity of the slave. Given the medical knowledge of the time, the efforts made to ensure the health of slaves while crossing the Atlantic constitute hygienic measures. Only in light of scientific advances and a growing public sensitivity to both the cruelty of the slave trade and public hygiene were conditions on board slave ships reevaluated as abysmal.

All those aboard slave ships, from the slaves to the captain, understood that food and water were necessary for survival. John Atkins, a ship surgeon who described his slave voyages in his *A Voyage to Guinea, Brasil, and the West Indies*, published in 1735, writes in this work that "[the] common, cheapest, and most commodious Diet, is with Vegetables, Horse-Beans, Rice, Indians Corn, and Farine."[4] This contemporary observation is repeated in the secondary literature. Herbert Klein, in The Atlantic Slave Trade, suggests that "all traders used common African foods and condiments along with dried foods and biscuits brought from Europe" and "lime juice for combating scurvy."[5] According to Klein, slave traders also used "wheat flour or rice to produce a basic gruel," that could be occasionally supplemented with "fish and meats."[6] In The Two Princes of Calabar, Randy Sparks echoes Klein, suggesting that slaves "received a steady diet of beans,

[3] Stephanie Smallwood, *Saltwater Slavery: A Middle Passage from Africa to American Diaspora* (Cambridge: Harvard University Press, 2007), 44.

[4] John Atkins, *A Voyage to Guinea, Brasil, and the West Indies*… (London : C. Ward and R. Chandler, 1735), 171.

[5] Herbert Klein, *The Atlantic Slave Trade* (New York: Cambridge University Press, 1999), 93.

[6] Ibid.

rice, and yams with a bit of palm oil and pepper for seasoning."[7] The precise diet that a slave received must have varied tremendously from ship to ship, but the bulk of these provisions were acquired on the coast of Africa and mostly likely included indigenous foods like yams, rice, and palm oil. That crews provisioned ships with these foods implies that there was a limited knowledge that varied diet could be advantageous to one's health, principally in combating scurvy.

Thomas Aubrey, in his work *The Sea-surgeon, or the Guinea Man's Vade Mecum*, published in 1729, complicates this scholarship slightly. He comments disapprovingly that the slave diet became much less varied onboard ship than on land, but despite these deficiencies, was still defined by a twice-daily meal of palm oil, fish, and peppers.[8] Water, like food, was limited by its availability on the African coast and the space available to hold these stores on board the ship. Klein claims that French sailors in the eighteenth century "estimated that they needed one cask or barrel of water for every person aboard ship and all traders gave drinking water three times per day."[9] The account of Alexander Falconbridge, a slave ship surgeon turned abolitionist who is quoted extensively in the secondary literature, conflicts with Klein's claim. Falconbridge writes that the "allowance of water is about a half pint each at every meal."[10]

Beyond food and water, another common means of preserving slaves' health during the Middle Passage was forced exercise. Robert Harms, in *The Diligent*, describes the practice of "dancing the slaves," an activity that forced slaves to exercise through dance to traditional music.[11] Harms quotes ship surgeon James Arnold's understanding of this practice: "It was usual to make them dance in order that they might exercise their limbs and preserve their health."[12] Falconbridge

[7] Randy Sparks, *The Two Princes of Calabar: An Eighteenth-century Atlantic Odyssey* (Boston: Harvard University Press, 2004), 76.

[8] Thomas Aubrey, *The Sea-surgeon, or the Guinea Man's Vade Mecum. In which is laid down, The Method of curing such Diseases as usually happen Abroad, especially on the Coast of Guinea; with the best way of treating Negroes, both in Health and in Sickness. Written for the Use of young Sea Surgeons* (London, 1729), 127-128.

[9] Klein, *Atlantic Slave Trade*, 94.

[10] Alexander Falconbridge, *An Account of the Slave Trade On the Coast of Africa* (London: Printed by J. Phillips, 1788), 22.

[11] Robert Harms, *The Diligent* (New York: Perseus Books, 2002), 297.

[12] Harms, *Diligent*, 297.

supports Arnold's analysis, similarly writing that exercise "being deemed necessary for their health, they are sometimes obliged to dance, when the weather will permit them coming on deck."[13] John Atkins does not specifically write that slaves were forced to dance for exercise, but similarly equates mobility and freedom of movement within the confines of the ship "as conducive to their Health; we let them go at large on the Ship's Deck, from Sun-rise to Sun-set."[14] The exercise of slaves on the deck of the ship appears to have been common practice.[15] While slaves were on the deck, cleaning of the slave quarters could be carried out. Atkins barely touches upon this practice, noting only in passing that in addition to providing slaves "such as like it [with] Pipes and Tobacco," slave ship crews "[cleaned] and [aired slave] Dormitories every day."[16] Klein sheds some light on Atkins' testimony, suggesting that crews would often clean slave quarters using "vinegar and other cleansing agents."[17] Klein also notes that special attention was paid to maintaining the cleanliness and availability of water on the high seas. He suggests that crews regularly "[checked] and [cleaned] . . . the water casks and copper caldrons" that held water on board.[18]

The hygienic measures outlined in the sources above are reflected in the experiences of John Newton, who chronicled the Middle Passage in numerous written sources. Marcus Rediker hails Newton as a source of "unparalleled insight into the life of a slave-ship captain" in his latest book, *The Slave Ship*, legitimizing Newton's narrative as written "more from the decks of a slave ship—and more about what transpired on the decks of a slave ship—than . . . any other captain in the almost four centuries of the trade."[19] Newton recorded the measures he took as a slave ship captain to help prevent and eliminate the spread of disease, detailing the cleaning suggested by Aubrey and Klein and elaborating on the lengths that captains took to secure provisions for their crews and captives. Newton prepared for the arrival of slaves on his ship

[13] Falconbridge, *Account of the Slave Trade*, 23.
[14] Atkins, *A Voyage to Guinea*, 173.
[15] Toyin Falola and Warnock, Amanda, ed., *Encyclopedia of the Middle Passage* (Westport, Conn.: Greenwood Press, 2007), s.v. "disease," 139.
[16] Atkins, *A Voyage to Guinea*, 175.
[17] Klein, *Atlantic Slave Trade*, 95.
[18] Ibid., 94.
[19] Marcus Rediker, *The Slave Ship* (New York: Viking, 2007), 158-9.

by constructing washrooms, "buying and storing provisions, [and] feeding the enslaved" already on board as the ship waited along the coast of Africa.[20] These provisions consisted of twice-daily meals of "horse beans, peas, and rice with a little salt meat mixed in."[21] Newton, who was aware of the scarcity of water, collected rainwater and bought fresh water whenever possible.[22] The cleaning of the slave quarters began while the ship rocked in the ocean off the West African coast, but escalated once Newton was preparing to make the Middle Passage. Newton commanded his sailors to "clear the slave apartments and scrape them to remove the excrement and dirt." [23] The lower deck was smoked using "tar, tobacco, and brimstone" to eliminate odor.[24] When an epidemic broke out, Newton used similar tactics to help fend off the spread of disease, ordering his crew to "scrape the rooms, smoke the ship for two hours, and wash the decks with vinegar."[25] Despite these efforts, the disease continued. The ship surgeon and a physician brought on board in the midst of a crisis could do nothing to stop the growing number of dying crew and slaves on Newton's ship. Newton wrote that people continued to die of a flux "that has baffled all our medicines."[26] A few months later, the conditions ameliorated and Newton set sail. But none of the many measures he took appeared to contribute to this eventual restoration of health to the ship.

Given the relative diversity and depth of hygienic practices on board Newton's ship, it is surprising that authors like Klein, who take the time to elaborate upon hygiene, still discredit these practices on slave ships in the eighteenth century. Klein writes:

> As is obvious from these details, it was the aim of all traders to keep the slaves and their quarters as clean as possible since there was a generalized awareness of the correlation between cleanliness and disease. Beyond this, all slave traders carried a ship's doctor to care for the slaves and crew and their illnesses. Nevertheless, the details given of the medical cabinets of these "doctors" show little of value for fighting the standard diseases

[20] Quoted in Ibid., 165-169.
[21] Ibid., 170.
[22] Ibid.
[23] Ibid.
[24] Ibid.
[25] Ibid.
[26] Ibid.

that struck both crew and the slaves.[27]

Klein's analysis is not altogether inconsistent with Newton's account of his ship docked off the Windward Coast in 1750. Obviously, Newton understood that cleanliness contributed to a lack of disease and his ship did have a surgeon on its crew. But Klein dismisses these efforts as lacking, incapable of staving off even the most "standard" diseases. In emphasizing these deficiencies, Klein assumes that there were better options available to Newton and his contemporaries that could have helped prevent and cure the diseases that afflicted all aboard slave ships. To the modern observer the smoking, scraping, and meager disinfection of the ship seems hopelessly inadequate to effectively fight off whatever disease was running rampant on Newton's ship. But for the mid-eighteenth century Briton, these efforts, though they do not represent the absolute summit of medical knowledge of the time, were commonly accepted practices that reflect the limited medical knowledge of the time period.

The limitations of the era were not confined solely to the more sophisticated aspects of hygiene, such as sanitation and disinfection, but were manifested even in the most basic attempts at preserving health. The exception to this rule was the diet aboard ship. The idea that a varied diet was directly correlated with health and longevity had long been accepted, going back as far as antiquity and persisting through medieval Europe.[28] As noted previously, the diet of the slave confined to the slave ship could have been diversified, but in general slaves received adequate, regular nourishment. Some scholars have even suggested that the incidence of nutritionally related diseases such as scurvy on slave ships was the result of malnourishment prior to the trans-Atlantic journey, since such diseases typically take four to six months from the onset of undernourishment to develop.[29] If this is true, the slave diet during the Middle Passage may have been an improvement over the provisions slaves received while being held on the West African coast. Klein estimates a diet of 2000 calories per day, and this level of

[27] Klein, *Atlantic Slave Trade*, 95.

[28] Roderick E. McGrew, ed., *Encyclopedia of Medical History* (New York: McGraw-Hill, 1985), s.v. "nutrition."

[29] Kenneth F. Kiple and Brian T. Higgins, "Mortality Caused by Dehydration During the Middle Passage," *Social Science History* 13, no. 4 (1989): 429.

sustenance falls within accepted levels of energy intake required for survival. Nevertheless, no scientist or physician had any real idea of the many elements necessary for a balanced diet in the eighteenth century and would have not understood Klein's qualification of diet in terms of calories. Although nutritional science experienced some breakthroughs between 1750 and 1850, it was not until the middle of the twentieth century that a full understanding of the different nutritional benefits of certain foods, minerals, and vitamins was fully understood.[30] Even illnesses like scurvy, which was "known to result when a limited diet was fed and to disappear when certain foods were introduced," were not fully understood, and "the reasons for the illness or the cure were not apparent" to the many surgeons who insisted that lime juice be given to slaves during the Middle Passage.[31] The fact that slaves received an adequate food supply cannot be attributed to scientific knowledge of nutrition, but rather to a fortuitous, primal association between a varied diet and good health.

Although most primary and secondary scholarship attest to the relatively sound diet available to slaves on slave ships, not receiving enough water could seriously impair the health of a slave, even when food was available. Kenneth Kiple and Brian Higgins, in their article "Mortality Caused by Dehydration During the Middle Passage," suggest that dehydration was the leading cause of slave mortality during the Atlantic crossing.[32] Using Alexander Falconbridge's recollection that slaves were given a half-pint of water per meal, Kiple and Higgins describe how this amount of water constitutes a serious under-evaluation of the water necessary for survival. They demonstrate that a 145 pound man consuming around 2000 calories a day would very quickly dehydrate if he consumed a mere half-pint of water per day.[33] Dehydration directly influences the desire and ability to consume food. This consequential lack of nutrition would result in severe dehydration, during which individuals experience fatigue, a lack of thirst, and may even enter a "dreamlike," lethargic state.[34] Many ship surgeons and captains noted the prevalence of a disease they called

[30] McGrew, ed., *Encyclopedia of Medical History*, s.v. "nutrition."
[31] Ibid.
[32] Kiple and Higgins, "Mortality Caused by Dehydration," 430.
[33] Ibid., 422-3.
[34] Ibid.

"fixed melancholy" among slaves. This disease confounded eighteenth-century sea surgeons, who, finding no explanation in the medicine of the time, understood this malady as the slaves' unwillingness to live.

Although many slaves undoubtedly experienced depression and psychological trauma from their enslavement that in some cases may have been mostly responsible for their deaths, the sudden dying and unwillingness to eat or move that defined "fixed melancholy" is "characteristic of heart failure triggered by potassium loss" through severe dehydration.[35] This recognition of the severe physiological repercussions of extreme dehydration is only a late twentieth-century discovery.[36] Eighteenth century ship surgeons, although they must have understood that water was important for maintaining one's health, did not know that the condition they believed was incurable had a very simple solution—providing adequate water. Kiple and Higgins conclude by wondering how anyone managed to survive the Middle Passage, given the limited water supplies on board and the dehydrating nature of the passage itself.

Even more than the provisions allotted for the ship, many with even a meager understanding of the slave trade today marvel that human beings could have survived the filth that built up in the slave holds of the ship. Some of this incredulousness stems from our modern understanding of bacteriology, which assumes the "germ theory of disease, probably the most important single concept for the history of modern medicine."[37] Eighteenth century physicians did not understand that disease comes from sources invisible to the naked eye, believing instead in a doctrine of spontaneous generation, in which parasites are not the cause but the consequence of disease.[38] Medical historians date the beginning of the discovery of bacteriology to 1830, well after the abolition of the slave trade.[39] Antisepsis, the means to kill or prevent the spread of bacteria, evolved out of an understanding of bacteriology. Historians date the discovery of antiseptics to the second half of the nineteenth century.[40] Given their medical understanding of

[35] Kiple and Higgins, "Mortality Caused by Dehydration," 428.
[36] Ibid.
[37] McGrew, ed., *Encyclopedia of Medical History*, s.v. "bacteriology."
[38] Ibid.
[39] Ibid.
[40] Ibid., s.v. "antiseptic."

disease origin and prevention, physicians could not effectively combat a disease's spread throughout the slave ship because they simply did not understand how disease was initially contracted. Instead, doctors believed in the fallacious doctrine of humors, in which the circulation of the humors of the body contributed to health or disease. Aubrey writes:

> The Body cannot exist without . . . Air . . . the Fluids would be altogether incapable of Circulation without it . . . there is a kind of natural, pure, subtle, benign Air existing in all and every part of the body . . . [that] is the only instrumental Propagator of all the various Faculties and Functions of Life, Strength, Motion, and Sensation.[41]

This confused understanding of air as the guiding principle of circulation and the essential element of human survival is consistent with the Hippocratic tradition of humoralism, which asserted that air, together with food, guided the body's functions.[42]

Aubrey, Falconbridge, and Lind's frequent discussion of the air quality in their respective tracts, and Newton's insistence on smoking to remove the stench of disease, are likely reflections of the importance and validity of humoralism in the eighteenth century. Blood, the "primary humor and a composite of all the humors," was another essential component of this theory.[43] Because disease "occurred from imbalance in the humors," the most common means of restoring balance to the body was through bloodletting.[44] Bloodletting was prescribed by T. Aubrey, and quite rightly, given the knowledge available to him.[45] Bloodletting was accepted as "effective against conditions arising from plethora, the accumulation of too much of the vital humor from . . . too little exercise [and] dissipation," definite consequences of life aboard the slave ship.[46] Similarly ineffective cures were prescribed by ship doctors, from the recommendation of "purging with Rhubarb" for curing diarrhea by Aubrey to the application of bark for vomiting

[41] Aubrey, *The Sea-surgeon*, 2-3.
[42] McGrew, ed., *Encyclopedia of Medical History*, s.v. "humors."
[43] Ibid.
[44] Ibid.
[45] Aubrey, *The Sea-surgeon*, 80.
[46] McGrew, ed., *Encyclopedia of Medical History*, s.v. "bloodletting."

advocated by Lind.[47]

Although ship surgeons may not have known how to effectively combat disease at this time, their awareness of disease and their inability to adequately treat these ailments is noteworthy. James Lind, despite his confusion over how to effectively treat disease, makes incredibly detailed observations on the progression of disease. Falconbridge, providing the most criticism of the conditions on board the slave ship of any of the ship surgeons mentioned here, spends much of his tract describing the "putrid atmosphere" of the ship and lamenting the fact that he can do nothing to alleviate the deplorable conditions facing slaves and common sailors.[48] Falconbridge's critiques of the trade are complicated by his abolitionist sentiments. His abolitionism must have influenced his perspective and chronicling of the slave trade. Regardless of the highly subjective nature of his work, Falconbridge's awareness of the hygienic problems on board testifies to the growing public awareness of public health and the importance of medical research. None of the many crucial discoveries made in the nineteenth century would have been possible without an impetus for research in the years leading up to these events. Although eighteenth-century Europeans did not understand the precise consequences of cleanliness, "a strong hygienic movement developed which stressed fresh air and cleanliness . . . Foul smells and infection were thought to be causally linked, and hygienists joined with social reformers to create a front against noxious odors, corruption, and disease."[49]

Such cooperation among social reformers, hygienists, and scientists, which was common, is perfectly captured in the chronicle of one of the most famous social-reforming physicians, Alexander Falconbridge. Falconbridge was a former slave-ship surgeon who by 1788 had grown disgusted with the trade and joined the abolitionist movement. His famous tract, *An Account of the Slave Trade on the Coast of Africa*, focuses exclusively on the Middle Passage, describing in great detail the conditions of slave ships that his contemporaries and predecessors failed to capture. Many modern secondary sources rely heavily on

[47] Aubrey, *The Sea-surgeon*, 75; James Lind, *An Essay On Diseases Incidental To Europeans In Hot Climates. With The Method of Preventing Their Fatal Consequences* (London : printed for T. Becket and P. A. de Hondt, 1771), 64.

[48] Falconbridge, *Account of the Slave Trade,* 29.

[49] McGrew, ed., *Encyclopedia of Medical History*, s.v. "antiseptic."

Falconbridge because of this attention to detail, failing to recognize that Falconbridge based his account on "interviews he conducted with Richard Philips, a member of the Anti-Slavery Society."[50] Although Falconbridge "revealed gross abuses and [the] inhumanity of the Middle Passage," and his account is surely not entirely exaggerated, his motivations for writing the work must not be ignored. *An account of the Slave Trade* was explicitly intended to shock readers into reconsidering their complacency with the slave trade. To accomplish this aim, Falconbridge chose to focus on the brutal conditions of the slave ship to make his case. Rather than solely emphasizing the torture inflicted on captives by captains and sailors, Falconbridge chooses to highlight with equal intensity the horror of the abysmal physical conditions of the slave ship. One of Falconbridge's most appalling recollections of the Middle Passage is a description of an attempt to minister to the sick in the slave hold:

> While they were in this situation, my profession requiring it, I frequently went down among them . . . But the excessive heat was not the only thing that rendered their situation intolerable. The deck, that is, the floor of their rooms, was so covered with blood and mucus which had proceeded from them in consequence of the flux, that it resembled a slaughter house.[51]

Falconbridge describes the slave ship at the outbreak of the devastating bloody flux. He vividly compares the filth on board a slave ship with the much more familiar yet similarly macabre image of the slaughterhouse. Contrasting his efforts to save his patients with his disgusting working conditions, Falconbridge showcases his inability to adequately care for the sick slaves. Although he could not save all of the ailing, once they were removed from the vile, bloody slave hold, "the rest were, with great difficulty, restored."[52] Equating disease with disgusting conditions—an association that more and more contemporary Britons were aware of and appalled with—Falconbridge's text provided ammunition for the abolition of the slave trade.

The plea for better hygiene that Falconbridge voiced in 1788 was

[50] Falola and Warnock, ed., *Encyclopedia of the Middle Passage*, s.v. "Alexander Falconbridge."

[51] Falconbridge, *Account of the Slave Trade,* 26.

[52] Ibid.

made law that same year in the Dolben Act. Sir William Dolben was motivated to bring the act before Parliament because of his convictions that "putrid disorders and all sorts of fatal diseases were the direct results of tight packing."[53] Falconbridge's text echoes the horror of tight packing by describing the appalling conditions of a ship that held seven hundred slaves in its holds.[54] Though the Dolben Act of 1788 focused on limiting the carrying capacity of the slave ship based on tonnage, it also called for the improvement of many of the conditions Falconbridge criticized in his text—some of which, it is speculated, had been provided on most British ships—including "minimum food and water requirements per slave per day in transit" and the mandatory hiring of a ship surgeon.[55] These ship surgeons were offered financial incentives for preserving the lives of slaves. Each surgeon received fifty pounds sterling "if mortality did not exceed two percent, or twenty-five pounds sterling if losses did not exceeded three percent."[56] Proof of the lives saved was to be preserved in written records kept by the surgeon that evaluated disease.[57]

Slave ship surgeons were also held to higher medical standards as a result of the Dolben Act. The law "required all Guinea surgeons to be examined and certified by the Company of Surgeons of London," a certification that came to include other places of medical learning, such as hospitals and the prestigious Royal College of Surgeons of Edinburgh.[58] Although there is some debate over the qualifications of many slave ship surgeons, these men were usually much better educated than the captain of the slave ship and certainly more learned than his fellow sailors.[59] This measure seems to have been taken not because surgeons may have been insufficiently qualified, but rather due to a growing awareness of the importance of formal study for the medical

[53] Richard B. Sheridan, "The Guinea Surgeons on the Middle Passage: The Provision of Medical Services in the British Slave Trade," *The International Journal of African Historical Studies* 14, no. 4 (1981): 623.

[54] Falconbridge, *Account of the Slave Trade,* 26.

[55] David Richardson, "The Ending of the British Slave Trade in 1807: The Economic Context," *Parliamentary History* 26 (2007): 136-137.

[56] Sheridan, "The Guinea Surgeons," 610.

[57] Richardson, "British Slave Trade," 137.

[58] Sheridan, "The Guinea Surgeons," 621-622.

[59] Rediker, *Slave Ship*, 211.

profession.[60] The mandates for improving the status and qualifications of the ship surgeon, along with the other terms of the Dolben Act, emphasized hygiene and the improvement of conditions in terms of health care. In this respect, David Richardson, in his article, "The Ending of the British Slave Trade in 1807: The Economic Context," evaluates the act as "[reflecting] a growing belief in British society in the efficacy of state intervention to tackle public health issues."[61]

Though the Dolben Act certainly has its place in the history of medicine and public health in England, the act is also viewed by historians as one of the first pieces of legislation contributing to the eventual abolition of the slave trade in 1807. The abolitionist undercurrent that emphasizes hygiene runs through both the Dolben Act and Falconbridge's narrative. These texts not only demonstrate the intermingling of the public health and abolitionist movements that began to gain momentum in England toward the end of the eighteenth century, but also represent the intersection of hygiene and abolition. Within the history of the Atlantic slave trade, the bettering of the physical conditions of slavery during the Middle Passage was used to bring about the abolition of the slave trade whereas humanitarian reform helped to entrench slavery in the Old South of the nineteenth century.[62] The reevaluation of conditions on board slave ships during the eighteenth century was a tactic used by abolitionists to convey the evils of the trade rather than an isolated movement brought upon by a progress in medical knowledge. The two mutually reinforced one another—as medical knowledge advanced, so did the impetus on the part of the British public to improve health conditions in all spheres of British life. Contextualizing these efforts within the history of medicine sheds new light on the hygiene already present on board ship and the limitations of the demands of the Dolben Act. Without a proper understanding of dehydration, nutrition, sanitation, and the nature and cause of disease, neither the measures proposed by the Dolben Act, nor the surgeons the act mandated, could have been truly effective in staving off disease and death on the slave ship.

The truth remains that conditions were abysmal and hundreds of

[60] Roderick E. McGrew, ed., s.v. "medical profession."
[61] Richardson, "British Slave Trade," 137.
[62] Genovese, *Roll, Jordan, Roll*, 48-50.

thousands, both white and black, died during the perilous journey across the Atlantic. Slaves in the Middle Passage were treated as both property and humans. In order to preserve the value of their commodities, slave traders had to recognize the humanity of their captives. Suggesting that hygiene was present on board slave ships does not negate or trivialize the suffering of the slaves. Rather, it places the conditions of the slave ship within a larger historical context, complicating the traditional understanding of the Middle Passage, and guarding against the tendency to presume and impose modern understandings upon the historical past.

The Soviet Invasion of Afghanistan: Superpower Crisis and the "Second Cold War"

Emily Holland

For many, the Soviet invasion of Afghanistan in December 1979 played a crucial role in ushering in a "Second Cold War" period lasting from the late 1970s until the mid 1980s. However, the Soviet decision to invade was made with careful deliberation. Primary documents provide strong evidence that the Soviets felt compelled to invade for the sake of national security, not expansionism. The invasion was not an isolated occurrence, but rather an inevitable result of the contemporary political atmosphere and circumstance. An analysis of rising tensions in United States-Soviet relations immediately following the invasion further reveals that this deterioration was largely the consequence of leadership choices and ideology, rather than a direct repercussion of the invasion itself. Finally, despite the corrosion of the superpower détente, the Soviet invasion of Afghanistan served to improve Cold War relations by strengthening the positions of both NATO and Warsaw Pact allies in pursuing their own interests divergent from those of the superpowers. Thus, instead of ushering in a "Second Cold War," the invasion of Afghanistan actually helped, over the long run, in ending it.

Despite American accusations that the Soviet invasion of Afghanistan was a blatant show of expansionist force, the Soviet rationale behind the decision was in fact much more complicated. After the communist coup in Afghanistan in April 1978, the Soviets gradually increased their support for the Afghan communist party, the People's Democratic Party of Afghanistan (PDPA), and not without some hesitance.[1] The events surrounding the fall of the Shah in Iran during the winter of 1978-79 pushed the Soviets to become more committed to Afghanistan as fears grew that the United States would

[1] Odd Arne Westad, "Concerning the situation in 'A': New Russian Evidence on the Soviet Invasion of Afghanistan," *Cold War International History Project*, Bulletin 8/9 (Winter 1996): 129.

exploit it to replace their lost Middle Eastern foothold.[2] During a visit with Hafizullah Amin, the Afghan communist leader who had studied in the United States, head of the Communist Party of the Soviet Union (CPSU) Central Committee International Department Boris Ponomarev received "a report from the KGB suggesting that Amin had ties with US intelligence services."[3] The ambiguity of Afghan ties to the United States through Amin thrust the Soviets into a precarious balance of power, in which maintaining a communist government in Afghanistan became crucial to preserving Soviet influence in the region. For the Soviets, the prospect of a communist Afghanistan was an unexpected boon, but the possibility of a United States-allied Afghanistan was dire.

While the Soviets were no doubt pleasantly surprised by a communist coup in a country with which it shared a two-thousand mile border, they had reservations about the leadership and the potential for successfully upholding a communist government from the beginning. In a CPSU Central Committee Politburo Discussion on Afghanistan from March 17-19, 1979, Premier Alexei Kosygin announced that he had misgivings about the leadership and the actual situation in the Afghanistan:

> Amin and [Afghan President Nur Mohammad] Taraki alike are concealing from us the true state of affairs. We still don't know exactly what is happening in Afghanistan. What is their assessment of the situation? After all, they continue to paint the picture in a cheerful light, whereas in reality we can see what is happening there.[4]

The fear of United States involvement coupled with the uncertainty of facing an unstable and untrustworthy regime led the Soviets to discuss the possibility of introducing troops in March 1979 after a rebellion against the Communist regime in Afghanistan had broken out. In face of the turn of instability in Afghanistan and in spite of misgivings over the sincerity of the Afghan leadership, the need to maintain a communist government was stressed by Soviet foreign minister Andrei

[2] Leonid Shebarshin, "Interview with KGB General Leonid Shebarshin," Interview by Odd Arne Westad, Moscow, 7 October 1993.

[3] Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge: Cambridge University Press, 2005), 305.

[4] Transcript of the CPSU CC Politburo Discussions on Afghanistan, 17-19 March 1979, *CWIHP Bulletin 8/9*.

Gromyko: "Under no circumstances may we lose Afghanistan […] if we lose Afghanistan now and it turns against the Soviet Union, this will result in a sharp setback to our foreign policy."[5] KGB Chairman Yuri Andropov echoed Gromyko's sentiments, noting that, "bearing in mind that we will be labeled as an aggressor, but that in spite of that, under no circumstances can we lose Afghanistan."[6]

While the Soviets understood the importance of supplying and aiding the Afghan communists, the decision to provide military aid and invade was hard fought. The leadership was well aware of the reaction that the use of force would provoke in the West and was at first unwilling to undo the work of détente. Gromyko noted:

> I completely support Comrade Andropov's proposal to rule out such a measure as the deployment of troops into Afghanistan. The army there is unreliable. Thus our army, when it arrives in Afghanistan, will be the aggressor. Against whom will it fight? Against the Afghan people first of all, and it will have to shoot at them. Comrade Andropov correctly noted that indeed the situation in Afghanistan is not ripe for a revolution. All that we have done in recent years with such effort in terms of détente, arms reduction and much more – all that would be thrown back. China of course would be given a nice present. All the non-aligned countries will be against us. In a word, serious consequences are to be expected from such an action.[7]

By the end of the session, on March 19, Leonid Brezhnev summarized that the "Politburo has correctly determined that the time is not right for us to become entangled in that war."[8] However, circumstances in Afghanistan quickly deteriorated with the murder of President Taraki by Amin in October 1979. Soviet fears of betrayal by Amin and the new Afghan leadership were heightened, and in a new twist, the question of who would succeed Brezhnev as leader of the Soviet Union contributed to the decision to invade Afghanistan.

By late October, Defense Minister Dmitri Ustinov began advocating military intervention. Perhaps hoping "that an energetic action would make him shine as the successor to Brezhnev,"[9] Ustinov's

[5] Ibid.
[6] Ibid.
[7] Ibid.
[8] Ibid.
[9] Wilfried Loth, *Overcoming the Cold War: A History of Détente* (New York: Palgrave, 2002), 159.

increased concern and call to action was swiftly mirrored by the position of Andropov, who by that winter also leaned towards military intervention. Perhaps the most effective catalyst in propelling the Soviets towards the decision to invade was a remarkable handwritten personal note from Andropov to Brezhnev in early December 1979, in which Andropov summarized the situation in Afghanistan, cited evidence of Amin's possible political shift to the west and prescribed military intervention:

> After the coup and the murder of Taraki in September of this year, the situation in Afghanistan began to undertake an undesirable turn for us. The situation in the party, the army and the government apparatus has become more acute, as they were essentially destroyed as a result of the mass repressions carried out by Amin. At the same time, alarming information started to arrive about Amin's secret activities, forewarning of a possible political shift to the West. Contact with an American agent about issues which are kept secret from us. Promises to tribal leaders to shift away from the USSR and adopt "a policy of neutrality". Closed meeting in which attacks were made against Soviet policy and the activities of our specialists. […] All this has created on the one had, the danger of losing the gains made by the April revolution within the country, while on the other hand- the threat to our positions in Afghanistan (right now there is no guarantee that Amin, in order to protect his personal power, will not shift to the West).[10]

Thus, the members of the Politburo who had so recently been unwilling to sacrifice the gains of détente and risk being labeled the aggressors, were slowly being made to realize the crucial need of keeping Afghanistan as a loyal ally. In addition, recent scholarship argues that the worsening of East-West relations in the field of arms control, and particularly a NATO decision on December 12 approving a proposal for the installation of new "American medium-range missiles and Pershing-2 missiles in Western Europe"[11] might have led the Politburo to meet on December 12 to formally ratify "the proposal to intervene."[12]

[10] Personal Memorandum, Andropov to Brezhnev, n.d. [early December 1979].

[11] Aleksander Antonovich Lyakhovskiy, "Inside the Soviet Invasion of Afghanistan and the Seizure of Kabul, December 1979," *Cold War International History Project Working* Paper, no. 51 (1979).

[12] Westad, *The Global Cold War*, 321.

As the Soviets had feared, their last-resort defensive policy decision to invade Afghanistan was viewed by the United States and described by National Security Advisor Zbigniew Brzezinski "as ultimate proof of aggressive intent."[13] An article in the *New York Times* dated December 31, 1979, highlighted the idea that the Soviet invasion was about to usher in a "Second Cold War." Correspondent Bernard Gwertzman assessed that "Moscow's decision to intervene militarily in Afghanistan has deeply angered the Carter Administration and seems likely to send Soviet-American relations into another period of bitter recriminations, more reminiscent of the cold war years of the 1950s than of the détente years of the 1970s."[14] Facing these new conditions, Brzezinski sent a memorandum to Carter outlining his view on foreign policy on December 26, 1979.[15] In this memorandum Brzezinski asserted that the United States should exploit the fact that world public opinion may be upset at the Soviet intervention and that the United States should support and aid the Afghani resistance movement. In summary, Brzezinski concluded by urging Carter to warn the Soviets "directly and very clearly" that United States-Soviet relations are about to suffer greatly.[16]

Carter was won over to Brzezinski's aggressive and hawkish policy advice, which complemented his "interpretation that the introduction of Soviet troops into Afghanistan was the first step in an advance through Pakistan and Iran to the Indian Ocean"[17] and his deep sense of personal betrayal from Brezhnev, who had assured him that the Soviet Union would "behave uprightly."[18] Consequently, the reaction of the United States was harsh and somewhat unexpected from a leader whom many had considered "soft". In addition, in light of the upcoming United States Presidential elections, Carter perhaps felt a more conservative and aggressive approach was necessary. Carter embarked on an effort

[13] Ibid., 322.

[14] Bernard Gwertzman, "Afghanistan's Impact: A New United States-Soviet Freeze," *New York Times,* 1 January 1980.

[15] Brzezinski to Carter, 26 December 1979, in *The Cold War: A History in Documents and Eyewitness Accounts*, ed. Jussi Hanhimäki and Odd Arne Westad (New York: Oxford University Press, 2003), 552.

[16] Ibid.

[17] Loth, *Overcoming the Cold War*, 160.

[18] Ibid.

to "punish the Soviet Union for Afghanistan,"[19] which corresponded to Soviet leadership's expectations of the American reaction. In a Report by Gromyko, Andropov, Ustinov and Ponomarev, dated January 27, 1980, the Politburo stated:

> The USA, its allies, and the PRC have set themselves the goal of using to the maximum extent the events in Afghanistan to intensify the atmosphere of anti-Sovietism and to justify long term foreign policy acts which are hostile to the Soviet Unions and directed at changing the balance of power in their favor. Providing increasing assistance to the Afghan counter-revolution, the West and PRC are counting on the fact that they will succeed in inspiring an extended conflict in Afghanistan, as the result of which, they believe; the Soviet Union will get tied up in that country, which will negatively reflect on the international prestige and influence of the USSR. Hence force, in relations with the USA, to maintain a firm line in international affairs in opposition to the Carter Administrations provocative steps.[20]

However dramatic the Soviet prediction might have been, it was in fact not detached from reality. Carter was determined to impose as many sanctions and punishments on the Soviet Union as possible. In a National Security Council meeting on January 2, 1980, Carter was set on the fact that the United States should "try to do the maximum, short of a world war, to make the Soviets see that this was a major mistake."[21] At a meeting to discuss United States countermeasures to the invasion, Carter "surprised even his National Security Advisor by supporting all proposals that were on the table, including a prohibition on United States grain exports to the Soviet Union and a boycott of the 1980 Moscow Olympics."[22]

The decision to punish the Soviets for their involvement in Afghanistan was pushed further when Carter lost the 1980 Presidential Elections to Ronald Reagan. Reagan's aggressive policy towards the Soviet Union followed the "Reagan Doctrine—an aggressive initiative designed to increase the cost of Soviet support for Third World

[19] Michael Kort, *The Columbia Guide to the Cold War* (New York: Columbia University Press, 1998), 105.

[20] "CPSU Politburo Decision," 18 January 1980, report by Gromyko-Andropov-Ustinov-Ponomarev, *Cold War International History Project,* 27 January 1980.

[21] "Record of NSC meeting," 2 January 1980, in *The National Security Archive*, Carter-Brezhnev Collection.

[22] Westad, *The Global Cold War,* 328.

socialist governments."[23] Reagan's firm belief that the Soviet Union "underlies all the unrest that is going on"[24] and his view of its role as the "Evil Empire" bolstered his aggressive stance and further dimmed the prospects for a thaw in superpower relations.

While bad relations between Moscow and Washington showed no sign of improvement, relations between the superpowers and their allies in both NATO and the Warsaw Pact took an unexpected turn. Moscow's decision to invade Afghanistan took many by surprise, including its Warsaw Pact allies. In fact, as noted by Cold War scholar Csaba Békés in his paper "Why there was no 'Second Cold War' In Europe? Hungary and the East-West Crisis following the Soviet Invasion of Afghanistan," the Hungarians, who had been informed of the Soviet's decision *from the news*, received a communication regarding the decision as late as December 28, 1979, a day after the official date of Soviet invasion.[25] The communiqué, sent by Soviet Ambassador Vladimir Pavlov, included a final sentence that "was meant to be an excuse for the total lack of communication"[26] and contained the statement, "Our friends will naturally also understand that the development of events did not make a preliminary exchange of opinions possible for us."[27] Naturally, the unilateral decision by the Soviets to invade put their Warsaw Pact allies in an awkward position. For countries like Hungary and Poland that had been pursuing greater economic and social ties with Western Europe, fears arose that the deterioration of relations at the superpower level might impede their necessary goals. In particular, the United States emphasized that the improved economic relations and Hungary's most-favored nation status would be contingent on Hungary's behavior in light of the new crisis.[28]

Thus, the Warsaw Pact allies pursuing greater economic ties with Western Europe to aid their ailing economies were pressed to distinguish

[23] Steve Galster, "Afghanistan: the Making of US Policy 1973-1990," *Volume II: Afghanistan: Lessons from the Last War*, 9 October 2001, in *The National Security Archive*.

[24] *The Wall Street Journal,* 3 June 1980.

[25] Csaba Békés, "Why there was no 'Second Cold War' In Europe? Hungary and the East-West Crisis following the Soviet Invasion of Afghanistan," *NATO and the Warsaw Pact: Intra-bloc Conflicts*. ed. Victor Papacosma (forthcoming, 2008).

26 Ibid.

27 Ibid.

28 Ibid.

between the foreign policy initiatives of the Soviet Union and their own goals. Economic integration was an issue of utmost importance to them, and they could not risk undoing the ties they had built with Western Europe over what was a decidedly internal affair of the Soviet Union. However, at least at first, the Soviets were unwilling to let the Warsaw Pact allies pursue their interests, as indicated in a Report on the Meeting of the Foreign Secretaries of the Closely Cooperating Socialist Countries in Moscow on February 29, 1980. It noted that:

> In the present international situation, it is of particular importance to consolidate economic and scientific-technical cooperation between the countries of the socialist community. We must make efforts to specialize production and develop cooperation to reduce our economic dependence on the capitalist world. The competent Soviet organs should study the possibilities of accelerating the process and of elaborating our agreed activity in the capitalist world market.[29]

Interestingly enough, in this same report, Hungarian András Gyenes emphasized the need to maintain "political, economic, cultural and technical-scientific relations with the Western-European countries."[30] In addition, Polish leader Andrzey Werbian stressed that the Warsaw Pact "should approach the individual countries of Western Europe differently [and…] treat flexibly the existing political, cultural and other relations and should strive to make new contacts."[31] Hence, it was quite obvious that despite Soviet rhetoric demanding solidarity in East-West relations, the Warsaw Pact states had set as priority their interest in maintaining relations with Western Europe.

For Hungary, an emphatic statement of their position was crucial. The blocking of relations between the socialist countries and the West in 1980 would have meant insolvency, as it would have "blocked Hungary's acquiring a crucial 1.7 billion dollar Western loan in that year."[32] Thus, General Secretary of the Hungarian Communist Party Janos Kádár's position stating that relationships between Eastern and Western Europe should be strengthened to avoid the success of American interests in

[29] "A Report on the Meeting of the Foreign Secretaries of the Closely Cooperating Socialist Countries in Moscow," 29 February 1980, *Cold War International History Project.*

[30] Ibid.

[31] Ibid.

[32] Békés, "Why there was no 'Second Cold War' In Europe?".

Western Europe was pivotal. The acceptance of this position by the CPSU Central Committee was overall a huge success for Hungary and the Warsaw Pact allies. In fact, as noted in Békés' paper, this policy was put forward "as the current CPSU line, emphasizing that 'socialist countries should make the maximum use of the possibilities contained in existing relations with the Western European countries to counter-balance the United States' foreign policy line.'"[33]

Concurrently, intra-bloc tensions in NATO resulted from the hard-line policies of the United States that were intent on applying maximum punishment to the Soviet Union for its decision to invade Afghanistan. Like the Warsaw Pact allies, the Western European states generally saw the Soviet decision in a much gentler light, and felt that the United States reaction was disproportionate. Moreover, they felt that their interests should not be hindered by what they saw as unilateral decision-making that was purely in the interest of the United States. As Western Europe had more liberty to denounce prescribed American policy towards Eastern Europe, they "categorically rejected the notion of trade sanctions as the answer to the Soviets' march into Afghanistan."[34] In fact, they instead sought to fill the void left by the Americans with the Soviets, leading to the expansion of trade with the Soviets in 1980. In addition, Western European leaders were loathe to follow the United States-led boycott on the Moscow Olympics, which only West Germany supported.[35]

Relations between the United States, France, and West Germany became more strained during this period, as it became clear that France and West Germany were less likely to toe the line when their interests were at stake. The estrangement was so clear that the Soviets even formed a policy to exploit the rift. In a report by Gromyko, Andropov, Ustinov and Ponomarev, dated January 27, 1980, they advised pursuing the policy of intensifying "our influence on the positions of various NATO allies of the United States, particularly on France and West Germany, to the greatest possible extent using in our interests the differences which have been revealed between them and the United States in the approach to the choice of measures in

[33] Ibid.
[34] Loth, *Overcoming the Cold War*, 163.
[35] Ibid.

response to the actions of the Soviet Union in Afghanistan."[36] The Reagan administration's aggressive and self-interested economic policy following the Soviet invasion of Afghanistan and the imposition of Martial Law in Poland further alienated the United States' European NATO allies, who felt that the United States would pursue unilateral decisions at the expense of her allies.

The clarity of the emergence of a European identity during this period is striking. Both the European Warsaw Pact allies and NATO allies sought to pursue their interests, which was a more united Europe, over the conflicting interests of the United States and the Soviet Union. Although superpower relations no doubt remained strained well into the early 1980s, their European allies sought to extend the cooperative spirit that had grown in the 1970s. Consequently, even as Soviet Union and the United States suffered as a result of their respective interests and constraints, Cold War relations were considerably smoothened by economic ties and political interests within the European community.

While the Soviet Decision to invade Afghanistan was one factor of many that attributed to the decline and death of détente in the late 1970s, leadership choices in both the United States and the Soviet Union show how personality and ideology helped contribute to the downturn in the early 1980s and the eventual thawing in the mid 1980s in East-West relations. While it is difficult to assert the counterfactual and assume that different leadership may have changed the course of history, the extreme leadership choices during this period are intriguing.

Perhaps the most obvious example is the election of Ronald Reagan in 1980. Carter's aggressive reaction to the Soviet invasion of Afghanistan was indeed taking a hard-line, but his desire to punish the Soviet Union was somewhat out of character for a president who favored negotiation. Indeed, up until his defeat in the 1980 election, the possibility of negotiation was not entirely off the table. Reagan's entrance onto the political stage was not unexpected. According to Békés, "'leading representatives of the monopoly capitalist groups' warned that the Soviet Union had to 'prepare for an extremely hard fight' [but also predicted that…] the execution of this program [might

[36] "CPSU Politburo Decision," *Cold War International History Project.*

require] a more strong-handed president than Jimmy Carter."[37] Soon after taking office, Reagan embarked on a mission to discredit the Soviet Union permanently, a foe he would later label the "Evil Empire." Surrounded by hardliners such as Director of Central Intelligence William Casey, who advised the need "to make the Soviets bleed"[38] in Afghanistan, and given his personal ideological outlook, Reagan's presidency was certainly not the most facilitative for an improvement in East-West relations.

Soviet leadership choices were also crucial during this period. Following Brezhnev's death in November 1982, Andropov took over as general secretary. However, his involvement in the decision to invade Afghanistan and his history of aggressive policy prescriptions as KGB chief gave him little room to maneuver. Andropov "knew well that his standing in the party was connected to the validity of the December 1979 decision, in which he had been a prime mover"[39] and thus could not risk abandoning Afghanistan at risk of seeming "soft." Thus, while the need to extricate the Soviet Union from Afghanistan was growing increasingly clear, as it was becoming a massive drain on resources and an open sore on Soviet prestige, Andropov was unable and unwilling to make radical decisions that might have salvaged East-West relations. Indeed, for Andropov, the conflict was still framed in light of superpower competition. In a Session of the CPSU Central Committee Politburo on March 10, 1983, Andropov stated, "We are fighting against American imperialism which well understands that in this part of international politics it has lost its position. This is why we cannot back off."[40] By 1983, the aged and rigid Soviet leadership was unable and unwilling to be flexible in implementing stunningly necessary policy because of the importance of fighting the United States.

However, following the quick succession of the deaths of Brezhnev, Andropov and Konstatin Cherneko (who led for only 11 months), the Soviet choice of Mikhail Gorbachev as Chairman of the

[37] Békés, "Why there was no 'Second Cold War' In Europe?" (forthcoming 2008).

[38] Loth, *Overcoming the Cold War,* 354.

[39] Westad, "Concerning the situation in 'A.'"

[40] "Session of the CC CPSU Politburo," 10 March 1983, *Cold War International History Project*.

Supreme Soviet on October 1, 1988 injected seeds of radical change into the leadership. The Soviet Union that Gorbachev inherited was inefficient and beset by inertia, and Gorbachev was set from the start to implement radical reforms, which included improving relations with the United States. In a speech on December 10, 1984 to party ideological workers, Gorbachev declared war against "conservatism, indifference and stagnation,"[41] and within weeks of taking office began to launch radical reforms, most notably *glasnost* and *perestroika*. By October 1986, Gorbachev had already met with Reagan for the *second time* to discuss issues such as reduction of nuclear arms and the Strategic Defense Initiative program. Gorbachev's introduction of *glasnost* and *perestroika* to energize and redevelop Soviet society was certainly popular with Western European leaders, and was hardly conceivable under any of the previous Soviet leaders. Gorbachev's marked deviation from his predecessors with regard to leadership style and ideology ultimately contributed to a period of improved relations between the Soviet Union and the United States. .

The Soviet invasion of Afghanistan represented a huge setback and even the death-knell of the policy of détente. While some attribute it directly to the emergence of a "Second Cold War," and while it did lead to a freeze in superpower relations, the formation of a common European community eased the "Second Cold War" into a period of increased interaction and cooperation between Eastern and Western Europe. Furthermore, the resulting deterioration in relations between the United States and the Soviet Union was partly caused by leadership choices that may have contributed to the atrophy of relations even without the burden of the Afghanistan decision. Thus, the assertion of a "Second Cold War" period in the late 1970s and early 1980s as a direct result of the Soviet decision to invade Afghanistan rings false. An examination of the political circumstances surround the event supports the final analysis that the Soviet invasion of Afghanistan was not an isolated instance that single-handedly caused the deterioration in United States-Soviet relations, and sheds light on the nuances in international relations underlying the so-called "Second Cold War."

[41] Mikhail Sergeyevich Gorbachev, *Izbrannye rechi i stat'i*, vol. 2 (Moscow: Politizdat, 1987).

Willful Forgetting: Methodological Approaches to the Problem of Historical Memory

David Piendak

Recent study of the Civil War has dealt extensively with the question of historical memory, that is, how the nation came to terms with the social and political legacies of the war. As a relatively new focus within the discipline of American history, the study of memory has been a troubling problem for historians. The very definition of the word is nebulous at best, and its usage within the field is contingent upon the acceptance of certain assumptions regarding the existence and power of collective public memory. Historians have approached the issue with various methods in order to construct a more comprehensive and holistic understanding of the war and its aftermath. However, many important questions about the validity of memory as a mode of historical analysis remain: Is there such thing as a cohesive historical or collective memory? Is memory created or does it arise spontaneously? Who, if anyone, has access to the control of historical memory?

Historians wrestled with these issues prior to the development of a language of memory within American history, and many fine social histories have aimed to engage with these questions, if indirectly. *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South 1865 to 1913* (1987) by Gaines Foster and *Glorious Contentment: The Grand Army of the Republic 1865-1900* (1992) by Stuart McConnell are two books that examine how social organizations and veterans' groups sought to define the meaning of the war from the period directly following the conflict into the early twentieth century. Gaines Foster uses the wealth of publications of postwar Confederate organizations to create a coherent narrative of Lost Cause ideology, while Stuart McConnell chronicles how Union veterans struggled to control their social identity in the aftermath of the deadliest war in American history.

More recent literature exemplifies the varied and interdisciplinary approaches to historical memory that historians have produced. *The Imagined Civil War: Popular Literature of the North and South, 1861-1865*

(2001) by Alice Fahs and *Memory in Black and White: Race, Commemoration, and the Post-Bellum Landscape* (2003) by Paul Shackel are new works of history that engage the problem of memory through alternative methodologies. Fahs interprets how the popular literature of the period represents cultural imaginings of the war, while Shackel, an anthropologist and historian, documents the history of controversial and contested spaces within the built environment. These works represent historical memory as a truly diverse field that incorporates literary, anthropological, psychological and sociological analysis.

Read together, these four books represent a few of the ways historians have approached memory and remembrance. Read critically, they typify both the merits and problems of memory as a focus of study. Foster and McConnell complement each other particularly well and exemplify the strengths and weaknesses of histories of organizational behavior. Fahs and Shackel, in their specificity of purpose and method, offer alternative viewpoints unaccounted for in the earlier works.

Chronologically the first of these books is Gaines Foster's *Ghosts of the Confederacy*. The book begins with the end of the war in 1865 and proceeds to describe the ways post-war social groups and veterans' organizations defined and negotiated the social and cultural meanings of the war through memorial activities, celebrations of self, and partisan political activism. The focuses of Foster's study of the development of the Lost Cause are the numerous veteran, historical, social, and literary organizations and societies that formed after southern surrender, including most prominently, the Association of the Army of Northern Virginia (AANVA), United Confederate Veterans (UCV), Southern Historical Society (SHS), Sons of Confederate Veterans (SCV) and the United Daughters of the Confederacy (UDC). Foster describes at length how these groups manipulated what he calls the "ghosts of the confederacy," that is, a form of historical memory centered around the commemoration of war dead in order to create "a ritual model of an ordered, deferential, conservative society."[1] He argues that these groups most often began as apolitical organizations during an unsuccessful southern revitalization period and attempted

[1] Gaines Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South 1865 to 1913* (New York: Oxford University Press, 1987), 144.

to reshape the existing culture into a more "satisfying" form.[2] While these emerging organizations were seemingly benign responses to the traumatizing political and military defeat of the war, they would come to exert considerable power over the dominant interpretation of the conflict.

The Confederate dead were the most powerful tools available to many of these groups, and leaders such as Robert E. Lee and Jefferson Davis were transformed into powerful cultural symbols following their deaths.[3] Foster traces the development of the earliest social groups to the death of Lee, a war hero whose personal distaste for memorial rituals rendered him more useful to the Lost Cause dead than alive.[4] The commemoration of war heroes after military defeat was central to the "ghost dance," an extended metaphor that Foster uses throughout the book to compare proponents of the Lost Cause to Native American folk tradition and religious rituals of resistance. According to Foster, the attempts of Confederate organizations to redefine southern tradition were in fact a form of mass resistance. The deaths of key southern political and military officials permitted memorial groups to use public memory to espouse a specific vision of the war. This vision emphasized the valor, honor, and heroism of those who fought as part of a large-scale celebration of southern culture that would eventually abolish any link between the war and antebellum slave society.

Gaines Foster explicitly avoids the language of fiction, mythology, or civic religion to describe the creation and contestation of culture.[5] In his introduction he describes his purpose: a study of "who controlled… postwar Confederate organizations (and thereby served as keepers of the past), how southerners responded to these groups, what these groups had to say about the war, and what their rituals meant."[6] Embedded in Foster's description of methodology is his own model of understanding historical memory. The use of "ritual"—a word with clear religious connotations—to describe the actions of postwar southerners suggests the weight Foster puts on public spectacle in the creation of memory. In addition, reference to Confederate organizations and their

[2] Ibid., 56.
[3] Ibid., 96.
[4] Ibid., 52.
[5] Foster, *Ghosts of the Confederacy*, 7.
[6] Ibid., 5.

leadership as "keepers" of the past implies an interpretation of memory as something actively created and imposed upon culture, in this case, through ritual, commemoration, and education. While Foster attempts to avoid a simple top-down analysis of public memory by exploring regional differences and challenges to a unified southern ideology, he ultimately argues that the rituals and memorials of bereavement during the 1860s and 1870s became a codified and hegemonic "Lost Cause" ideology, unobstructed by alternative interpretations of history. This ideology grew in strength until the turn of the century, when other cultural forces began to undermine the primacy of the Lost Cause.[7]

While the organizations in Foster's book were composed of southerners of diverse social and economic backgrounds, professional and white-collar members most often held leadership positions. Foster acknowledges regional and ideological differences among white southerners, especially in their attitudes towards the New South and nascent commercialism, but he subordinates the influence of southern blacks on the creation of culture. Certainly, freedmen lacked the social and political clout of southern whites after the war, but to assert that racism "was not as overt in or as central to the Confederate celebration as one might suspect," and that "southerners employed its symbols in behalf of a wide spectrum of racial thought" is open to serious question.[8] More often than not, it seems that the social order championed by these groups was concerned with the problem of a "biracial" society. Although Foster identifies the link between the Confederate celebration and white supremacy, he fails to establish the development of these organizations as a reaction to Reconstruction, a period central to the history and identity of the white South.

Foster mentions regional and minority challenges to the reign of Lost Cause ideology but these dissenting positions are largely left unexplored. Opposition to racial inequality, the Farmer's Alliance, the Populist Party, and organized militant labor all posed considerable threats to the development of a unified southern social order. Foster argues that these anxieties only fueled the growth of Confederate tradition.[9] How and why did these movements fail? Foster does not

[7] Foster, *Ghosts of the Confederacy*, 4.
[8] Ibid., 194.
[9] Ibid., 86-87.

offer an answer to the problem of how the Confederate celebration managed to quell or subdue labor movements and social agitators.

Despite these unanswered questions, Foster has written a cohesive and well-crafted study of the rise of the Lost Cause. He uses a wealth of primary and secondary sources to present original and convincing analysis. His arguments rely primarily on the canon of southern historical literature, and while certain voices are left unexplored, the dynamics of postwar organizational behavior offer persuasive insight into the development of a dominant mode of remembering the war.

Written five years after Foster's work on southern social groups, Stuart McConnell's *Glorious Contentment*, a study of Union veterans in the Grand Army of the Republic (GAR), represents a continuation of Foster's method of historical analysis. McConnell's work is narrower in scope—it studies a single fraternal organization over a shorter period of time—but offers slightly more nuanced analysis of the relationship between an organization and the culture at large. McConnell argues that though GAR members were able to shape certain aspects of public memory through relief funds, flag campaigns, and education, they themselves were the products of late Victorian culture and susceptible to the social tensions of the period.[10] In light of a rapidly changing and nationalizing civilization, GAR members attempted to preserve their own cultural ideals, values deeply rooted in an antebellum and Civil War past. In this preservationist sense, Grand Army veterans and the membership of Confederate organizations in Foster's study were somewhat similar. But while the "Confederate Celebration" succeeded in creating a hegemonic culture that evolved into Jim Crow and white supremacy, McConnell argues that the GAR was unable to impose its millennial vision of society on a northern culture increasingly defined by commercialism and centralization.[11]

McConnell describes the GAR as a broad, national institution and movement, but concentrates his study on three posts in particular: Post 2 of Philadelphia, Fletcher Webster Post 13 of Brockton, Massachusetts, and James Comerford Post 69 of Chippewa Falls, Wisconsin. McConnell describes these posts through a wealth of demographic

[10] Stuart McConnell, *Glorious Contentment: The Grand Army of the Republic 1865-1900* (Chapel Hill: The University of North Carolina Press, 1992), xv.

[11] Ibid., 237.

information, including tables that illustrate the occupations, term, rank, and birthplace of members as proof of the variance and diversity both within and among the posts. The three that McConnell selects for close study are intended to represent urban, mid-sized industrial, and rural posts that could be found throughout the North.

Rights of GAR membership were a source of deep contention within the organization. According to post minutes, the question of who was deemed worthy for admittance into the group was a problem that received considerable attention. More and more men who had seen only marginal involvement in the Civil War clamored for admission into the GAR, presumably for the benefits associated with membership. According to McConnell, standards of acceptance were central to the group's desire to remain unique among the many non-military social and fraternal organizations of the period.[12] This uniqueness and self-modeling as "saviors" of the nation was at the heart of the GAR's self-image as a millennial organization, one obligated to provide a model of manhood, independence, and virtue to the American people at the turn of the century and into the foreseeable future.

According to McConnell, the GAR accurately reflected the ethnic makeup of the nation before the war. While the group was dominated by native-born white men, the presence of Catholic members in certain posts implies some level of ethnic diversity.[13] In dealing with the ethnicity of GAR members, McConnell notes the near-total absence of black GAR veterans. He writes, "like in the Union Army itself, black veterans were accorded separate and unequal status," yet maintains that active discrimination was not, in fact, a part of the GAR's modus operandi.[14] While black veterans were often blackballed from "white" post membership, some separate, black GAR posts were formed. McConnell takes note of the national events where black GAR posts were in attendance, but his book lacks substantial detail about the existing black posts during the period. This willful forgetting of the presence of black GAR posts is troubling; McConnell is able to denounce racism yet avoid direct engagement with issues of race as they related to the GAR.

[12] McConnell, *Glorious Contentment*, 119, 121.
[13] Ibid., 80.
[14] Ibid., 71.

Like Foster, Stuart McConnell writes prior to the development of a language of historical memory within American history, and frames his work vis à vis discussion of "ritual" and "cosmology," a language almost identical to that in Foster's book. McConnell's is not a political history, and he consciously avoids extensive discussion of political movements within the GAR. While he does not disallow the partisan Republican activities of the GAR, McConnell argues that these were not among the most important purposes of the organization.[15] The resulting analysis is written in something of a political vacuum, with little to gauge the political presence and efficacy of the organization. This severance of the GAR movement from any sense of national political discourse abridges our understanding of the role of the GAR in northern politics during this period. Discussion of the Grand Army as a pension lobby and "bloody shirt" Republican stronghold is minimized in favor of description of the group's many cryptic rites and rituals placed within the context of other late nineteenth century fraternal organizations.

McConnell views the veterans as a group of men essentially threatened by an increasingly commercial and emasculating culture. Like Foster, McConnell argues that at the turn of the century, traditional definitions of manliness based on self-denial, independence, devotion to a higher cause, and a rejection of materialism were under assault.[16] Veterans North and South attempted to reclaim an antebellum definition of manhood. This obsession with "manly" virtues, promoted through national campfires and nostalgic reunions, helps explain the rapid acceptance of reconciliation between GAR and Confederate veterans.

The nationalism espoused by Grand Army cosmology ultimately failed to shape the nation. According to McConnell, this failure was because of waning membership at the turn of the century but also due to the incompatibility of the GAR's vision with new forms of American nationalism. He writes, "The ideals of independent producerism and manliness were under increasing strain in an economy of centralization and trusts."[17] At the turn of the century, the GAR did not speak the language of modern nationalism: a nationalism that began to be

[15] Ibid., xiv.
[16] Ibid., 107.
[17] Ibid., 237.

contested by traditionally marginalized social groups. A review of *Glorious Contentment* writes, "With few exceptions, historians have not paid much attention to the voluntary associations of middle-class white men in the national past."[18] This distinguishing factor is also the book's greatest shortcoming. While McConnell's history of the GAR is the product of excellent research and thoughtful analysis, it is ultimately devoid of alternatives to the voice of GAR cosmology. Commercialism and a rapidly changing Victorian culture are the only challenges that McConnell explores, and the presence of women, lower-class labor, and blacks is only accounted for in passing.

More recent books on historical memory, pioneered by the work of historian David Blight, have attempted to account for these peripheral histories. Published in 2001, *The Imagined Civil War* by Alice Fahs offers a democratic view of the construction of culture via the analysis of popular literature. The book challenges consensus-school interpretations of literature as part of a "unified American imagination," in favor of more complex patterns of northern and southern fiction during the war.[19] Fahs presents this study of consumer literature as a window into the numerous ways Americans imagined the war occurring around them.

Fahs forthrightly states her methodology. Her focus is popular literature, writing that reached a broad audience and fell into a category somewhere between high and low literature. Her study spans the five years of the war and explores the literature of both North and South. In this book, Fahs exposes how so-called dime literature often transcended the boundaries of conflict and the pseudo-distinct cultures of Union and Confederacy. However, the majority of Fahs' analysis relies on the literature of the North, where publishing companies did not encounter the financial problems and paper shortages of the South. She accounts for this disparity by explaining that much of the literature of the North was republished in the South under a different title, and that while certain war themes rendered literature distinctly Union or Confederate, the two sides shared remarkably similar taste in fiction.

[18] William Pencak, "Review of Glorious Contentment: The Grand Army of the Republic, 1865-1900," *The American Historical Review* 98, no. 1 (1996): 256-247.

[19] Alice Fahs, *The Imagined Civil War: Popular Literature of the North and South 1861-1865* (Chapel Hill: The University of North Carolina Press, 2001), 6.

The book considers these works through a combination of literary analysis and presumed readership demographics. Fahs identifies and devotes considerable time to the various strains of fiction that gained popularity throughout the war: sentimentalism, sensationalism, humor, feminized accounts, portrayals of blacks, and literature intended for youth. According to Fahs, such accounts celebrated "the primacy of the individual experience of war," rather than any unified nationalist sentiment.[20] While fiction published on both sides of the Mason-Dixon Line was certainly patriotic, it often focused on individual, private experience and memory. It also established an early link between patriotism and commercialism. Fahs supplements her writing with numerous well-circulated prints and illustrations that were equally important to the development of early commercial and literary culture.

According to Fahs, the popular literature that emerged during the Civil War reflected the preferences of its audience more than the motives of its authorship. Through the act of buying and reading, Union and Confederate citizens actively shaped the culture in which they lived.[21] According to Fahs, imagination was a profoundly social act, as a large portion of the population experienced the war either actively or through the imagination. While Fahs attempts to piece together the audiences of numerous works of fiction to support her claims, she admits that publication figures and demographics for this period are difficult to establish.[22] The focus on feminized readings of the war, wherein brave soldiers mourn their separation from mothers and wives, implies a readership that was strongly, if not predominantly, female. While Fahs offers anecdotal evidence that soldiers consumed cheap literature in considerable quantities, the popularity of sensationalist stories about women as spies, scouts, and cross-dressing soldiers implies a large female audience unhappy with their inability to directly engage the war effort. Similarly, the birth of a lucrative genre of war fiction for children shows that many Civil War era youth, both in the North and South, were imaginatively engaged with the war.[23]

At the core of Fahs' work is her analysis of the treatment of

[20] Fahs, *The Imagined Civil War,* 92.
[21] Ibid., 9.
[22] Ibid., 295.
[23] Ibid., 229, 231.

free blacks and slaves in wartime literature. While crude typological representations of blacks abounded, Fahs argues that the literature, songs, and cartoons of the North "were an important medium through which emancipation began to be imagined as a positive good early in the war."[24] Beginning in 1862, select northern publications argued for blacks' employment as soldiers and later illustrated the figurative transformation of slaves into men. On the other hand, southern literature continuously reinforced white supremacist ideology through virulently racist cartoons and stories. While southern audiences engaged in deeply offensive stereotypes of blacks, northern literature began to imagine alternative futures for America's freed men and women, futures dependent upon the abolition of slavery.

Unfortunately, as a form of high literature, African American journals and newsletters fall out of the purview of Fahs' study. This excludes much of the literature of black authorship for analysis; populations that are largely illiterate rarely write fiction. Thus, analysis of a black vision of the war is lacking, and Fahs uses a literate, white audience to mediate the emancipation vision expressed in northern popular literature. While Fahs' methodology and decision to study popular literature were intended to produce a more democratic analysis of historical memory, she overvalues a literate white audience, often of middle class means.

In her final chapter entitled "The Market Value of Memory," Fahs traces how popular historians subverted the meaning of the war through pseudo-historical anthologies based on popular war narratives and meant for the "Victorian parlor table" rather than serious historical study. These histories, often written while the war was still being waged, "sought a wide audience by attempting to avoid partisan political discussion as much as possible, stressing instead the "heroic" or "thrilling" aspects of the war."[25] In this sense, Fahs begins to reflect upon the issues of Foster and McConnell's books, that is, how the war was designated a particular meaning. In the epilogue, she writes:

> At the time of the war, as well as in the immediate postwar period, the idea of sacrifice for the nation as a central meaning of the war had been available to both white men and women—and after 1862, to black

[24] Fahs, *The Imagined Civil War,* 157.
[25] Ibid., 229.

> soldiers as well. In the 1880s and 1890s, however, commentators and writers increasingly attached the idea of Civil War sacrifice for the nation to white men only, thus gendering and racializing the memory of the war in a new way.[26]

Like Foster and McConnell, Fahs views memory and imagination as gendered; wartime fiction was often feminized and postwar literature became increasingly masculine. The inclusive literature of the 1860s gave way to a cult of experience that valorized manhood and white soldiers over all other wartime participants, effectively seizing control of the meaning of the war. Analysis of this crucial shift in writing is unfortunately lacking from Fahs' book.

While the works of Foster and McConnell attempt to illustrate the continuity of the three and a half decades following the war, Fahs' scope is far too limited to produce any conclusive arguments on how popular literature was commandeered by this particular brand of conservative patriotism. In addition, little information is given as to the fate of popular fiction following the end of the war, other than an account of the growing popularity of young boys' literature—Horatio Alger stories. Were these other books simply forgotten? Why was the popular imagination so easily seized by reconciliationist memory?

Whereas Fahs interprets and analyzes the imagination, anthropologist and historian Paul Shackel presents a history of the concrete. In *Memory in Black and White*, a book composed of four case studies of the representation of African Americans in Civil War memorials and the American landscape, Shackel offers yet another mode of interpreting historical memory. Shackel identifies his work as an extension of British Historian Eric Hobsbawm's view of public history, whose definition he quotes, "The history which became part of the fund of knowledge or ideology of nation, state or movement is not what has actually been preserved in popular memory, but what has been selected, written, pictured, popularized and institutionalized by those whose function it is to do so."[27] Shackel is particularly interested in the legitimation of public memory, and his study focuses on the National Park Service, whom he refers to as the "keepers and purveyors

[26] Ibid., 315.

[27] Paul A. Shackel, *Memory in Black and White: Race, Commemoration, and the Post-Bellum Landscape* (Walnut Creek: Altamira Press, 2003), 11.

of much of our national official history."[28] He organizes this book as a set of conflicts between the various groups who have negotiated the meaning of monuments and memorials, including the NAACP and the United Daughters of the Confederacy. His work, therefore, is a history of contested meaning and interpretation, beginning with the end of the war and continuing through present day.

Shackel frames his work in the language of modern anthropology, a discourse well suited to deal with the problem of historical memory. He argues that memory is reified through the memorialization process and ultimately serves as a powerful form of social control. Thus, he writes, "public memory can be viewed as tactical power that controls social settings," in reference to one of four modes of power defined by anthropologist Eric Wolf. [29] According to this tradition, access to memory is limited only by a group's financial and political strength. As minority groups consolidated political power during the rise of the Civil Rights movement in the 1950s and 60s, they were able to mount viable challenges to the established meanings of a number of civil war monuments.

In *Memory in Black and White*, Shackel relies extensively on the work of many leading Civil War historians in order to contextualize the history surrounding the construction of places of memory. He engages and synthesizes the works of Gaines Foster and Stuart McConnell as well as histories by David Blight and Drew Gilpin Faust, among others, in a chapter that acts as a primer on historical memory and the Civil War. Similarly, the case studies rely on a combination of select primary and secondary sources to situate the history of the individual monuments and their locations.

The focus of the book is divided among four historical sites and documents their contested historical meaning over the course of a century of social and political unrest. Shackel chooses the John Brown Fort of Harpers Ferry National Park, the Heyward Shepherd Memorial of Lower Town Harpers Ferry, the Augustus Saint-Gaudens Monument to Robert Gould Shaw in Boston, and Manassas National Battlefield Park in Manassas, Virginia as sites that deal specifically with the commemoration of emancipation and African Americans within

[28] Shackel, *Memory in Black and White,* 2.
[29] Ibid., 13.

Civil War history. These sites serve as prime examples of contest over control, though others could have served a similar purpose. He argues that the presence of a distinct, African American vision of war memory was minimized and ultimately excised from national public memory following the war, and that the triumph of Lost Cause ideology resulted in the depoliticization of memory. [30] Thus, issues related to slavery and race have been pushed aside in favor of a history privileging the valor and courage of a brotherhood of white men.

The individual case studies in this book are well researched and provide balanced analysis of how meaning has been contested over the decades. Shackel's decision to situate the National Park Service as mediator of history is particularly compelling, perhaps because this organization seems an unlikely seat of historical power. The book presents the challenges associated with the preservation of historical space. Shackel argues that modern black leaders and organizations have been successful in commemorating a black historical presence at many of these locations, with the exception of Manassas National Battlefield Park, where the NPS incomprehensibly failed to preserve the homestead of a black family.[31] At its best, *Memory in Black and White* offers absorbing analysis of monuments within the context of the built environment, including photographs and descriptions of modern debates regarding these locations. At its weakest, the book is a rehashing of much of the last thirty years of Civil War scholarship. Despite its problems, Shackel's book represents new influences on the discipline of history and offers a glimpse of the interdisciplinary possibilities of the study of historical memory.

Together, these four books represent some of the challenges to the study of historical memory. Acutely aware of the pitfalls of this model of social history, these historians have wisely attempted to explain their purpose and methodology from the outset. Foster and McConnell write within the framework of traditional social history. They avoid the somewhat ambiguous language of mythology, fiction, and memory in favor of well-researched analysis of rituals and commemoration in the North and South. On the other hand, more recent works by Fahs and Shackel rely on interdisciplinary approaches in order to advocate for

[30] Ibid., 32.
[31] Ibid., 169.

often-unrepresented strains of memory. In doing so, they engage with untraditional and largely unexplored areas of history.

Read in parallel, Foster and McConnell offer a comprehensive and thoughtful history of postwar civil organizations, how they came to interpret the war, and how they made use of its legacy. Spanning roughly the same period, these works delineate how postwar American culture rapidly shifted from reluctant reunion to popular white reconciliation. Foster and McConnell write persuasively on the importance of particular virtues to postwar Confederate organizations and the GAR. As a form of escapism, commemoration of the war slowly lost all political meaning in favor of blissful nostalgia and memories of honor, camaraderie, and the valor of those who served. Veterans could ignore contemporary social realities through rituals of reconciliation and fraternal compromise.

These realities, however, should not be ignored when writing a history of war memory. Foster and McConnell have written brilliant histories of the dominant, reconciliationist vision of the war but offer little insight into alternative threads of historical memory. While Foster mentions the challenges facing black Union veterans, African Americans are nearly absent from both works. Women, virtually nonexistent in McConnell's book, pose a more complex problem to confederate history. Foster presents southern women as a powerful bloc in *Ghosts of the Confederacy* via the United Daughters of the Confederacy and other women's groups. However, these women rarely proposed a uniquely female understanding of the war. Instead, they strengthened the conservative vision of the Confederate Celebration through their roles as objectified symbols in memorial rituals, and later, as guardians of Lost Cause ideology and southern education. It is arguable whether these women actively interpreted and controlled history or merely preserved an existing version of it.

While *The Civil War Imagined* focuses on the broad range of fictive stories to emerge during the war, Fahs also privileges certain narratives above others. Black men appear primarily as minstrel stereotypes, though these same typological representations were applied to pro-emancipation politics in the North. Black women are largely unaccounted for, appearing only as one-dimensional "mammy" figures in conservative southern fiction. If one were to interpret the

fiction of the period as a reflection of history, it would seem that black women had no stake in the coming emancipation, as only black men, specifically those who fought, underwent the transformation of slave into freeman. Similarly, existing immigrant populations, though still a minority prior to the war, are virtually absent in the literature Fahs examines.

Through the final chapter and epilogue of *The Imagined Civil War*, Fahs attempts to account for the narrowing definition of civil war experience. She cites the GAR's influence in shifting the conceptualization of the war from a large social event involving entire societies to an exclusive military event privileging those who fought. This shift was paralleled in the rise of veteran-oriented literature during the 1880s and 1890s, culminating with such white supremacist works as Thomas Dixon's The Clansmen in 1905.[32] The multiplicity of imagination that emerged from 1861-1865 was subordinated to a reconciliationist vision that bridged North and South. Nevertheless, the links that Fahs establishes between literary devices and actual memory are somewhat tenuous. It is not entirely clear how an imagined world related to the reality of warfare, or if the imagined is even a part of historical memory. While Fahs admits that these alternative visions were somehow dominated by a reconciliationist strain soon after surrender at Appomattox, Foster more clearly argues that popular literature symbolized an olive branch from northern novelists to the South. She maintains that editors and publishers actively promoted reconciliation by encouraging stories about military sacrifice and bravery and ignoring divisive war stories.[33]

On the other hand, Shackel uses the historical framework established by Foster and McConnell as the groundwork for his book on memory and the built environment. Accepting the concept of public memory as defined by previous historians and anthropologists, Shackel aims to classify the various ways groups have negotiated and renegotiated the cultural meanings of memorials that engage specifically with issues of slavery and emancipation. Armed with the language of modern anthropology, Shackel espouses a more radical interpretation of the creation and control of memory. He writes, "Those who are able to commemorate the past are those who have the money and

[32] Fahs, *The Imagined Civil War,* 314-315.
[33] Foster, *Ghosts of the Confederacy*, 69.

political power to publicly remember a particular past."[34] According to Shackel, the enfranchised and dominant classes have access to the control of memory where the oppressed and underprivileged do not. Thus, Shackel sees a clear link between a growing black empowerment movement and contests over public memory.

In dealing with the history of the built environment, Shackel rarely engages with the imagined past of Fahs' work. He is primarily concerned with the legitimation of public memory through government agencies such as the National Parks Service. Fahs, meanwhile, focuses on the creation of private and imagined histories through the act of reading. While they deal with different spheres of memory, both books attempt to represent the narratives that have been ignored by previous historians. Unlike Foster and McConnell, Fahs and Shackel devote considerable research and writing to the memories of underrepresented groups such as blacks, women, and children. The field of historical memory is continually complicated by the untold memories of the war. While a firm understanding of the dominant memory such that Foster and McConnell provide is an excellent foundation, contemporary historians would be remiss not to account for other social groups in the creation of a national ideology.

An important limiting factor in any study of memory is the period in which the historian chooses to situate him or herself. In this sense, Fahs works within the most limited form of memory. Her work spans only the years of combat and she cannot persuasively account for postwar challenges and changes to literary imagination. Whereas the scope of Fahs' work is too narrow for full historical analysis, Shackel's book seems overextended. The book relies too heavily on bullet point histories that situate the various case studies within larger historical trends and Shackel often grants cursory treatment to such important periods as Reconstruction, the reign of Jim Crow, and Civil Rights Movement.

One of the problems facing modern social historians is the question of what exactly constitutes history. As new histories begin to reach into related fields such as sociology, psychology, literature, and anthropology, the relationship between material facts and historical analysis is obscured. To claim that history is based on some form of

[34] Shackel, *Memory in Black and White,* 13.

absolute truth is foolish, yet the trend towards relativism, when applied to the extreme, threatens to rid the discipline of its roots in fact and reality. McConnell and Foster, though limited in scope, have written persuasive and exhaustive social histories that deserve recognition, though each invariably neglects certain forms of memory. Similarly, Fahs and Shackel attempt to challenge the dominant modes of memory through alternative methodologies, but they too neglect possible memories of the Civil War.

As a branch of history, memory proves particularly troubling to historians. Perhaps this is a function of the persistence of counterfactual memory within popular culture. As a particular form of memory gains momentum, historians are often powerless to control it. This ultimately calls into question the role of the historian within society, and whether history should be a normative or positive discipline. While this historiography has examined some of the problems of memory as a historical pursuit, it is not meant to detract from the importance of the historical endeavor. Memory is inherently self-reflexive and has strong links to historiography. If historians and the discipline are to continue to evolve and flourish, historical memory must be explored exhaustively. Paul Shackel put it best when he writes that the stakes are indeed high, for "those who control the past can command the present and the future."[35]

[35] Ibid., 191.

The International Law of War as Viewed Through the Spatial Order of Carl Schmitt

Lydia Walker

Today, against the background of terrorism and pre-emptive war, and allegations of torture in Guantanamo and Abu Ghraib, it is not only popular to bemoan the so-called "death" of international law, but also, by way of justification, to declare that international law was never a viable force in the first place. The idea that international law is flawed but necessary, or alternatively that international law has no importance because it is unenforceable, are both limited and unhelpful. Making an apology for international law in general is beyond the scope of this paper. Instead, an aspect of international law—the international law of war—will be examined using the theories of Carl Schmitt, a prominent critic of international law in its post-1890 incarnation.

In many of his writings, specifically *The Theory of the Partisan* and *Nomos of the Earth,* first published in 1963 and in 1950 respectively, Carl Schmitt laments that the world order that emerged from two world wars, embodied in the League of Nations and the United Nations, has destroyed the traditional mode of regulation, what he terms the *jus publicum Europaeum*, the law of the European system. In this world order that Schmitt deplores, conventional war is over and European civilization no longer arbitrates global conduct. Under the new world order, he argues, international law is useless and even dangerous, a tool of the weak that destabilizes the status quo. Schmitt adheres to the idea of a spatial order, of a world which "manifests law upon herself as fixed boundaries and … sustains law above herself as a public sign of order; law [that] is bound to the earth and related to the earth."[1] Schmitt's concept of "spatial order" is a critical organizing principle. Something that is "good" for the world upholds the spatial order; something that is "bad," violates it. Despite being discredited as a Nazi sympathizer by his contemporaries, today Schmitt is experiencing a resurgence as neoconservative thinkers and policy makers attempt to give theoretical

[1] Carl Schmitt, *Nomos of the Earth* (New York: Telos, 2003), 42.

validity to violations of international law.[2] Schmitt, an elegant, lucid theorist, possessed ideas that, in their crisp beauty, seduce, despite the devastating outcomes they describe. International law has always been an easy target. It is an unenforceable legal construct, an artifice so persuasive that it becomes edifice. Because he sees its flaws so clearly, Schmitt's eloquent critique provides an excellent starting point for a discussion on international law.

There is a dichotomy between conventional, "civilized," war governed by international law, and unconventional, civil, colonial, or what Schmitt calls "partisan" war that threatens the spatial order. Schmitt argues that unconventional war destroys the international law of war: "The modern partisan has moved away from the conventional enmity of controlled and bracketed war and into the realm of another, real enmity which intensifies through terror and counter terror until it ends in extermination."[3] In fact, partisan war did not destroy the laws of war but rather created them. This thought reversal becomes especially important when considering the contemporary application of Schmitt's language. His characterization of "another real enmity, which intensifies through terror and counter terror," evokes the rhetoric of the "War on Terror" and the excuses for violations of international law. However, by placing Schmitt's statement in historical perspective, it becomes clear that partisan warfare does not destroy international law but rather creates it. The international law of war becomes a legitimate, meaningful force for regulating contemporary conflict.

Schmitt marks the beginning of the breakdown of the law of war with the emergence of partisan warfare in the Napoleonic Wars. He writes, "new spaces of/for war emerged in the process, and new concepts of warfare were developed along with a new doctrine of war and politics."[4] This new doctrine of war and politics is defined by Clausewitz' famous dictum that war is "politics by other means." Clausewitz' book *On War* was written to address the new form of modern, total war created by Napoleon. Schmitt believes that while Clausewitz "recognizes openly the new 'potential' that [partisan war]

[2] William E. Scheuerman, "Carl Schmitt and the Road to Abu Ghraib," *Constellations* 13, no. 1 (2006). Prominent neo-conservatives who follow Schmitt include Jay S. Bybee, Alberto Gonzalez, and John Yoo.

[3] Carl Schmitt, *The Theory of the Partisan* (New York: Telos, 2007), 11.

[4] Ibid., 3.

represents," Clausewitz "remains … the reform-minded regular officer of a regular army … unable to germinate the seed which becomes visible here," and thus did not foresee the full implications of partisan war.[5] Schmitt is most concerned with Spanish guerrilla warfare on the peninsula, but he also quotes a contemporary Prussian officer describing "the whole Napoleonic campaign against Prussia in 1806 … [as] 'partisanship on a large scale.'"[6]

Schmitt carefully shows how partisan war breaks down the crucial categories, accepted by the *jus publicum Europaeum*, that separate the civilian and the belligerent. There is a precarious balance,

> A difficult compromise between the interests of the occupying power and those of its (war) opponents. The partisan disturbs this order… in a dangerous way… because he is more or less protected and concealed by the local people in the occupied zone… The protection of such a population [by international law] potentially means also the protection of the partisan.[7]

Schmitt argues that historically, traditional international law, the *jus publicum Europaeum*, acted as a boundary between partisan and conventional conflict. The Hague Conventions of 1899 and 1907, the Geneva Convention of 1949, and the Geneva Protocols of 1977, however, all violate Schmitt's notion of spatial order and progressively place partisan war within the protection of international law. The great powers must now abide by the laws of war, which appear to be weighted towards the partisan side. Unsurprisingly, great powers seek to place partisan warfare outside of the bounds of the laws of war. "A prohibition may function as much in its violation as in its observation," legal scholar Paul W. Kahn explains. "We need borders not just to close us in, but to define areas of transgression. Imagining a border, we have already established the possibility of its transgression."[8]

Partisan war was not the only dramatic political tool to emerge from the Napoleonic Wars. The French Revolution and Napoleon swept away a system of regulated balance of power and limited aristocratic warfare that had held sway in Europe since Westphalia and the dwindling of

[5] Ibid., 32.
[6] Ibid., 3.
[7] Ibid., 17-18.
[8] Paul W. Kahn, *The Cultural Study of Law* (Chicago: University of Chicago Press, 1998), 111.

the wars of religion.[9] While Schmitt's spatial order of the *jus publicum Europaeum* suffered a huge blow, Europe as a concept emerged with the Concert of Europe, a loosely arranged political community rising above that of the nation, with the great powers speaking for Europe. There was no pretense of democracy in this system; it was purely an effort to maintain the status quo. Yet this system of conferences and treaties addressed the crucial questions facing Europe during this period: managing the decline of the Ottoman Empire and containing Russia. It was, however, the holding of colonies that anchored the Congress system; laws were developed to govern, justify, and facilitate colonialism.[10] Here was the institutionalization of norms laid out in Grotius, Vatteau, and Bentham. Paradoxically, while Schmitt celebrates these norms as the *jus publicum Europaeum*, in the late nineteenth century they become codified into a body of law that he despises:

> The whole enterprise [of international law] already was a helpless confusion of lines dividing spheres of interest and influence, as well as of failed amity lines simultaneously overarched and undermined by a Eurocentrically conceived, free, global economy ignoring all territorial borders. In this confusion, the old *nomos* [order] of the earth determined by Europe dissolved.[11]

Schmitt charts the demise of the *jus publicum Europaeum* from 1890 to 1918, and describes partisan war as on hiatus from the end of the Peninsular Wars through the First World War. Yet the dominant forms of conflict during this same period were civil and colonial. Schmitt does not recognize that international law as it emerged in the twentieth century was generated by these conflicts. The United States Civil War produced the first legal code of war, General Order 100 for the Union Army written by Francis Lieber. While the Lieber Code is in no sense a humanitarian document because military necessity undercuts nearly all its provisions, it tries to clarify the distinctions between civilian,

[9] David A. Bell, *The First Total War: Napoleon and the Birth of Warfare as We Know It* (New York: Houghton Mifflin, 2007); Carsten Holbraad, *The Concert of Europe*, (London: Longmans, 1970).

[10] Antony Anghie, "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth Century International Law," *Harvard International Law Journal* 40, no. 1 (1990): 1-81.

[11] Schmitt, *Nomos*, 226.

soldier, prisoner, and criminal and codifies them into law.[12] The Code attempts to bring constraints back into warfare following the modern, total, Napoleonic Wars. It endeavors to do this by defining the object sought by the state, and working back from this to military necessity in a manner reminiscent of Clausewitz. Wanton, gratuitous violence cannot be justified as military necessity, though a creative commander can easily circumnavigate this. The only methods of enforcing the code are retaliation and reprisal, means that can easily lead to a downward spiral to total war. The Lieber Code was tremendously popular. European nations soon followed with military codes of their own taking much from Lieber.[13] Pacifists also quickly seized upon Lieber, using him as a blueprint for legislating limitations on warfare.[14]

Despite the bloodiness of the United States Civil War and the importance of the Lieber Code as the first formal attempt by a government to legislate the conduct of war, it is with colonial war that we come face to face with Schmitt's problem. Schmitt's system of European "natural" law never pretended to be applicable outside of Europe. For Schmitt the question is, what do you do when "civilized" international law replaces the "natural law" of the *jus publicum Europaeum*, and when great powers have to confront partisans who fall outside of "civilization"? Schmitt denounces the attempt to extend international law beyond the confines of Europe: "what was now considered to be international law… was no longer a concrete spatial order … It was nothing more than a series of generalizations of doubtful precedent."[15] While contemporary international law can easily be denigrated as unenforceable, Schmitt's "natural law," his *jus publicum Europaeum,* is hardly more effective. It did not prevent debilitating wars of religion, nor did it constrain European conquest abroad. This first wave of European conquest which necessitated the "rethinking of spatial problems … and the new relation between politics and economics"

[12] Francis Lieber, *Instructions for the Government of Armies of the United States in the Field* (New York: Nostrand, 1863).

[13] James F. Childress, "Francis Lieber's Interpretation of the Laws of War: General Orders No. 100 in the Context of His Life and Thought," *American Journal of Jurisprudence* 21 (1976): 34-70.

[14] Theodor Meron, "Francis Lieber's Code and Principles of Humanity," in *Human Rights in International Law* ed. Theodor Meron (Oxford, Clarendon Press, 1984).

[15] Schmitt, *Nomos,* 238.

occurred well before Schmitt's critical date of 1890 when Europe rejected international law and eventually "stumbled into a world war that dethroned the old world … and destroyed the bracketing of war it had created."[16]

From 1864 onwards, a series of meetings took place, which aimed to eliminate all "unnecessary" violence from the project of war. These conferences, an extension of the European Congress system, attempted to standardize the laws of war, a project both useless and dangerous to Schmitt.[17] According to Schmitt, "they turned the beautifully worded agreements into a mere façade. The maxim *pacta sunt servanda* waved like a juridical flag over a completely nihilistic inflation of numberless, contradictory pacts emptied of any content by stated or unstated provisos."[18] Specifically Schmitt refers to the Martens Clause in the preamble of the First Hague Convention, the "elastic clause" that articulates the tension between military necessity and the law of war. This states that while the convention is unable to distill its principles into crystalline rules, it no longer leaves them to the discretion of individual military commanders. Moral conscience is institutionalized into law; the law of war replaces military necessity as fundamental doctrine.[19] There are limits placed on war. However, the Hague Conventions stumble when articulating the laws of military occupation, *occupatio bellica*, the phase before claiming sovereignty over a territory. The occupying power has the responsibility to treat the occupied population well, until at some point, defined in 1907 as when a "real" government is established, rebellion by the occupied population becomes an internal police matter outside the jurisdiction of the laws of war. Those who do not obey become partisans, and function outside the legal structure of the law of war as set up by 1907.

Schmitt believes that the Nuremberg Tribunals and the Geneva Conventions of 1949 (Geneva III) represent a sharp break in the

[16] Schmitt, *Nomos,* 239.

[17] Geoffrey Best, *Humanity in Warfare* (New York: Columbia University Press, 1980), 128-200.

[18] Schmitt, *Nomos*, 239.

[19] "Hague Regulations 1899" and "Hague Regulations of 1907" The Avalon Project at Yale Law School: The Laws of War, http://www.yale.edu/lawweb/avalon/lawofwar/lawwar.htm.

international law of war, integrating a criminal justice model into the *jus publicum Europaeum* of "natural" international Law. For Schmitt, contemporary Europe, ravaged by The Second World War and fundamentally destabilized by the "new" international law, can no longer sustain those minimal standards of warfare to which it is possible to adhere. Schmitt loathes the language of humanity invoked at Nuremberg and human rights articulated at Geneva III. He believes that those who appeal to humanity give themselves license to cheat. The new international law integrates morality into a realm where it does not belong. Schmitt fears that "annihilation … is no longer directed against an enemy, but serves [an] … objective attainment of highest values [i.e. humanitarianism] for which no price is too high to pay."[20] While Nuremberg can be written off as "victor's justice" or an attempt to return to just and unjust war in order to legitimize the use of nuclear weapons, Geneva III created the present regime of international law. According to Schmitt, war could ideally "loose its criminal character and punitive tendencies … [In the *jus publicum Europaeum*] neutrality was able to become a true institution of international law, because the question of the just cause… had become juridically irrelevant."[21] Nuremberg and Geneva III radically violate this structure of neutrality.

Rising out of a romanticized vision of resistance and the notion of a just war, especially in collaborationist France against the Nazis, Geneva III includes partisan, unconventional fighters under the category of combatants who are due prisoner of war status and protections. The standard for combatant status was high, necessitating emblems, a chain of command, recognition by the other side, and other distinct markers, in order to separate the partisan from the civilian. It was not until the 1977 Geneva Protocols that partisans were more loosely and realistically defined and protected under the law.[22]

However, this raises other problems. Partisan fighters are protected, perhaps even privileged under international law at the expense of the conventional forces of more powerful nations, and international law

[20] Schmitt, *Partisan*, 67.

[21] Schmitt, *Nomos*, 309.

[22] "Additional Protocols (1977) to the Geneva Conventions of 1949," International Committee of the Red Cross Online Database: International Humanitarian Law - Treaties & Documents, http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument.

is enforced by a consensus of these more powerful nations. If these nations see that abiding by international law is not in their best interests, what mechanism can ensure the integrity of international law? For Schmitt this gaping logical hole undermines the whole framework of international law. The *jus publicum Europaeum* was dead by 1977; the law of war as a neutral project was over. Partisan war, once bracketed off, was now included. The Geneva Protocols of international warfare are a valiant attempt to force a convergence of the two tracks of war, conventional and partisan. Schmitt argues that by its very nature, international law cannot contain the partisan; therefore, the Protocols are illegitimate. Schmitt targets a crucial cognitive fissure; his argument is attractive to those who seek to find ways to ignore the laws of war. However, neither Schmitt's incisive analysis of a logical disconnect in the laws of war, nor governments' use of this logical disconnect to justify the violation of the laws of war, take into account important developments between 1949 and 1977. The aftermath of World War II and the subsequent de-colonization struggles in the context of the Cold War began to foment a forum of global opinion, most visibly in the United Nations. Despite Schmitt's theoretical insights, how the laws of war operate in theory cannot be separated from their practice.

The 1977 Geneva Protocols sought to respond to specific events that had taken place since 1949. Algeria and Vietnam are pertinent examples of modern partisan war, counter-insurgency, and global political blowback from negative public opinion. In Algeria, the irregular partisan fighters consciously used the laws of war to make it very difficult for the French to operate counter-insurgency tactics. The international law of war made a difference in shaping combat, making warfare very difficult for France, the great power.[23] The genius of the *Front de Libération Nationale* (FLN) is that they understood the predominance of the political component in the war they waged. They knew that in order to win they had to bring their case to the world.[24] France's brutal counter-insurgency violated the laws of war. The FLN

[23] George J. Andreopoulos, "The Age of National Liberation Movements," in *Laws of War: Constraints on Warfare in the Western World* eds. Michael Howard, George J Andreopoulos, and Mark R. Shulman (New Haven: Yale University Press, 1994), 191-213.

[24] Matthew Connelly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era* (New York: Oxford University Press, 2002).

could not hope to beat France militarily, but every time France upped the ante, increasing repression, the FLN not only gained international legitimacy, but also sowed dissent in France. The job of the partisan is not to beat his foe militarily, but rather to force his opponent to beat himself using the law of war.

Within this context of internal French disintegration in the face of partisan conflict, Schmitt uses the figure of the French General Salan as tragic hero:

> [The] experiences and effects of wars conducted by regular armies, of colonial war, civil war, and partisan battle intersect. [Salan,] in the coercive logic of the old saying that partisans can only be fought in a partisan way, thought all of this through to the conclusion. He acted accordingly, not only with the courage of the soldier but also with the precision of the general staff officer and the exacting attitude of the technocrat. The result was that he was transformed into a partisan himself, and that in the end, he declared civil war on his own commandant and regime.[25]

For Schmitt, writing in 1963, this is the apotheosis of the partisan. In partisan war, a moral man, an officer in a conventional army believes he must take on the trappings of a partisan, betray the law of his own nation in order to preserve justice. Schmitt then launches into an explication on why law must be superior to justice though he continues to romanticize Salan as a victim of the international law of war. For Schmitt, the troubling aspect of partisan warfare is that it obscures the identity of the enemy whether through the cloaking of the civilian population or by equating "justice" with the motives of national liberation movements, thus forcing the counter-insurgency to appear either impotent or criminal. While France scored a military victory in Algeria through a "successful" counter-insurgency, she endured great trauma in both the domestic and global spheres, facing a military coup and international censure. The only way for France to win was to leave.

Ironically, "barely a year after concluding peace in Algeria, de Gaulle had the satisfaction of chastising Americans for their own war in Vietnam."[26] Just as the Algiers Putsch of 1961 and the trial of General Salan encapsulate the confusion between correct and incorrect

[25] Schmitt, *Partisan*, 57.
[26] Connelly, *Diplomatic Revolution*, 277.

conduct inherent in partisan warfare, so too does the My Lai Massacre of 1968 and the later trial of Lt. Calley in 1971. It is important to note that a massacre differs fundamentally from partisan war. My Lai "was not a fearful and frenzied extension of combat, but 'free' and systematic slaughter and those who participated in it can hardly say that they were caught in the grip of war. They can say, however that they were following orders."[27] Much like the trial of General Salan and the other leaders of the Putsch, the trial of Lt. Calley, the sole officer convicted of murder in the aftermath of My Lai, was a national, face-saving, public relations event in which a harsh sentence, aimed at immediate public pacification, was eventually reduced. Captain Medina, the commanding officer of Charlie Company, the unit involved at My Lai, is quoted as ordering the killing only of enemies, which he defined as "anybody that was running from us, hiding from us, or appeared to be an enemy."[28] This "loose interpretation of the 'appearance' of enmity" which still leaves out the majority of those killed at My Lai, calls to mind Schmitt's analysis of the "new kind of enmity" of partisan warfare, an enmity that is so all-encompassing that it surrounds and suffocates the laws of war.[29] The My Lai Massacre, an obvious grave breach of Geneva III, shows how the erasure of boundaries between combatant and civilian in partisan war alongside the criminalization of wartime atrocities under Geneva III can turn the soldier into a killer. The careful bracketing of war from murder described by Schmitt in his *jus publicum Europaeum* no longer holds. Most examples of criminal military conduct are not so clear cut, but even in the case of My Lai and the ensuing domestic horror when events reached the public a year later, the US Army closed ranks and sacrificed only one of its own in a domestic trial. The domestic criminal justice model of Geneva III held, but the consequences of gross violations of the international law of war were not proportionate. A new model was necessary, laying the groundwork for the Geneva Protocols of 1977.

The Algerian Putsch and My Lai show how difficult it is for a great power to fight a partisan war. The great power believes that it is only through violating the laws of war that winning is possible. Yet

[27] Michael Walzer, *Just and Unjust Wars: A Moral Argument With Historical Illustrations* (New York: Basic Books, 1977), 310.

[28] Ibid.

[29] Ibid.

contravention creates a new set of problems: as moral advantage is ceded to the partisan, the conventional soldier *becomes* a partisan, an irregular fighter unprotected by the laws of war, a criminal. Given the force of global public opinion, the conventional military forces of a great power face a tremendous, perhaps insurmountable disadvantage in partisan war. Schmitt perceptively understood that it was the international law of war that caused this conundrum. The examples of Algeria and Vietnam encapsulate the quandary partisan warfare poses for great powers—to "win" by using tactics that mean losing in the end. The French in Algeria are often held up as an example of a successful counter-insurgency. By labeling Algeria a domestic police problem and using brutal force, the French achieved military ascendancy at the expense of domestic turmoil, a military coup, and international censure.

Partisan war developed concurrently with international law. While Schmitt may view it as the misbegotten remains of his *jus publicum Europaeum*, the forces behind partisan war–response to colonial conquest and war-wrought devestation–are not dissimilar to those that motivated the creation his *jus publicum Europaeum* of the early modern period. Schmitt provides a valid critique of international law, revealing its inability to regulate partisan warfare. However, he does not provide an adequate alternative. His vision for a stable international order in the world of 1955 is a system of internally homogenous regional power blocks.[30] Barring massive ethnic cleansing, this seems difficult to achieve.

The United States is fighting partisan war today in Iraq and Afghanistan. Finding an adequate response to partisan war within international law is crucial. Schmitt does not distinguish between partisan war and insurgency. "Non-state actors are … a symptom of the decaying *jus publicum Europaeum* … [and] cannot be dealt with according to its political or legal categories."[31] These unconventional fighters, these partisans, guerrillas, insurgents, terrorists, fall into a "legal black hole in which unmitigated discretionary power necessarily

[30] Schmitt, *Nomos*, 355.

[31] J. W. Müller, "An Irregularity that Cannot be Regulated: Carl Schmitt's Theory of the Partisan and the 'War on Terror,'" presented at the conference 'Jurisprudence and the War on Terrorism' at Columbia Law School, 22 April 2006. 16.

holds sway."[32] In February 2002, President George W. Bush issued a "secret declaration"[33] stating that Al Qaeda "detainees had no inherent protections under the Geneva Convention—the condition of their imprisonment, good, bad, or otherwise, was solely at his discretion."[34] This stance, while perhaps morally abhorrent, is not necessarily illegal. A knee-jerk negative reaction to the policy of the Bush Administration regarding unconventional combatants misses some important details. Firstly, the United States has not ratified the 1977 Geneva Protocols and there is ambiguity within the 1949 Geneva Conventions on the legal definition of "unconventional combatant."[35] This allows for the interpretation of terrorists and insurgents as "unlawful combatants" outside the bounds of international and domestic law.[36] As the French realized in Algeria, and the United States should have learned from My Lai, sacrificing moral legitimacy obliterates whatever short-term gain can be achieved by ruthless tactics.

The international law of war developed in response to problems created by partisan war. Even in a changing world, despite a spatial order in which the "new kind of enmity" of the partisan dominates warfare, international law is still a valid construction for regulating conflict. As modes of violent conflict change, the laws and institutions required for their regulation must change with them. The 1977 Geneva Protocols attempted to regulate partisan warfare. Perhaps what is needed is a system that applies the same standards to both sides, with an officially sanctioned body to investigate, publish findings, and provide a non-violent political forum for the conflict. Ambush and no uniforms might be acceptable, for instance, but torture and mutilation would be proscribed. The question of just and unjust wars can also be bracketed; we should move beyond a criminal justice model and strengthen the

[32] Scheuerman, "Carl Schmitt and the Road to Abu Ghraib," 118.

[33] Scheuerman, "Carl Schmitt," 119.

[34] Seymour Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (New York: Harper Collins, 2005), 1-5.

[35] "Geneva III, Article 4" The Avalon Project at Yale Law School:

The Laws of War, http://www.yale.edu/lawweb/avalon/lawofwar/lawwar.htm.

[36] "Military Commissions Act of 2006, S.3930," United States Government Printing Office, http://frwebgate.access.gpo.gov/cgibin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ366.109.pdf.

forum of global public opinion, which already seems to provide the most effective warfare regulation. Algeria would not be an independent nation, nor would My Lai have reached an audience without the mobilization of public opinion. We need to accept Schmitt's critique, utilize it, recognize its limitations and move beyond it.

Controlling Flint: Inclinations and Obstacles to Workers' Control in the 1937 Sit-Down Strike

Andrew Tillett-Saks

On December 30, 1936, workers in the General Motors Fisher Body Number 1 and Number 2 plants in Flint, Michigan decided to stop working. Nearly two months later, on February 20, 1937, the workers resumed their work in the plants. What transpired during these fifty-five days was an intense struggle, as workers occupied their place of employment, organized democratic governmental structures inside the plants, and defended their stand in a momentous physical clash with state police forces. However, it is the emergence and culmination of the strike that are particularly illuminating. Workers occupied their place of employment in an effort to assert their own voice in the governance of their workplace. Yet the auto workers of Flint were limited in ways that question much of the traditional historiography of the American labor movement. New Deal legislation directed the Flint workers' unrest into channels that did not completely fulfill the workers' implicit aims of control over the labor process, and the influence of America's dominant liberal ideology interacted with an otherwise radical consciousness in a manner that challenges both liberal and deterministic-Marxian historiographic interpretations of the American labor movement. What began as a one-man union organization campaign combusted into a fiery class struggle that holds valuable insight for those interested in both the history and the future of the American labor movement. In attempting to exercise control over the machinery that dominated their productive lives, General Motors' Flint employees exhibited certain inclinations anathema to capitalism's fundamental laws of private property. Obstacles to such radical demands materialized in the form of state intervention and the ideological hegemony of economic liberalism. What resulted was a labor movement stranded in an ideological no-man's land, striking at the theoretical roots of private property while professing allegiance to the capitalist social order. The achievements of the United Auto

Workers' sit-down strikes must be assessed in this context. If Flint's auto workers did not entirely fulfill their radical inclinations, their struggle undoubtedly sheds light on wage-laborers' impulses towards control of their own labor, the role of the modern state, and theories of cultural hegemony.

If World War I and the 1910s inspired dreams for organized labor, the 1920s transitioned quickly into a nightmare. A tight labor market, frenetic political fervor, and government assistance brought impassioned demands for "industrial democracy" during and immediately following the war.[1] However, the end of the War meant the end of labor's unique leverage, and 1922 witnessed a sharp decline in union membership. Employers swiftly shifted from the defensive to the offensive. In the form of "welfare capitalism," industrial paternalism replaced the specter of industrial democracy and workers' power.[2] As such, organized labor entered the 1930s showing few signs of power or momentum.

Yet the inauguration of Franklin D. Roosevelt and the passage of the National Industrial Relations Act (NIRA) in 1933 gently awoke organized labor from its slumber.[3] With section 7(a) of the NIRA ostensibly guaranteeing employees "the right to organize and bargain collectively through their own choosing" and outlawing any employer "interference, restraint, or coercion" in workers' organization, modest gains in union membership ensued.[4] But the newfound legal rights of labor, in both the NIRA and its successor the National Labor Relations Act (NLRA), remained more formal than substantive until the constitutionality of the NLRA was upheld in 1937 in *National Labor Relations Board v. Jones and Laughlin Steel Corporation*.[5] Most employers, such as General Motors, ignored the laws without repercussion, and labor found value primarily in the rhetoric and image of lawfulness

[1] See Joseph McCartin, *Labor's Great War* (Chapel Hill: University of North Carolina Press, 1997).

[2] Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (New York: Cambridge University Press, 1990).

[3] Sidney Fine, *Sit Down: The General Motors Strike of 1936-1937* (Ann Arbor: The University of Michigan Press, 1969), 28.

[4] Ibid., 29.

[5] Milton Derber and Edwin Young, *Labor and the New Deal* (Madison: The University of Wisconsin Press, 1956), 11.

rather than actual government enforcement.[6] If laborers were to enjoy their stipulated rights, it was clear they would have to force the issue themselves.

In addition to the political developments of the New Deal, a shift towards industrial unionism as the most effective mode of labor organization defined the historical moment in which the United Auto Workers (UAW) sit-down strikes occurred. The continuing proletarianization of the workforce and rising dissatisfaction with the American Federation of Labor's (AFL) treatment of semi-skilled and unskilled workers produced a sharp break in the labor movement.[7] After the AFL leadership refused to alter its commitment to craft unionism at its Atlantic City convention in 1935, the Congress of Industrial Organizations (CIO) formed in November of 1935 with the "fixed purpose of organizing the mass-production industries," and doing so on an industrial basis.[8] To be sure, neither the developments in labor law nor the institutional restructuring of unions wholly explain the subsequent collective action of workers. All too often labor historians have rendered workers' actions and grass-roots worker culture as mere effects, rather than potent agents unto themselves.[9] The auto workers of Flint displayed a fierce autonomy in the face of broader structures. Yet the institutional developments *were* influential in shaping the terrain of class struggle, if in no sense determinant.

The passing of the NIRA prompted the AFL to initiate an organizing drive in the auto-industry, yet its continuation of a policy slighting industrial laborers proved both ineffective and unsatisfactory.[10] The AFL placed willing workers into separate federal labor unions

[6] David Brody, *Workers in Industrial America* (New York: Oxford University Press, 1980), 141; Fine, *Sit Down,* 51.

[7] Brody, *Workers in Industrial America*, 92; Derber and Young*, Labor and the New Deal*, 50.

[8] Brody, *Workers in Industrial America*, 95; Derber and Young*, Labor and the New Deal,* 59.

[9] The privileging of institutional explanations of workers' collective actions is most attributed to the 'Commons School,' whose most prominent scholars include John R. Commons and Phillip Taft. The privileging of legal explanations for the labor unrest in the 1930's is best exemplified by Arthur M. Schlesinger, as seen in Arthur M. Schlesinger, *The Age of Roosevelt* (Boston: Houghton Miflin, 1957).

[10] Fine, *Sit Down,* 66.

chartered on a plant by plant basis.[11] All workers not already organized into an AFL trade union were eligible for membership. By August 1935, the Federation chartered a total of 183 federal labor unions in the auto-industry.[12] This method of organization largely preempted national unity across the industry. Moreover, the federal labor unions lacked the autonomy that the Federation granted its craft unions. It would not be until August 1935 that the AFL officially chartered the United Auto Workers.[13] However, by that time discontent amongst slighted auto workers ran too deep to salvage the relationship.

Indeed, the AFL refused to commit any substantial funding or manpower, consistently subordinated rank and file militancy to compromise and passivity, and greatly diluted potential union power in its insistence on maintaining craft divisions. If any industry existed that conveyed the improvidence of craft unionism, it was the auto-industry. Fostering the origins of "Fordism," the industry had long served as the torchbearer for deskilling and rationalization as a result of incessant technological progress and efficiency. The intense nature of rationalization in the industry forced even William Green, the president of the AFL, to acknowledge the poverty of organization along craft lines:

> It is impossible for us to attempt to organize along old lines in the automobile industry… I must confess to you that I am come, you will come, and all of us will always come face to face with the fact, not a theory but a situation actually existing, that if organization is to be established in the automobile industry it will be upon a basis that workers employed in this mass industry must join an organization en masse.[14]

Yet the AFL remained adamant in its defense of craft autonomy.[15] Despite caution from UAW leaders that attempts to organize the

[11] Ibid., 67.

[12] Fine, *Sit Down*, 67.

[13] No author given, UAW History 70 Years, UAW Website, http://www.uaw.org (11/06/07).

[14] Fine, *Sit Down,* 68.

[15] It should be noted that the AFL's ostensible theoretical dedication to 'voluntarism' was not extended to unskilled workers in the federal labor unions. As such, voluntarism seems more to have been a means to defend stratification of labor (namely, the superior positions of skilled laborers) and less a principled stand. See Samuel Gompers' autobiography, Samuel Gompers, *Seventy Years of Life and Labor* (New York: E.P. Dutton and Company, 1925).

automobile industry along craft lines would "kill" auto unionism, the AFL Executive Council proved unwilling to abandon its philosophy of solidarity by skill.[16]

Rather than organizing the auto workers with intent to further their cause, the AFL's actions conveyed little intent beyond control and regulation. One worker in the General Motors (GM) Fisher Body 2 plant bluntly expressed the popular perception of the Federation, stating, "[o]f course, your skilled trade, they took care of them. But the production worker had no help at all whatsoever from 'em."[17] Moreover, the manpower committed by the Federation seemed little more than tokenistic to workers: "They were tired old boys, you know what I mean, that really didn't seem to give much a darn anyways."[18] The AFL's dismal results in organizing the industry support such perceptions; by June 1935, membership in the federal labor unions totaled 22,687, no more than five percent of the total wage-earners in the industry. The figures for the Flint sit-downs were no better. Less than three percent of total GM workers were organized into the federal unions, with a miniscule 757 paid-up on union dues in Flint.[19]

Perhaps most central to the rising tension between rank and file workers and the Federation leadership however was a contrasting philosophy regarding conflict. While the AFL ostensibly advocated the strike as the primary means of the labor movement, the Federation proved too conciliatory and passive with management to fulfill auto workers' demands. On numerous occasions in the two years preceding the UAW's secession from the AFL, GM workers vehemently expressed desires to strike to address working conditions. Unable to restrain their militancy, workers in the Cleveland federal labor union undertook a wildcat strike in 1934, only for AFL leaders to immediately call off the strike and arrange a conference with GM officials as a "demonstration of the federation's conservatism."[20] Similar developments occurred in Flint and Toledo where the AFL Executive Council, the body charged with dealing directly with management, disregarded Local presidents'

[16] Fine, *Sit Down,* 68.

[17] Maynard Mundale, "Interview" by Neil O. Leighton, Genesee Historical Collections Center, University of Michigan-Flint Labor Project, 22 July 1980.

[18] Maynard Mundale, "Interview."

[19] Fine, *Sit Down,* 71.

[20] Ibid., 74.

and workers' calls for direct action. The disparity in worker and AFL leadership militancy was unmistakable from descriptions given by some of the rank and file: "As rank and file, we built the membership, pulled the strike, and closed the plant. That was our part of the job and we did it. After that it was the job of the higher officers of the union… [T]hey bungled their part of the job."[21] Similarly, workers declared that they were "ready to strike and beat 'em," and all that was needed from the AFL leadership was "one constructive militant step."[22] AFL President Green summed up the situation well, smugly declaring, "they wanted to engage in a general strike, but I stopped that."[23]

There can be little doubt as to the general level of discontent amongst Michigan's auto workers in 1936. A report on the auto industry by the Michigan State government reported that "labor unrest exits to a degree higher than warranted by the depression."[24] On more than one occasion in Flint, groups of unorganized workers combusted into spontaneous work stoppages.[25] Yet even if autoworkers displayed considerable levels of militancy and a more biting class-consciousness than the AFL's "collaborative" tactics allowed, they had been too frequently abandoned by their organizers and leaders, the supposed torchbearers of the working-class struggle. Membership dwindled. When the UAW threw its lot in with the newly formed CIO in 1936, Flint possessed 45,000 auto workers; less than 100 were organized.[26]

If the AFL fulfilled V.I. Lenin's claim that business unions exist "under the wing of the bourgeoisie," they also sowed the seeds of working class insurgency.[27] Discontent with AFL led to the formation of autonomous militant labor organizations. The fledgling CIO explicitly committed to organizing the forces of the American proletariat, breaking from the AFL's policy of craft unionism; the liberated United Auto Workers was ready to exercise its power at the

[21] Fine, *Sit Down*, 74.

[22] Hy Fish, "Interview by Neil Leighton," Genesee Historical Collections Center. University of Michigan-Flint Labor Project, 18 December 1980.

[23] Fine, *Sit Down,* 75.

[24] Henry Kraus, *The Many and the Few* (Chicago: University of Illinois Press, 1985), 12.

[25] Ibid., 7.

[26] Ibid., 15.

[27] V.I. Lenin, *What Is To Be Done?* (New York: International Publishers, 1929), 25.

point of production, no longer restricted by the "class cooperation" tactics of the AFL. At the April, 1936 UAW convention in South Bend, Indiana, a committee was formed with the purpose of investigating the most advisable methods of inciting a successful "strike wave."[28] Within one month, the decision was made to challenge General Motors, and to do it by the New Year.[29] With a new organizational structure and ideology, the UAW appeared to be on a certain collision course with its employer.

Part of the appeal of attacking GM was certainly its unparalleled prominence. With 44.68 percent of the new passenger-car registrations in 1935, GM was the nation's leading automobile producer.[30] While the nation's working people suffered through the depression, and while President Roosevelt ostensibly took up the cause of the common man, GM's net sales more than tripled from $440,889,312 to $1,439,289,940. In 1936 alone, GM took in a profit of $163 million.[31] The chosen target of the UAW possessed total assets of $1.5 billion, with sixty-nine plants in thirty-five cities. Fortune Magazine, no stranger to massive corporations, labeled GM "colossal."[32]

Leftist newspapers spoke of the need of "a brilliant meteor flaming across the dark sky" to inspire America's downtrodden industrial laborers.[33] Ambition certainly colored the decision, so much so that the UAW's lead-organizer, Wyndham Mortimer, half-conceded that the plan was "almost unrealistic."[34] However, the decision to challenge GM was hardly the result of naiveté or lack of tact. The automobile industry was composed by the 'Big Three,' a virtual conglomerate consisting of GM, Chrysler, and Ford. The union enjoyed significantly better relations with Chrysler, and being the smallest of the Big Three also meant the smallest potential impact of victory. Ford was comparable in size to GM, but even more virulently anti-union. Moreover, membership in

[28] Wyndham Mortimer, *Organize! My Life as a Union Man* (United States: Beacon Press,1971), 103.

[29] Mortimer, *Organize!*, 103.

[30] FTC, *Reports on Motor Vehicle Industry*, 1936 Vol. 2, 431.

[31] Fine, *Sit Down,* 21.

[32] Ibid.

[33] Bloggs, Milton. "Auto-Workers Say No More," *Socialist Call*, 12 December 1936.

[34] Mortimer, *Organize!*, 103.

Ford plants bordered on non-existent.[35]

After further debate, including a conference with CIO officials, the union decided to attempt to paralyze GM production by "pulling the key plants," as John Lewis explained.[36] Such a tactic led directly to Flint. The Fisher Body No. 1 and Fisher Body No. 2 plants in Flint produced the Buick bodies, as well as parts for Pontiac and Oldsmobile bodies.[37] The union estimated that three-fourths of all of GM production depended on these plants.[38]

As such, in early June 1936 UAW Vice-President Wyndham Mortimer was sent to Flint to begin the organization drive. In 1935 the Flint population was 148,000. Despite its considerable size, the city was modest, consisting of little more than working-class residential neighborhoods and its "astonishing industrial piles."[39] The population was predominantly composed of native-born whites; blacks represented only three percent of the population, and foreign-born whites only eleven percent.[40] The relatively homogenous population was unusual for such an industrial center. By contrast, in the same year Detroit's population was nearly eight percent black and twenty-eight percent foreign-born whites.[41] That the demographic homogeneity mitigated one of the American working class's greatest historical deterrents, inter-worker racism and ethnic chauvinism, seems likely. To be sure, blacks were not absent in Flint, but the discriminatory hiring policies of GM essentially kept them out of the plants. As one Fisher Body Number 2 worker recalled, "there wasn't but a tiny few blacks workin' at Fisher Body up until after we organized. Outside they had 'em as janitors or something like that. But there wasn't any on production."[42]

Of the employed population in Flint, more than two-thirds were GM employees; of the entire population, more than one-third worked in a GM plant. In total, eighty percent of families in Flint depended

[35] Fine, *Sit Down*, 133.
[36] Fine, *Sit Down*, 137.
[37] Harold Huron, "Interview by Neil O. Leighton," Genesee Historical Collections Center, University of Michigan-Flint Labor Project, 11 March 1981.
[38] Fine, *Sit Down,* 143.
[39] Kraus, *The Many and the Few*, 3.
[40] Moreover, the foreign-born population was predominately Western European, not the typical Eastern European industrial presence.
[41] Fine, *Sit Down,* 102.
[42] Mundale, "Interview."

on GM wages.[43] Furthermore, GM's power extended into every crevice of municipal society in Flint. The city's only large newspaper, the *Flint Journal*, was described as "an organ of the company."[44] The political establishment was similarly dominated by GM. City Manager John Barringer originally came to Flint on an invitation from GM to build a foundry for Buick castings. The chief of police, James Wills, previously served as a Buick detective. Flint mayor Harold Bradshaw was a paid employee of GM of nearly twenty years.[45] As one of the few non-GM workers in Flint described, "they control every public move of this town."[46] Italian historian and theorist Antonio Gramsci cited three methods of capital's hegemony within the capitalist mode of production: economic, political, and ideological.[47] GM thoroughly fulfilled all three. Wyndham Mortimer traveled to Flint with the assignment to take on nothing short of a leviathan.

When Mortimer arrived by train at Flint's Dresden Hotel, 122 out of a total of 45,000 eligible GM workers were organized. All too often historians assume a causal relationship between a lack of union density and a lack of class-consciousness.[48] However, the workers of Flint were not necessarily pro-capitalist or consumed by pluralist ideology; as we will see, they had alternate reasons for their organizational disunity.

Most prominently, GM's broad control over life in Flint and the disillusioning behavior of the AFL made employees hesitant to organize. Mortimer immediately felt GM's domination of Flint political society. Municipal government passed legislation essentially banning any method of reaching mass groups of people.[49] For example, "the distribution of mass leaflets or literature of any kind" was forbidden. Furthermore, law forbade "the use of equipment for sound projection." Without recourse to more expedient techniques, Mortimer began the campaign

[43] Fine, *Sit Down,* 107.

[44] Huron, "Interview."

[45] Fine, *Sit Down,* 108.

[46] Resident Roy Kitley's Letter to John George, Kraus Papers, Box Number 9 Folder 7, 24 January 1937.

[47] See Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 1971).

[48] 'Top-down' labor history is generally premised as such. Commons and Taft represent more liberal perspectives in this group, yet radical historians such as Ronald Radosh also should be included.

[49] Mortimer, *Organize!*, 105.

simply by going door-to-door attempting to sign up workers.[50] Yet his personal interactions with workers proved quite revealing. In general, workers shared the same reservations and gave the same explanation for not belonging to a union: "Two things kept coming up. One was the general mistrust and fear; the other, contempt for the AFL."[51]

Distrust of unionism ran deep due to experience with the AFL. When asked years later if he had any experience with unions prior to the UAW campaign, a Fisher Body 2 worker, Maynard Mundale, replied, "yes, with the ol' A F of L. And they had sold us down the river before." Moreover, describing his personal path to UAW membership, Mundale detailed, "my new neighbor Bert got ahold of me. Bert said, 'we got a new organization.' He said, 'This is not the A F of L,' because you couldn't have told the A F of L to any of these boys."[52] As Henry Kraus, a journalist who joined Mortimer's organization team and edited the union newspaper throughout the strike, observed, "the suspension of the CIO unions by the Federation that summer actually proved boon to the Flint union drive. It helped if you just completely denied any tie-up with the AFL."[53]

However, if disillusion with the labor movement was one obstacle, it was certainly not all Mortimer and company would have to overcome. As Mortimer himself described, "a cloud of fear hung over the city, and it was next to impossible to find anyone who would even discuss the question of unionism."[54] That workers were consumed by such fear and hesitancy was easy to understand. The violent history of physical repression of labor unrest in America was well known to Flint workers; Flint labor witnessed a strike led by metal finishers of a Fisher Body plant brutally crushed by mounted Flint police in the summer of 1930.[55] Moreover, intense pressure from management to join the company union combined with a considerable "reserve army of labor" remaining from the Great Depression made company discrimination

[50] Mortimer, *Organize!*, 104.
[51] Kraus, *The Many and the Few*, 18.
[52] Mundale, "Interview."
[53] Kraus, *The Many and the Few*, 18.
[54] Mortimer, *Organize!*, 104.
[55] Kenneth West, "On The Line," *Michigan Historical Review* 12, no.1 (Spring 1986): 57.

against union members pervasive.[56] Joseph Skunda, a worker in Fisher 1, described such employer leverage: "If you did throw up any objections, or Red-talk, why, they would just tell you, 'That guy out there will take that job in a minute,' and they were right."[57]

If the fear of employer discrimination could theoretically be alleviated by subtlety or secrecy, employers made extensive efforts to preempt any such potential. While the 122 unions members at the beginning of the drive seemed shockingly miniscule, Mortimer was even more shocked to discover that the majority of the membership were "stoolpigeons," company spies working as paid agents of GM.[58] The Senate's La Follette Committee investigated this practice, coming to grave conclusions. The Committee reported that GM had at least fourteen detective agencies on its payroll and spent more than $1 million for their services between January 1, 1934 and July 31, 1936.[59] The entire phenomenon inside of GM plants, the committee claimed, represented "the most colossal super-system of spies yet devised in any American corporation."[60] Moreover, the function and intent of the espionage was not ambiguous; GM instructed the spies "to furnish complete information to General Motors about anything that even remotely bore upon union organizing activity."[61]

When memories of state repression, disillusionment with business unionism, and company espionage were not enough to dissuade workers from organizing, the intimidation of sheer violence took up the employers' cause. Indeed, upon arrival in Flint, before Mortimer had time "to remove [his] coat," he received a telephone call urging him to "get the hell back to where you came from if you don't want to be carried out in a wooden box." Even more sinister was the specter of the Black Legion, a vigilante organization in the mold of the Ku Klux Klan that had proliferated in the industrial centers of Michigan.[62] Historians of the strike generally acknowledge GM's notorious cooperation with

[56] Fine, *Sit Down,* 70.

[57] Joseph N. Skunda, "Interviewer Kenneth B. West." Genesee Historical Collections Center, University of Michigan-Flint Labor Project, 3 March 1980.

[58] Mortimer, *Organize!*, 105.

[59] Senate Committee on Education and Labor, *Violations of Free Speech and Rights of Labor*, Cong. 75, *Senate Report No. 46* (Washington, 1937), 9.

[60] Ibid., 13.

[61] Ibid., 144.

[62] Fine, *Sit Down,* 109.

the Black Legion to form a civilian resistance organization, but few detail the Black Legion's history and strong presence in the plant in the preceding years.[63] Of the 8,000 workers in Fisher 1, the Legion allegedly counted 3,000 as members. Moreover, between 1930 and 1936, police forces discovered numerous union organizers shot to death with both a bullet and a union application left on their chests.[64] Popular perception attributed the foundation of the Legion to the Ford Motor Company, and, as noted, the Legion had immediate relations with GM during the strike.[65] "The coming of the CIO industrial unions," UAW President Henry Kraus said in reference to the Black Legion's ties to management, would "reveal who the real enemy was."[66]

Despite the "culture of fear" and the initial reticence amongst workers, Mortimer and his fellow UAW organizers recognized potentially potent unrest amongst the Flint working class. Unrest was neither subtle nor obtuse; workers frequently and passionately identified one particular object of their discontent. The overwhelming complaint of workers regarded GM's incessant intensification of production, or the "speedup." Kraus recounted his experience in the door-to-door campaign: "Everyone in Flint had much the same story to tell… It was always the speedup the horrible speedup."[67] If the capitalist mode of production is defined by its "incomparable efficiency" and its "need for constantly rising levels of production," the case of Flint was no exception.[68] "The essence of Flint," a New York Times reporter observed during the strike is "speed… Speed, speed, speed. That is Flint morning, noon, and night."[69]

While select labor historiography has explained worker unrest and union activity as mere attempts to obtain a larger share of production surplus, discontented GM workers were relatively content with their wages. Despite remaining below what the Works Progress Administration set as a "maintenance level budget," GM paid high

[63] Irving Bernstein, *The Turbulent Years* (Boston: Houghton Mifflin, 1970).
[64] Mortimer, *Organize!*, 112.
[65] Ibid., 112
[66] Ibid., 113.
[67] Kraus, *The Many and the Few*, 44.
[68] Montgomery, 1. Also see Karl Marx, *Wage-Labour and Capital* (Moscow: Progress Publishers, 1944).
[69] Russell S. Porter, "Speed, Speed, and Still More Speed," *New York Times* 31 January 1937.

wages relative to other manufacturers, something workers did not fail to recognize.[70] "I ain't got no kick on the wages," Mundale stated.[71] Fisher Body 2 die-caster Harold Huron reiterated the sentiment: "I come to GM for the wages. Most people would have switched with me in a flash… but they didn't know the half now did they?"[72]

Attempts to associate labor unrest with strictly monetary desires are further contradicted by the economic developments leading up to the strike. In the eighteen months preceding the strike, GM's employment in Flint plants rose from 21,000 to 47,000, indicating a sharp decline in unemployment for the Flint working class.[73] In the same time period, the percentage of the Genesee County population receiving general relief nearly halved, dropping from 11.6 percent to 6.2 percent.[74] Furthermore, on November 30, 1936, only one month prior to the workers' occupation of the plants, GM gave its workers a considerable wage increase, granted time-and-a-half for hours beyond forty per week, and promised all workers a holiday bonus.[75] What likely represented a company attempt at appeasement either failed to understand or refused to grant concessions on the real issues that were stoking the workers' simmering unrest. The autoworkers' class discontent lay in an inequitable relation of power, not merely the paltry weight of their wallets.

The speedup dominated the discourse among laborers, yet it was surely not the only complaint that GM employees expressed. Because of the automobile industry's heavy dependence on the use of annual models to stimulate consumer demand, employment was fairly irregular. Unemployment cyclically fluctuated and layoff rates were consequently higher than most manufacturing industries. While a stabilizing economy yielded greater retention rates by 1936, layoff totals were still considerable and the possibility still greatly unsettled workers.[76] Moreover, if the amount paid was not necessarily a point of tension, the method of payment was. Management paid workers

[70] Fine, *Sit Down,* 27, 61.
[71] Mundale, "Interview."
[72] Huron, "Interview."
[73] Fine, *Sit Down,* 105.
[74] Ibid.
[75] Mortimer, *Organize!*, 122.
[76] Fine, *Sit Down,* 60.

on an incentive system, usually piece-work. Workers received a flat sum for producing the set standard rate and bonus for any production exceeding the rate.[77] Workers faced constantly rising standard rates and expressed deep resentment of management's seemingly arbitrary determination of payments. Driven to produce at a fierce pace, workers frequently expressed confusion and disbelief at management's corresponding payment. "There wasn't a damn thing you could do," Mundale expressed, "you just drove as hard as you could and hoped that things would break for you."[78]

Although workers expressed a range of complaints and eventual demands, the intense conflict beginning to unfold in Flint's GM body plants centered on a precise point of contention. Workers did not simply desire to improve the terms of the exchange of their labor power as a commodity. Rather, workers expressed a yearning to challenge the very status of their labor as a commodity. The issues that moved workers were issues of power and control of production. "We was only beggars, with no power to demand anything we asked for," explained one plant worker.[79] "All we wanted," another worker reflected, "was to get away from tyranny."[80] The particular issues that pushed workers towards action exemplified this desire for greater democracy in the process of industrial production. Labor becomes a commodity when a worker's labor power is exchanged for a wage, with the implication that his or her labor power can be used as the employer sees fit. But "as the employers saw fit" became unacceptable for Flint's laborers, and they responded with particular visions and opinions of how the production process should look. As workers sought to impose their own opinions on the appropriate speed and method of production, as well as the grounds for employment and dismissal, they challenged the most fundamental organizing principle of capitalism: that commodity ownership rights dictate power and control in society.

With discontent boiling, UAW officials recognized a distinct window of opportunity; but the numerous obstacles in Flint created a need for organizational creativity. To assuage workers' fears of the potential repercussions of union membership, Mortimer devised methods of

[77] West, "On The Line," 66.
[78] Mundale, "Interview."
[79] Fine, *Sit Down,* 52.
[80] West, "On The Line," 82.

supreme secrecy in organization. Recognizing that the union was already deeply infiltrated by company spies as well as the need to offer potential members ease of mind, Mortimer took exclusive control over all membership records, had the safe's lock changed, and made only one key that he kept personally.[81] It was neither paranoia nor mere posturing; the La Follette Committee later exposed three of Local 156's officers to be stoolpigeons.[82] In the same vein, Mortimer held clandestine meetings for members and potential members in basements by the light of a single candle, obscuring all faces but his own.[83] Yet UAW president Homer Martin, who would break off into the AFL in subsequent years, was uncomfortable with Mortimer's class-conscious rhetoric, attacking Mortimer for alleged attempts to build a "red empire."[84] After a highly contentious conference, Mortimer agreed to leave the Flint campaign "to keep peace in the family."[85] However, his eventual replacement, Robert Travis, was a good friend of Mortimer's, of similar political and tactical persuasion, and picked up precisely where Mortimer left off.[86]

The national political context in which it occurred provided an additional boon to the UAW campaign. While the Supreme Court ruled the NIRA unconstitutional in 1935, Roosevelt signed the NLRA into law the same year. The NLRA reiterated many of the rights asserted in the NIRA, namely, the right of employees to self-organization free from employer interference and collective bargaining through representatives of their own choosing.[87] Although employers generally refused to acknowledge the Wagner Act until the Supreme Court upheld its constitutionality months after the strike, the ability to frame organization efforts in a nationalistic and lawful perspective lent greater persuasiveness to the UAW's appeals.[88] "The President will hold the light as we organize," CIO President John Lewis assured workers.[89] Going door-to-door, UAW organizers Mortimer and Travis frequently

[81] Kraus, *The Many and the Few*, 18.
[82] Roger Keeran, *The Communist Party and the Auto Workers Unions* (Bloomington: Indiana University Press 1980), 150.
[83] Ibid., 152.
[84] Kraus, *The Many and the Few*, 28.
[85] Ibid., 30.
[86] Mortimer, *Organize!*, 118.
[87] Derber and Young, *Labor and the New Deal,* 11.
[88] Fine, *Sit Down,* 182.
[89] Ibid., 96.

implored workers, "the government *wants* you to organize!"[90] Moreover, when critics later questioned the legality of the workers' sit-down tactic, the union simply referred to GM's refusal to engage in good-conscious collective bargaining as a justification for the sit-down.[91]

Organizers and laborers interpreted Roosevelt's landslide victory over the American Liberty League's Alfred M. Landon as an endorsement of organization efforts as well. That workers furiously resisted management's attempts to pin Alfred Sloan-pins "onto their overalls" conveys the distinctly class-conscious lens through which plant employees saw the 1936 election.[92] The first small work-stoppages ultimately leading up to the great sit-down occurred within two weeks of Roosevelt's election. November 13 marked the first 'quickie' sit-down in the Chevrolet body plant, and a total of seven such stoppages subsequently developed within one week.[93] Patriotism and unionism were no longer necessarily contradictory, and rhetoric of legality entreated workers to organization.

While fear and disillusion were deeply rooted, the UAW organizers did make considerable gains in recruitment. Membership climbed to approximately 500 in Flint by the beginning of November.[94] However, truly substantial membership gains occurred only as workers became increasingly confident in the union's power. In protest of what workers perceived to be an arbitrary dismissal of three workers, a work stoppage in the key body-in-white department led by UAW organizer and steward Bud Simons completely idled the Fisher 1 plant.[95] When employers agreed to immediately rehire the dismissed workers, enthusiasm for the union skyrocketed. By the end of November, the Flint UAW recorded a membership of 1500 workers.[96] The rising enthusiasm continued throughout December. "The trickle that became a stream," the *United Automobile Worker* stated, "has now become a veritable tidal wave."[97] By

[90] Mortimer, *Organize!*, 144.
[91] Ibid., 156.
[92] Kraus, *The Many and the Few*, 39. The pins were actually Alfred Landon's insignia, the sunflower.
[93] Fine, *Sit Down,* 116.
[94] Mortimer, *Organize!*, 141.
[95] Fine, *Sit Down,* 116.
[96] Ibid., 117.
[97] Henry Kraus, "UAW Soaring in Struggle," *United Automobile Worker*, December 16, 1936.

the end of 1936, the UAW reported a total Flint membership of 4,500, needless to say a significant increase from the dubious 122 who greeted Mortimer upon his arrival in Flint.[98]

Both during and after the sit-down strike, detractors often attributed the combustion to a concentrated group of "outside agitators."[99] However, the dialectic of how the sit-downs materialized conveys a different reality. While local-led work stoppages peppered GM plants throughout most of November and December, a general strike aimed at paralyzing GM remained in the union's reserve arsenal, merely a consideration to be mulled over by the UAW higher circles. On November 18, many of the Atlanta Fisher Body workers initiated a sit-down to protest the layoff of a collection of workers wearing union buttons. Local President Fred Pieper called for a plant-wide strike, and effectively shut the line down.[100]

The UAW and CIO continued to stress the need for further preparation before any mass strike, but the rank and file revolt in Atlanta exerted considerable pressure to act. UAW leadership was furious with the development of events in Atlanta.[101] Aware of the gargantuan capital reserves and productive machinery possessed by GM, clearly one body plant could not successfully take on the corporation.[102] Nonetheless, the Atlanta strike placed undeniable pressure upon the General Executive Board (GEB) to decide its immediate course. As noted, the GEB espoused a "key plants" strategy in the event of a general strike.[103] Deciding that these key plants, particularly the two Flint Fisher Body plants and the Cleveland Fisher Body plant, were unprepared to strike, the GEB voted not to follow up Atlanta with an immediate general strike. Instead, the potential date was set for "at the very earliest, after the 1st of January 1937."[104] Further considerations beyond preparedness were the desires to secure the promised bonus *before* the strike so as to deepen the workers capital reserves, and also

[98] Fine, *Sit Down,* 119.

[99] Both GM and the Dies Committee were rampant in such accusations. Fine, *Sit Down,* 182, 337.

[100] Kraus, *The Many and the Few*, 72.

[101] Ibid., 26.

[102] Mortimer, *Organize!*, 124, 162; Kraus, *The Many and the Few*, 77.

[103] Fine, *Sit Down,* 136.

[104] GEB Minutes, Kraus Papers, Box 7 Folder 6, 5 December 1937.

strike after the inauguration of Democratic Michigan Governor elect Frank Murphy, whom the UAW considered relatively pro-labor.[105]

However, the rank and file apparently had no desire to play the role of either laggard or subordinate. Indeed, local leaders from several plants felt a need to urge the GEB to action, for militancy was reaching a deafening crescendo on the shop floors. Cleveland UAW representative Elmer Davis informed UAW leadership that "things are really getting hot," and the chief steward of the Cleveland Fisher Body Plant, Paul Miley, warned Travis that the workers in the plant were likely "going out the first opportunity... [it] is like wildfire."[106] Head UAW organizer of Flint Fisher 1, Bud Simons, exhorted Bob Travis to call the strike "before one pops that we won't be able to control!" Travis questioned if the rank and file were ready for a strike. "They're like a pregnant woman in her tenth month!" Simons replied.[107]

UAW leadership did not heed their warnings, and soon the rank and file took it upon themselves to address their discontent. On December 18, workers in the Kansas City Fisher Body plant sat down inside the plant in response to management's firing of an employee who jumped over the line on his way to the bathroom.[108] With both Atlanta and Kansas City Fisher Body shut down, GM and UAW leaders met in Washington D.C. with the purpose of reaching an agreement. The union prepared a document listing its grievances: "speedup, discrimination, job insecurity, and the abuses of the present piece-work system of pay."[109] Yet GM yielded on nothing at the meeting, reiterating that all negotiations were under the jurisdiction of local management.[110]

Again, the rank and file took the burden upon themselves. When management at the Cleveland Fisher Body plant refused to negotiate workers' complaints regarding recent piece-work adjustments, workers executed a "surprise sit-down" in one department that "swiftly spread through the entire factory."[111] As such, with one of the "mother plants" already struck, Mortimer gave the word to Travis to strike Flint Fisher

[105] Kraus, *The Many and the Few*, 81.
[106] Fine, *Sit Down,* 142.
[107] Ibid., 116.
[108] Ibid., 138.
[109] Kraus, *The Many and the Few*, 77.
[110] Mortimer, *Organize!*, 156.
[111] Kraus, *The Many and the Few*, 83.

1 at the first opportunity.[112] Although there is little historical evidence of its veracity, a rumor spread throughout the plant on December 30 that GM was removing dies from the plant for shipment to plants with weaker union presence. This small spark was more than enough to set off the powder keg. After a brief local meeting during the workers' lunch break, initiated by a flashing of the "emergency red light" situated in the union office across the street, the union members decided to commence a sit-down. The workers rushed back to the plant, with Kraus and Travis observing from the sidewalk. "The starting whistle blew," Kraus recalled, "We listened intently. There was no responsive throb… Then suddenly, a third-floor window was flung open and there was a worker waving his arms, shouting 'Hooray Bob! She's ours!'"[113]

A sit-down strike was thus underway. When Fisher 1 joined the strike the same day in response to a dismissal of three workers who refused to quit the union as a condition for promotion, the strike was in full effect.[114] As striker Merlin Bishop observed, "The people felt that this was a chance to throw off the yoke and get their freedom, and they just did not wait for leadership."[115] While the truth of such a statement is certainly not absolute–UAW organization efforts were vital in the stimulation of collective action–it is true that the sit-downs were evidently not the result of a few militants or outsiders claiming to represent the masses in the plants. If the UAW guided the actions and directed the energies of the workers into strategic channels, the driving force lay in a grass-roots rejection of plant conditions by the workers.

Moreover, the conditions which workers rejected are exemplified by the particular incidents that sparked the respective sit-downs. A violation of management's bathroom policy in Kansas City, discontent with the piece-work system in Cleveland, or the fear of job irregularity in Flint all conveyed the deeper underpinnings which drove workers to collective action. All of the incidents, while seemingly menial, represented the lack of control workers possessed over their own labor; both their right to work free from the whims of the market, and their right to have a say in the particular process of their own labor.

[112] Fine, *Sit Down,* 144

[113] Keeran*, Communist Party and the Auto Workers*, 160.

[114] Ibid.

[115] Merlin Bishop, Interviewer Neil O. Leighton, Genesee Historical Collections Center, University of Michigan-Flint Labor Project, 5 January 1981.

With occupation of the plants complete, workers and union officials quickly took measures to dig in their feet. It was well known that the union's ability to hold Fisher 1 and Fisher 2 in Flint was crucial for the entire effort.[116] After the sit-down, in a move made out of both pragmatism as well as the persistent masculinity which continued to plague the American labor movement,[117] female workers were forced to leave the plant while all men who so chose stayed.[118] In both plants, most accounts indicate that the large majority of workers slept in the plants the night of December 30.[119] Because of the relative spontaneity of the sit-downs, the union was not extensively prepared for the in-plant details. As a result, the first few days were characterized by chaos. Bud Simons reflected on these initial days as "the biggest nightmare I ever went through."[120] However, in impressive speed, workers organized the plants into communities characterized as anything but chaotic. Soon, a striker bulletin reported, "the most astonishing feeling you get in the sit-down plants is that of ORDER. Every action is systematized."[121]

While the impromptu plant-communities have frequently been described in terms of their rigid "militarism,"[122] the communities possessed a theoretical foundation far beyond mere order. As one observing psychologist reported, "the atmosphere of cooperativeness" dominated, and "'We' came to replace 'I.'"[123] More concretely, the workers in both plants established impromptu government structures. Notwithstanding minor variations, the system in Fisher 1 was representative of those established in other plants.[124] Each department elected one representative which came together to form the "strike committee." Yet republicanism was not sufficient for the strikers; records indicate that all decisions of the strike committee were subject to the approval of the strikers themselves. The strike committee met

[116] Fine, *Sit Down,* 156.

[117] See Dorothy Sue Cobble, *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton: Princeton University Press, 2004).

[118] Kraus, *The Many and the Few*, 90.

[119] Fine, *Sit Down,* 145; Kraus, 90.

[120] Fine, *Sit Down,* 156.

[121] Ibid., 156.

[122] Ibid.

[123] Melvin Vincent, "The Sit-Down Strike," *Sociology and Social Research* 21 (July-August, 1937): 527.

[124] Keeran*, Communist Party and the Auto Workers*, 168.

daily, as did the strikers en masse for consideration of the committee's proposals.[125] The in-plant communities displayed a willingness to engage in an extended struggle, and provided a glimpse into the alternative society envisioned by the workers.

All sit-downers were required to work six hours per day, structured as "nine off, three on."[126] A variety of duties included gate patrol, outside patrol, health and sanitary inspection, kitchen police, and many others. Ironically, overwork proved to be a problem in the sit-down communities, however of a very different nature than GM's overwork. Workers often performed their duties with such commitment that they had to be forced to rest. One striker's journal held: "M.M. and S. that Walt Moore be put to bed. Carried," and "Decision: Brother Bully be relieved from all further duties in the kitchen until such a time as sufficient rest qualifies him for further duties."[127]

Plant life was hardly insipid. Education programs emerged ranging from classes in public speaking to the history of the labor movement. Additionally, entertainment abounded, ranging from movies (fittingly, Charlie Chaplin's *Modern Times* was a plant favorite) to a plant band.[128] Yet strikers' activities were not all so leisurely. Workers went to extensive measures of preparation for any potential conflict with GM or any state forces. A production line was set up to make "blackjacks" out of rubber hoses, braided leather, and lead.[129] Moreover, in Fisher 1 strikers covered the windows with metals sheets punched with holes for fire hoses. Potent projectiles were stockpiled in strategic locations as well, and workers had assigned locations and duties in the case of a physical conflict.[130]

One of the most fundamental rules in the plant communities was not to damage any company property. Although workers possessed physical control of the company's machinery, they were most overt and insistent on the fact that they were not challenging GM's ownership rights to their private property. Upon inspection by numerous inspectors representing various bodies after the strike was over, most reports

[125] Ibid.
[126] Kraus, *The Many and the Few*, 93.
[127] Ibid., 92.
[128] Fine, *Sit Down,* 163-165.
[129] Ibid., 165.
[130] Ibid.

expressed amazement at the pristine shape in which the strikers left the factory.[131] Indeed, strikers assigned crews to protect all company property, and some plants rejected any workers found in violation of the principle. Such policies maintained discipline and unity within the plant, but were also surely adopted in response to GM's public red-baiting.

In physically controlling the workplace but explicitly dismissing any pretensions to long-term seizure the auto workers present something of an enigma. Since Werner Sombart posed the question in the indicatively titled *Why is There No Socialism in the United States?*, interpretations of the labor movement have generally polarized towards opposite ends of a theoretical continuum.[132] Historians such as Selig Perlman and John Commons paint a picture of a militant working class, but one that fought only for a broader piece of the capitalist pie. By contrast, more deterministic Marxian historians, such as Paul Faler or Phillip Foner, contend that workers' actions and culture frequently "challenged the fundamental basis of capitalism."[133] As such, a paradigm has frequently been constructed in the historiography; the working class was either pro-capitalist or revolutionary, history either evidence of the triumph of liberal capitalism or an inevitable march towards proletarian revolt.[134] When workers did not seize the means of production or eschewed revolutionary ideologies, it allegedly served as an indication of their endorsement of the capitalist system.

Yet surely the question of workers' social consciousness is not answerable with a simple yes or no. A significant body of historiography eschews both determinism and liberal perfection, emphasizing the role of culture in shaping laborers' worldviews as well as the various strands of social life which compose cultural experience. But culture cannot just be different filters through which class is experienced; it must also be recognized as a battleground on which class-consciousness is promoted

[131] Senate Committee on Education and Labor, *Violations of Free Speech and Rights of Labor*, Cong. 75, *Senate Report No. 46* (Washington, 1937), 68.

[132] Werner Sombart, *Why is There No Socialism in the United States* (New York: Sharpe, 1906).

[133] Paul Faler, "Working Class Historiography", *Radical America* 3 (March-April 1969): 63.

[134] A significant body of Marxist historiography eschews this determinism. Particularly, historians such as E.P. Thompson and Herbert Gutman.

or diffused. The Flint workers certainly seem to have intriguingly hovered somewhere between the opposite ends of the continuum of rejection or endorsement of the capitalist mode of production, tugged by their everyday work experiences *and* the cultural battleground in which they existed. In asserting some sort of human right over the control of their own labor, workers did in fact challenge the hegemony and theoretical rights of private property. However, simultaneously, workers made it most explicit that they had no intentions of holistically seizing the means of production. Moreover, the strike continuously adopted the rhetoric and position of "lawfulness," in essence implying an endorsement of the established social order.[135]

Assertions that the predominate "reformism" of the sit-down strikers illustrate an absence of class or revolutionary consciousness are, however, ahistorical. Both the UAW and the sit-down strikes contained substantial amounts of communist members. For instance, the prominent UAW Vice-President Wyndham Mortimer was "an old time Communist."[136] Mortimer was hardly isolated in his ideology amongst the leaders of the strike. The UAW's lead attorney during the strike, Maurice Sugar, lead-organizer for the Flint campaign Robert Travis, and the editor of the UAW newspaper, Henry Kraus, were all of communist persuasion.[137] Communist ideology penetrated the shop floors as well. The three leaders of the Fisher 1 strike, Bud Simons, Walter Moore, and Joe DeVitt, all considered themselves communists.[138] These are only a few examples of the pervasive presence of "Reds" within the plant; according to Simons, the Communists "had units in damn near every plant."[139]

Curiously, however, this knowledge remained overwhelmingly internal to the communists until long after the strike. Sit-downers of socialist influence, concerned with the potential for backlash or disunity, generally refrained from explicitly political rhetoric. Roy Reuther, certainly no communist himself, later said that he thought

[135] Fine, 191.

[136] Bert Cochran, *Labor and Communism* (Princeton: Princeton University Press, 1977), 67. Also see Mortimer, *Organize!.*

[137] Cochran, *Labor and Communism,* 111; Keeran*, Communist Party and the Auto Workers*, 144.

[138] Cochran, *Labor and Communism,* 119.

[139] Keeran*, Communist Party and the Auto Workers*, 151.

at the time that Travis "was just a good dedicated trade union guy," and had no reason to think Travis was "political" at the time.[140] In fact, neither Mortimer, Travis, Kraus, nor any other Communist in the union was open in their political allegiances.[141] All were committed to pushing reformist tactics as far to the left as possible while maintaining left-solidarity, a policy in line with the Communist Party's concurrent "Popular Front" campaign. Apolitical workers remained unaware as well. Despite such a large presence, the communists' suppression of their politics permitted workers such as Maynard Mundale to naively declare, "we didn't have a doggone one. I don't think there was a Socialist or Communist in the whole place."[142]

It is not difficult to imagine why the Communists within the plants and within the UAW may have felt the need to suppress their ideology. Despite the fact that the strike fell between the two definitive Red Scares of American history, anti-communist ideology was still a strong force in American society. The *I.M.A. News*, essentially the G.M. newsletter,[143] asserted that "a sinister force is manipulating the strikers: Russian Communism," and that "the strikers think that they are acting in their own best interests; in reality they are acting for the best interests of a vast conspiracy to destroy all for which life is worth living."[144] John Lewis received messages from anti-strike workers reiterating the ideological conflation between nationalism and capitalism: "We the employees of Chevrolet Gear and Axle defy you and your malicious un-American tactics. As law abiding citizens we will fight shoulder to shoulder with General Motors until your defeat is definitely determined."[145] GM's public statements consistently ignored any questions of inequality between worker and owner or the punishing conditions in the plants, instead simply promoting the strike as a threat to "American freedom," or in other words, the freedom to hold property.[146]

GM used such red-baiting rhetoric so frequently because it was

[140] Cochran, *Labor and Communism,* 120.
[141] Keeran*, Communist Party and the Auto Workers*, 144.
[142] Mundale, "Interview."
[143] Fine, *Sit Down,* 25.
[144] Ibid., 191.
[145] Ibid., 186.
[146] Fine, *Sit Down,* 182, 190; Mortimer, *Organize!*, 181. GM claimed that the CIO was "striking at the very heart of the possession of private property."

effective. Even amongst the workers who undertook a fundamental struggle against property rights and displayed an unmistakable, if inchoate, class-consciousness,[147] a blind ideology of the evil of Communism nonetheless prevailed. Fisher 2 worker Joseph Skunda's description of a discussion held with a coworker is particularly telling:

> He ask "You Communist?" Well I looked him in the eye and I said "Well, what am I?" He says, "Why, hell, I don't know the definition of it." I said, "Well why would you call me one, if you don't know what you're callin' me?" I think… the most misused and abused word in the English language is Communism.[148]

The Flint workers were certainly not champions of free market capitalism. In fact, their implicit challenge to the central organizing principles of capitalism–wage-labor and private property–was quite explosive. Yet the ideological hegemony of capital seemed to have firmly infused the mantra of economic and political liberalism into the status quo of everyday life.[149] "Without a revolutionary theory," Lenin asserted, "there can be no revolutionary movement."[150] The ideological hegemony of capital restricted the many involved communists' ability to introduce any such theory. As a result, the sit-downers in Flint remained hovering, somewhat incoherently and contradictorily, somewhere in the middle of the "capitalist-revolutionary continuum."

One week into the strike, the specter of state intervention became more pressing–GM expected the legal system to faithfully defend capitalist definitions of property. Although the sit-downers were not damaging any property, the legality of their occupation was still dubious under Michigan and federal law.

Workers responded to technical arguments that they were trespassers on GM property with more theoretical arguments regarding their right to work, a notion incompatible with capitalist property relations. The Flint *Auto Worker* summed up the general argument, stating, "The property DOES indeed belong to GM, however there is something

[147] For example, the same Maynard Mundale who above expressed that there was a complete absence of socialism or communism in the plant, also said "There were no neutrals. You were either with the workers or you were with the company." Maynard, "Interview."

[148] Skunda, "Interview."

[149] See Gramsci, *Prison Notebooks*.

[150] Lenin, "What is to Be Done?" 28.

else inside these plants that the workers have earned by years of sweat and toil–and that is THEIR JOBS!!"[151] However, the labor theory of value did not hold up in the American legal system, and, consequently, GM considered numerous available legal options to break the sit-down. Physical removal of the sit-downers was a distinct option. Under the legal guise of "self-help," GM was permitted to use "reasonable force" (such as tear gas or denial of sustenance) to force out the strikers.[152] A further consideration was using its aforementioned connections with the Flint police forces, although this required approval of the courts and the law regarding trespassing was not entirely inflexible. Finally, a civil suit against the union to retrieve alleged monetary losses would have crippled the union if successful, but this method could be long and drawn out, and GM desired the quickest possible resumption of production.[153] In the end, GM sought the reliable mandatory court injunction. After only three days, GM petitioned the Genesee County courts for a temporary restraining injunction to prevent the "intimidation of employees who wished to work," and the "flow of goods and resources to and from company property."[154]

To be sure, the strikers were not to be moved by any legal ruling; they already rejected the notion that they were trespassers on theoretical grounds and made clear their intentions to hold their ground until a physical conflict if need be. As such, when the local Sheriff delivered the injunction to the two plants on January 2, both sides understood that the order to evacuate "within half an hour" was a mere formality. Instead, the injunction served to legitimate the potential forceful removal of the strikers, placing the maneuver on solid legal grounding. The future looked bleak for the strikers as the Sheriff deputized 100 city police officers and sixty company guards to enforce the injunction.[155]

Yet, for once, the deep connection between the state and capital worked in the labor's favor. On January 5, the UAW issued a statement declaring that Union-attorney Maurice Sugar's research revealed that Judge Edward D. Black, the Genesee County judge who granted the

[151] Mishcha Jovicic, "GM Uses Brute Force on Peaceful Workers," *Flint Auto Worker* 12 January 1937.
[152] Fine, *Sit Down,* 193.
[153] Ibid., 193.
[154] Kraus, *The Many and the Few*, 107.
[155] Fine, *Sit Down,* 194.

injunction, held 3665 shares of GM stock.[156] Michigan law dictated that "No judge in any court shall sit in any case or proceeding in which he is a party or in which he is interested."[157] Appropriately enough, Judge Black merely grumbled, "It sounds like Communist talk to me."[158] But GM was forced to transfer the case to an alternate court, and the consequent public relations regarding the injunction were so unfavorable for GM that they did not pursue the matter any further.[159]

The sit-downers' occupation approached two weeks, and the inability to execute the injunction frustrated GM's initial efforts to break the strike. Following a week of uneventful stalemate, GM attempted a different technique for regaining control of its plants. On January 11, with the temperature at sixteen degrees Fahrenheit, GM abruptly cut off the heat in the Fisher Body 2 plant. Simultaneously, and unbeknownst to the strikers, company guards removed the long ladder used for the delivery of food to the second floor, the occupied section of the plant. When the union attempted to deliver the customary evening meal, they found the gates to the plant locked and company police barring entry from the inside. The situation was desperate for the union; without food or heat, the strikers would surely be unable to last long.[160] Left with little choice, a collection of union men broke the lock and forced the gate open. The company police, who made conspicuously little effort to discourage or resist the union men from forcing their way in, immediately retreated into the ladies' bathroom, where they remained until the following morning. However, Flint police were immediately on the scene armed with teargas and gas-masks. In an instant, teargas bombs exploded in the plants, and a raging battle ensued between picketers and the Flint police.[161]

In the end, the strikers were able to resist the police officers' attempts to penetrate the plant, effectively utilizing the prearranged system of powerful fire hoses. Yet the physical battle that transpired was severe. Thirteen strikers or strike sympathizers incurred bullet wounds, and several police cars were overturned. In essence, after the

[156] Kraus, *The Many and the Few*, 113.
[157] Ibid., 113.
[158] Fine, *Sit Down,* 194.
[159] Ibid.
[160] Ibid., 2-5.
[161] Kraus, *The Many and the Few*, 125.

strikers had successfully held the plant, the civic police forces engaged in warfare with the civilians of Flint. After the initial battle, a large collection of strike sympathizers gathered and met the police forces in the streets of downtown Flint. A seemingly endless stream of projectiles bombarded the policemen, who responded with the teargas bombs originally intended for the plant. The battle continued into the early hours of the morning, ceasing only when the police ran out of teargas and the Detroit police refused their request for a reinforcement supply.[162] Between GM and the strikers, little changed as a result of the fierce battle. Once the strikers held the plant, the stalemate resumed; the workers' resolve was, in fact, fortified by their successful defense. "They have a determination," one observer noted, "that in this desperate struggle between capital and labor they should not lose nor retreat till every man is either dead or unable to fight anymore."[163] But the great struggle did considerably change the dynamic of the strike by spurring the involvement of influential new elements: the state and federal governments.

The clash throughout the streets of Flint certainly raised the threat to social order to new heights, to precisely the point which political establishments are designed to prevent. At 5 A.M. on January 12, Michigan Governor Frank Murphy issued a statement declaring, "Whatever else may happen, there is going to be law and order in Michigan."[164] Murphy had previously taken little interest in the strike, but the disorder of January 11 immediately provoked his intervention. Indeed, the situation seemed primed for further, even fiercer, physical conflict. "A lot of strong arm boys" arrived at the plants to reinforce the strikers, the *Flint Journal* reported, and threats were being made "to burn the pant and destroy machinery and cars."[165] To be sure, such claims were likely propaganda, but the tension and hostility within Flint was undeniably growing.[166]

Murphy pulled no punches in defusing any further violent conflict. To stabilize the situation, he ordered the National Guard into Flint,

[162] Ibid., 128-132.
[163] Fine, *Sit Down,* 7.
[164] Wallace Sidell, "Murphy To Get Involved," *Flint Journal*, January 13, 1937.
[165] Miles Komas, "Strikers Turns Barbaric Saturday Night," *Flint Journal,* 14 January 1937.
[166] Fine, *Sit Down,* 10-11.

and members of the 125th Infantry, the 106th Cavalry, and the 119th Field Artillery arrived shortly.[167] Guards were stationed around both Fisher 1 and Fisher 2, permitting only strikers and food to pass in and out of the plants.[168] By January 30, more than 2,400 members of the National Guard were deployed to Flint, all with the instruction to only "maintain calm and peace" and to at all times "remain neutral."[169] When a Genesee County judge issued "John Doe" warrants for all of the strikers, Murphy quickly forbade their enforcement. City Manager John Barringer organized a five-hundred man "army of our own," declaring, "we are going down there shooting. The strikers have taken over this town and we are going to take it back."[170] Murphy had him swiftly replaced. "Nothing in the world," Murphy asserted, "is going to get the Governor of Michigan off the position of working it out peacefully. All the power of General Motors or Mr. Lewis's organization is insufficient to get the Governor of Michigan off the Path."[171] Murphy showed no blatant partiality to either side; his allegiance lay with preserving the status quo, something violent conflict can easily jeopardize.

To be sure, Murphy seemed to regard the strike as illegal, and he was certainly under considerable pressure from local and national forces to forcefully break the strike.[172] Yet Murphy possessed a broader perspective, recognizing that the established order depended more on the absence of violent conflict than on the enforcement of every particular law. His "faithful duty" to the law, Murphy later stated, required "wise administration of the law, not just literal instantaneous application at any cost."[173] While business interests and conservative politicians across the nation chided his lack of action, Murphy implied that, ultimately, he had their best interests in mind, but was simply taking a more measured course: "Some people ought to get in their heads that this isn't the weak thing to do; it is the strong thing…."[174]

But a lack of force or physical conflict meant that the stalemate

[167] Ibid., 10.
[168] Mortimer, 151.
[169] Fine, *Sit Down,* 243.
[170] Ibid., 281.
[171] Miles Komas, "Disorder Upheld by Governor Once Again," *Flint Journal*, 28 January 1937.
[172] Fine, *Sit Down,* 262
[173] Kraus, *The Many and the Few*, 144.
[174] Wallace Sidell, No Title Given, *Flint Journal*, 8 February 1937.

continued, and as February arrived the workers remained in the plants. GM, for its part, refused to even negotiate with the UAW until "property rights [had] been restored," which meant a complete evacuation of the plants.[175] Some UAW officials, such as Homer Martin, felt this would be acceptable as long as GM guaranteed not to resume production as long as negotiations were ongoing, while others felt evacuation meant a loss of all leverage; the point proved to be moot, as GM refused to jeopardize "control of its own property" by guaranteeing they would not resume production.[176] To do so would have been a profound concession, and illuminates the ultimate point of contention: control of the means of production. Moreover, the central issue for the union remained the demand for exclusive representation. Yet GM consistently refuted this demand, ironically claiming that any such agreement implied discrimination against other labor organizations or non-union employees.[177]

As the sit-down reached five weeks, prospects seemed bleak for the strikers. GM continued to refuse any form of collective bargaining, and the pressure on the state and federal government to act mounted by the day. Furthermore, while Murphy and Roosevelt certainly desired peace and order, if conflict became unavoidable there was little doubt as to which side state forces would support. In a correspondence between Roosevelt and Murphy, dated February 6, Murphy informed Roosevelt that he planned to continue effort to negotiate a peace, but ultimately if this proved elusive it was his "responsibility to uphold the existing laws of the State." Roosevelt responded ominously, "You are absolutely right, you are justified in doing that–go right ahead with it."[178] In a February 9 correspondence to John Lewis, Murphy warned Lewis of this ultimate responsibility: "It is the duty of the Governor of Michigan to demand and require obedience to the laws and court orders, and to this obligation I must subordinate myself. The Governor of Michigan will exhaust every means available to secure a peaceful settlement, but in the failure to do so in a timely matter, must act in

[175] GM Statement, "GM Statement," *Flint Journal*, 24 January 1937.
[176] Cochran, *Labor and Communism,* 162.
[177] Fine, *Sit Down,* 238.
[178] Sit-down strike correspondence, Kraus Papers, Box 8 Folder 2, 6 February 1937.

the faith of his oath of office."[179] A peaceful resolution was preferable, but if this proved unattainable, state officials of the highest rank were poised to use their power to restore the law and property rights.

However, force is preferred only as a last resort for ruling classes. In fear of jeopardizing any potential settlement, neither Murphy's letter to John Lewis nor Murphy and Roosevelt's correspondence were made known to GM officials.[180] If the pressure was mounting on the UAW, it was mounting on GM as well. The corporation's production was approaching a state of complete paralysis. During the first two weeks of February, GM produced a miniscule 151 cars in the United States.[181] Moreover, in what was apparently a last resort effort to prevent disorder (the President had previously been reluctant to get explicitly involved, out of fear of alienating any potential voter base),[182] GM officials received a letter from the Office of the President of the United States that read, "In view of the condition of serious unrest and public disorder… representatives of General motors Corporation shall meet with the Governor of Michigan and representatives of [the CIO and UAW] on the morning of February 10. This request is made in accordance with the wish of the President of the United States." GM reluctantly responded directly to Murphy, "The wish of the President of the United States leaves no alternative except compliance… [Our] presence is confirmed."[183]

With pressure mounting on both sides, all parties agreed to meet for negotiation, convening in Detroit on February 10-11. The final talks, the culmination of hours of indirect negotiations conducted through the frantic intermediary Frank Murphy,[184] hinged on three issues: discrimination against the strikers upon resumption of production (particularly those who had committed "violent acts"), the scope of the agreement in terms of the number of plants to be covered, and the issue of exclusive representation.[185]

[179] Sit-down strike correspondence, Kraus Papers, Box 8, Folder 7, 9 February 1937.

[180] Fine, *Sit Down,* 300.

[181] Ibid., 303.

[182] Ibid., 233.

[183] Sit-down strike correspondence, Kraus Papers, Box 8 Folder 7, 9 February 1937.

[184] Fine, *Sit Down,* 286.

[185] Ibid., 302.

The UAW was insistent that any agreement be national in scope, a point of principle since the strike began.[186] GM agreed to the inclusion of all plants directly shut down by work stoppages, but not those indirectly shut down by the general paralysis of GM production. UAW accepted this principle, but a few plants remained ambiguous as to the nature of their stoppage. This matter primarily centered around the Guide Lamp plant in Flint. When Lewis sought Travis's opinion in the matter, the Flint leader urged, "We've got 'em by the balls, squeeze a little."[187] Ultimately, GM conceded Guide Lamp and it was included in the agreement, one of a total of seventeen covered plants.[188]

After GM conceded that there would be no form of discrimination against any workers involved in the strike, there still remained the crucial issue of exclusive representation. The NLRA posited that exclusive representation could be attained through an NLRB-supervised election, although the potential of any such enforcement was previously so slim that the option was not even considered by the UAW. However, the strike presented an opportunity to reify the previously empty promises of the NLRA. Murphy and Roosevelt suggested and endorsed such a route weeks before, but GM continually resisted any efforts to alter the system of proportional representation. In the end, UAW officials, encouraged by the incessant growth leading up to and during the strike, deemed this compromise acceptable. GM begrudgingly conceded a six-month truce period, designated for the UAW, or any other labor organization for that matter, to organize the plants; at the conclusion of the truce period, an NLRB election was to be held with exclusive collective bargaining rights granted to any labor organization that received a majority of the workers votes. GM was forbidden to enter into any form of agreement with any other organization during the truce period,[189] nor could it enact any restriction on the "discussion of unionism."[190]

[186] Kraus, *The Many and the Few*, 83.

[187] Ibid., 280; Fine, *Sit Down,* 302.

[188] No Author Given, "The 17 Plants," *The United Auto Worker*, 11 February 1937; Kraus, *The Many and the Few*, 283.

[189] This likely as in reference to the allegiance between GM and the AFL which proliferated during the strike.

[190] No Author Given, "Victory is Ours!" *The United Automobile Worker*, February 11, 1937. Fine, *Sit Down,* 303.

While joyous celebration ensued within the circles of labor and the UAW newspaper (*The United Automobile Worker* ran headlines such as "VICTORY IS OURS!"), the limits of the agreement must be recognized.[191] Although the UAW would achieve widespread exclusive representation and membership soared in the next two years, the initial aims of the Flint workers who poured their tired hearts out to the canvassing Wyndham Mortimer in the early days of the campaign remained largely elusive. The agreement did not address the particular issues of control of production that drove workers to act. There was no mention of the piece-work system, the speedup, or job protection from the forces of the free market.[192] If the UAW placed all of their marbles in the enforcement of the NLRA and state-regulated collective bargaining to address these issues in the future, sore disappointment awaited them. As historian Kenneth West observes, "From a much longer perspective, we can observe that the assembly line remained a cruel and dehumanizing place. Workers still fight an 'iron tiger' to which they are handcuffed."[193] To be sure, a lack of control over the conditions and process of their own labor continued to plague auto workers for decades, as evidenced by the large UAW strike in 1945 as well as the worker revolt against GM in Lordstown, Ohio in 1972.[194]

Governor Murphy and President Roosevelt, two New Deal Democrats, tactfully brought about a settlement that both sides could claim as victory. Historiography of the New Deal tends to divide into two rigid schools. The first contends that New Deal legislation created a form of social democracy, benefiting working people greatly. Arthur Schlesinger emphasizes a redistribution of resources and the introduction of "industrial democracy," while historians such as Lizabeth Cohen argue that workers "made the New Deal," implying that the New Deal was the fulfillment of workers demands and desires.[195] The wave of New Left historians in the 1960's directly opposed such interpretations, as historians such as Irving Bernstein and Ronald

[191] No Author Given, "Victory is Ours!" *The United Automobile Worker*, 11 February 1937; Kraus, *The Many and the Few*, 288-293.

[192] No Author Given, "What We Want," *The United Automobile Worker*, 11 February 1937.

[193] West, "On The Line," 80.

[194] Ibid.

[195] See Schlesinger, *Age of Roosevelt*, and Cohen, *Making a New Deal.*

Radosh attacked the New Deal as a capitalist construct which failed to redistribute society's wealth.[196]

New Deal legislation was of undeniable assistance in the organization of Flint's auto workers. As evidenced, the guise of legal backing and the support of the national government gave workers greater confidence to join a union. Moreover, the government bucked the long-running trend of physical repression in its treatment of industrial conflicts, opting instead to attempt to facilitate a peaceful resolution to the conflict.[197] The government certainly aided the auto workers in its victory of exclusive collective bargaining, even providing the framework to facilitate such bargaining. These victories were quite significant in the domain of workers' rights. As Montgomery notes, "Union contracts, where they were won, undermined company favoritism, obliged firms to deal with the workers' elected delegates, and secured workers against arbitrary dismissal, thus strengthening their collectivity and bolstering their courage."[198]

The UAW contracts eventually won fit this description. Yet these gains did not fulfill workers' demands for changes in the process of production, and a state-regulated bargaining system did not imply the workers' control that Flint's laborers repeatedly demanded. It is no surprise that, after facilitating the settlement, Frank Murphy was lauded from all angles by society's propertied classes. In a particularly telling statement, the reactionary *Flint Journal* praised Murphy for his "remarkable protection of private property in this great nation."[199] Indeed, the final agreement reached between the Union and GM asserted that "local management is to have full authority in the determination of matters of workmanship quality, operations efficiency, and working capacities."[200] In their prevention of what appeared to be an imminent explosive conflict between workers and capitalists, Murphy and Roosevelt calmed the situation without truly conceding any control of

[196] See Barton Bernstein, "The New Deal: The Conservative Achievements of Liberal Reform," in Barton J. Bernstein, ed., *Towards a New Past: Dissenting Essays in American History* (New York: Pantheon Books, 1968), and Ronald Radosh, "The Myth of the New Deal." in Ronald Radosh and Murray Rothbard, eds., *A New History of Leviathan*, (New York: Dutton, 1972): 146-87.

[197] Montgomery, 163.

[198] Montgomery, 164.

[199] No Author Given, "Settlement Reached," *Flint Journal*, 13 February 2007

[200] March 12 Agreement, Kraus Papers, Box 9 Folder 7, 12 March 1937.

production to Flint's laborers, without at all altering society's relations of production.

Viewed in the context of New Deal historiography, the case of the Flint sit-downs seems telling; potentially explosive conditions and deep unrest were appeased with programs of considerable benefit to working people, but which failed to alter property relations. "There are periods," Friedrich Engels wrote, "when the warring classes so nearly attain equilibrium that the state power, ostensibly appearing as a mediator, assumes for the moment a certain independence in relation to both."[201] If the Flint auto workers did not directly threaten to overthrow the existing order in its totality, their implicit challenge to the capitalist definition of property did place society's most fundamental organizing principle under attack, if only momentarily. Governor Murphy certainly achieved the appearance of neutrality. Yet ultimately, Lenin clarified, "the aim of the state is the creation of 'order' which legalizes and perpetuates oppression by moderating the collisions between the classes."[202] The case of the Flint sit-down strikes of 1936 and 1937, in the actions of the state and the results of the settlement, powerfully supports these theories.

For many, the modern weakness of the American labor movement serves as an indication of the triumph of capitalism. Representative democracy has allegedly incorporated the working class into the political decision-making process and a proliferation of wealth has eradicated any possible grounds for discontent. Yet, the auto workers of Flint in 1936 and 1937 displayed a drive for something beyond institutional representation and monetary compensation. Instead, workers in the GM plants in Flint collectively fought management with the aims of establishing a degree of control over their labor. They sat down in the plants not to improve the terms of their labor as a commodity, but to fundamentally change their labor into something more human. However, the events of the sit-down also revealed immense obstacles standing in the way of their efforts. The ideological hegemony of economic liberalism prevented their apparent class-consciousness from reaching its most logical conclusions, leaving the workers stranded in

[201] Friedrich Engels, *The Origin of the Family, Private Property, and the State* (Honolulu: University Press of the Pacific, 2001), 5.

[202] V.I. Lenin, *State and Revolution* (New York: International Publishers, 1932), 9.

a contradictory mix of capitalist and anti-capitalist consciousness. State forces, specifically politicians such as Frank Murphy and New Deal legislation such as the NLRA, directed their discontent into channels in which it could be managed without threatening capitalist relations of production. History is never clear cut. Historiography that asserts simple answers often misses subtleties which lend insight into the studied events. The sit-downers of Flint held impulses towards control of their own labor, but their consciousness was influenced by the ideologies that surrounded them in their everyday lives. The state both contributed to their organization and restricted their ends. Their struggle was at once economic, political, and ideological; any movement striving for workers' power seemingly must struggle on all three planes.

From Apollo's Casket: Estimating the Population Impact of the Antonine Plague

Lane Sell

Et nata fertur pestilentia in Babylonia, ubi de templo Apollinis ex arcula aurea, quam miles forte incinderat, spiritus pestilens evasit, atque inde Parthos orbemque complesse…

> And it is said the pestilence was born in Babylonia, for when the bold soldiers burned the temple of Apollo the plague spirit escaped from a golden casket, and mastered the Parthians and all the world…
>
> —*Historia Augusta*, Life of Verrus 8.1

During the reign of Marcus Aurelius, Roman soldiers campaigning in the east brought contagion with them back to Rome in the form of the Antonine plague. In the century that followed, Rome slipped into serious political, cultural, and economic decline. To what extent Rome's woes during late antiquity are attributable to the Antonine plague depends on how lethal the disease was. If the plague had been as deadly as Otto Seeck's once-authoritative 1910 estimate that as much as half the population perished, it would be easy to see how systems of land tenure, political control, military recruitment, and economic production would have been profoundly disrupted.[1] If Gilliam's radical 1961 revision of the figure to to one or two percent held, it would be hardly worth considering at all.[2] Though these extremes have long since been eliminated from serious contention, debate continues as to where in the range from five to thirty-five percent historians should place the total impact on the population due to deaths from the Antonine plague. The impact is difficult to assess solely on the basis of the sparse literary, papyrological, epigraphic, and economic evidence available from the period. In the contemporary debate, Roger Bagnall envisions a low mortality rate on the basis of papyrological evidence from Egypt,

[1] Otto Seeck, *Geschichte des Untergangs des antiken Welt* (Stuttgart, 1910), qtd in J. F. Gilliam, "The Plague under Marcus Aurelius," in *The American Journal of Philology*, 82, no. 3 (July 1961): 226.

[2] Gilliam, "The Plague under Marcus Aurelius," 250.

while Yan Zelener projects an absolute population drop of twenty-five percent using mathematical modeling.[3] In this article I take a common-sense approach using simple arithmetic, contemporary epidemiology, and other historical studies of epidemics in pre-modern societies to come up with an informal indicator of the plague's magnitude.

Contemporary ancient literary sources are few, the standouts in the field being Galen and Cassius Dio. Galen was at Rome when the plague struck in 166 AD, though he soon departed, probably because of the risk of infection. His references to the plague are sporadic, and primarily intended as a professional review of how to treat the disease. On the basis of his description of the symptoms of the disease, Littman & Littman have convincingly identified the agent as smallpox.[4] Dio's record of the initial outbreak of plague in 164-166 AD is lost, but he testifies to another serious outbreak in 189 AD under Commodus.[5] Dio does not speak of the total impact of the disease, or contribute to its identification, but he does note that as many as 2,000 deaths a day occurred at Rome at the height of this outbreak, a point which will be revisited later. Though it is impossible to assess the real impact of the plague on the basis of the historical and archaeological record alone, we should be able to cautiously apply our knowledge about smallpox to the Roman situation. On this basis, we can construct a basic model of the epidemic centered on the initial outbreak in the mid-160s and draw tentative conclusions on the plague's total impact on the Roman population.

[3] Roger S. Bagnall, "P. Oxy. 4527 and the Antonine Plague in Egypt: Death or Flight?" *Journal of Roman Archaeology* 13 (2000), 288-92. The difficulty with Bagnall's approach is that, like so many other arguments grounded in papyrological evidence, it makes global generalizations about the empire on the basis of extremely local and potentially idiosyncratic evidence. Zelener's unpublished dissertation, "Smallpox and the Disintegration of the Roman Economy after 165 AD," develops a comprehensive model of the epidemic based on the critical mass needed to change a low level of infection into an epidemic at different places and different times, and accounts for disease cycles, population replacement, changing levels of immunity, and most importantly different population densities in different zones of the Empire. Zelener's figure for absolute population drop is 25%; for a full discussion of his calculations see p. 84-111 of the dissertation.

[4] R.J. Littman and M.L. Littman, "Galen and the Antonine Plague," *The American Journal of Philology* 94, no. 3 (Autumn, 1973): 243-255. Their identification on the grounds of differential diagnosis among epidemic diseases exhibiting skin rash is found in Ibid., 250-251.

[5] Cassius Dio 73.14.3-4.

Smallpox is a viral infection which presents in two forms, *variola major* and *minor*, of which the former is more common and more lethal, killing thirty to fifty percent of those infected, as opposed to one percent or fewer of those afflicted with the minor strain. Survivors of both forms of smallpox generally gain lasting immunity to the disease. Any outbreak of smallpox contains cases of both strains, so individual events in small communities can have wildly differing fatality rates, but on aggregate a figure of thirty percent mortality is about right. The virus has a non-contagious incubation period of seven to seventeen days, followed by the onset of fever, malaise, head and body aches, and sometimes vomiting lasting two to four days. Death from the most severe cases of smallpox takes place at this point from internal hemorrhaging, before the characteristic rash appears. Over a period of four days, a rash first emerges on the tongue and mouth, which subsides and is replaced by rash covering the whole body, beginning with the extremities and growing into raised, puss-filled bumps. During this phase, the patient is most contagious; patients surviving this phase of the disease pass through as many as sixteen days during which the pustules scab over, dry out and eventually fall off. Until then, the patient remains contagious.[6] Scarring occurs some days or weeks later, which may explain why Galen does not mention this particular symptom of the disease anywhere in his corpus. Concerned with treating the sick, he may not have been present long after the crisis of the disease to observe its long-term disfiguring effects.[7] Though the modern world benefits from smallpox vaccines and the virus has been eradicated from the human population, modern treatment consists only of supporting the patient to give his system the best chance of overcoming the disease.[8] Thus, despite Galen's own confidence in his ability to fight the plague, ancient remedies cannot have had a serious impact on the tide of infection. [9]

[6] Centers for Disease Control and Prevention, "Smallpox Fact Sheet," 9 August 2004, http://www.bt.cdc.gov/agent/smallpox/overview/disease-facts.asp.

[7] Littman and Littman, "Galen and the Antonine Plague," 251.

[8] Center for Disease Control and Prevention, "Smallpox Fact Sheet: What You Should Know About Smallpox." 30 December 2004, http://www.bt.cdc.gov/agent/smallpox/basics/outbreak.asp.

[9] Gilliam, "The Plague under Marcus Aurelius," 228.

Smallpox is primarily spread though prolonged face-to-face contact with the sick, or through contact with bedding, clothing, or bodily fluids, and very rarely through the air in stagnant, enclosed spaces like sick-rooms. We know little about the social practices concerning visiting the sick, and certainly in time of plague one can imagine the curtailment of such social niceties, a common-sense prophylactic measure. But Roman death rituals certainly provided adequate opportunity for the transmission of the disease: the kiss at the moment of death, washing, clothing, and viewing the body, and bearing it in public procession to a place of burial or cremation.[10] These might breakdown under extreme conditions of plague, but at such a point (for instance, the point at which burials cease and bodies are simply dumped in heaps in the street or into the Tiber) the disease will have become so prevalent that curtailing ritual practices is unlikely to have any real benefit for the population as a whole, while the presence of unburied or hastily buried bodies clearly increases the risk of infection for everyone. Adding to this the fact that most ordinary urban Romans, slave or free, lived at a level of poverty that would not afford them the luxury of "sick days," we must expect slaves and urban day laborers to have kept working through the first two to four days of symptoms, when they would have been contagious but not prostrate and in close contact with others in workshops, the marketplace, or their master's study.

This leaves the question of prophylactic measures. Lacking anything like the modern political and medical technologies of surveillance, effective quarantine of the sick is unlikely. Walled cities could be closed, although whether this or other public health measures were taken is not given in the literary sources. Whether we can expect the plague to have escaped the cities and ravaged the countryside, where the vast majority of the Roman population dwelt, will be considered below. It is clear that the urban population, and any other population

[10] J. M. C. Toynbee, *Death and Burial in the Roman World* (Ithaca: Cornell University Press, 1971), 43-45. Material evidence about burial is extensive, but evidence on actual practices concerning the sick and dying is sparse and many authorities stand on the strength of convincing generalizations about ancient cultures (not surprisingly, since they leave no material trace and being common to all are unlikely to excite the comment of a historical or literary author). Nevertheless, we can be fairly certain that people then as now had a certain degree of intimacy with the dying and the dead.

in which people remained in enforced proximity or slept in common, notably slave quarters at mines and on *latifundia* and soldiers in army encampments, would have been devastated.

In such enclosed populations, the rate of infection approaches eighty percent, and an average mortality rate of thirty percent among the infected would mean a death rate in the urban centers of twenty-four percent.[11] With such excellent vectors between economic centers as the slave trade, it is difficult to suppose that any urban center would have had the luck to escape an outbreak of the plague in its more than twenty year tenure in the Empire. Taking a round figure of the urban population of the Empire at 4.5 million (the major centers at Rome, Alexandria and Carthage making up about 3 million, the second-tier metropoles of Antioch, Ephesus, and Pergamum something more than 500,000, and perhaps a million in various urban centers with populations of thirty thousand or less throughout the provinces), a reasonable estimate of urban casualties from the Antonine plague's first European tour in the 160s would be about 1 million. That number squares rather nicely with Gilliam's estimate, and works out to about 1.4 percent of the Roman population (taking 70 million as a round number for the entire population during the high empire).[12]

Gilliam's number only makes sense as a total if contagion only seriously impacted Rome's urban population. This appears to be a serious error. As J.R. Maddicott has shown in the case of 7th Century England, epidemics are capable of ravaging populations that entirely lack urban centers. In his study, monks traveling between rural settlements served as disease vectors, but the point applies equally well to other populations with different social institutions.[13] To demonstrate that smallpox could also have run rampant throughout the rural empire, it is necessary only to show that some group of people consistently

[11] Littman & Littman, "Galen and the Antonine Plague," 254.

[12] Roman demography and population totals are a vexing and sometimes vexingly trivial question; rather than spill ink in a survey of secondary importance to this paper, I am using the figures offered by Professor Harris in his second Roman Social History lecture of Fall 2008, "Roman Demography." They accord roughly with Yan Zelener's in "Smallpox and the Disintegration of the Roman Economy after 165 AD."

[13] J.R. Madicott, "Plague in 7th Century England," in *Past and Present* No. 156, no.1 (August 1997): 7-52. Most salient for demonstrating the transmission of epidemic disease in a rural population are pages 26-32.

traveled between rural settlements. Several such vectors are obvious – the Roman army traveling to combat various invasions and rebellions under Marcus Aurelius, imperial tax collectors, shipments of slaves to distant *latifundia*, and peasants themselves aiding one another to bring in the harvests of their small freeholds would all serve as effective transmitters of contagion.

Therefore, we must add to our calculations the impact on the empire's rural inhabitants, some 65.5 million people according to our previous round figure. Presumably, the plague simply never reached some people in areas where population was most sparse, which the army never came through, or where terrain made contact with infected populations less likely and interaction between neighbors more infrequent. For the sake of argument, let us suppose about twenty percent of the rural population would fall into this category, which leaves 52.4 million rural Romans at the mercy of the plague. Because the rural population would not have been in prolonged close contact with large numbers of potentially infected people, I prefer an infection rate among those exposed on the lower end of the range given by Littman & Littman, sixty percent or 31.4 million people. Keeping the same mortality rate among the infected, which comes to 9.43 million fatalities in the rural population, or a death rate of 14.4 percent.

What are we to make of Dio's testimony to a recurrence of smallpox at Rome in 189? Recurring outbreaks are common in pandemic situations, but without further evidence I am unwilling to suggest that the entire empire was again impacted as it likely was under the reign of Marcus Aurelius, or to offer blind guesswork for the casualties of a second major outbreak. But it is worth noting how alarmed Dio was by the scale of the outbreak, and that suggests something critical about the first wave of the plague. Twenty-three years after the first arrival of smallpox at Rome, many of the survivors of the first epidemic would have died off, but many would still have been living, and thus immune to the disease in its second attack on the city. The fact that the second epidemic was so lethal suggests that the first was as well (since comparatively few people seem to have had immunity in 189), and I take this admittedly tenuous evidence as further reason to prefer more pessimistic figures for the rate of transmission and mortality in the 160's.

This simple model of the Antonine plague, based on what we know of smallpox today (and very rudimentary calculations), gives us 10.4 million deaths in an initial population of 70 million people, or about 14.8 percent. That figure can be attacked on a number of grounds: by asserting that the population balance of the empire was more or less urban, that the population at the time of Verrus' return from the east already had some level of resistance, or even by suggesting as Gilliam does that we may overemphasize the whole matter because it happens to be in the period of Galen and Marcus Aurelius, the most famous doctor and the most highly reputed emperor of the high empire, the period which seems to be the tipping point in Roman imperial history.[14] The demographic debate is more or less interminable; I have worked from figures that seem reasonable. As for the level of resistance in the population, the idea that smallpox had already come to Europe seems to rest on identifying Thucydides' description of the Athenian plague as smallpox.[15] But it is impossible to come to an identification of that epidemic on the basis of Thucydides' narrative, which became a standard literary description of plagues in general. It is also worth mentioning that nearly 600 years stand between Thucydides and Galen; with the renewal of population and the mutation of smallpox through time, there is no reason to suppose that any benefit of prior exposure would not have been wiped out by the vast span of intervening years between the two events, even supposing that the disease (which never took root in the Peloponnese) somehow escaped to the population of Italy, Egypt, and the rest of the future Roman empire. Without further data, and in light of the seriousness with which the Romans took the Antonine plague, it seems most likely that the European population was previously unexposed to smallpox.

As tentative as the conclusions of this paper are, we must also ask whether the smallpox we know from the modern era, the disease which continued to claim millions of victims in post-conquest Latin America, Europe, and Africa from the Fifteenth to the Twentieth Centuries, can be statistically assimilated to the smallpox of Galen's day. This, like so many other debates in ancient history, is even less than an argument from silence, but *variola* has shown modern medicine its frightening

[14] Gilliam, "The Plague under Marcus Aurelius," 248.
[15] Littman and Littman, "Galen and the Antonine Plague," 253.

ability to remain lethal for 500 years, a disease with no cure whose tide was only stemmed by the creation of Pasteur's first vaccine. On the basis of this simple arithmetical approach, we can no longer doubt that the impact of the Antonine plague on the Rome was substantial, and any serious study of the decline and fall of the empire must reckon with contagion as a major contributing factor to the unraveling of the ancient world.