



# Humanorum



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# Table of Contents

0. Editors' Note.....4

**CHSBS Undergraduate Student Paper Prize Winner:**

1. **A Battleground and a Balancer: The Jurisprudence of the Supreme Court as a Site of Political Struggle and Limiter of Civil Liberties**  
 By Ryan Shaver.....7

2. **A Point of Contention: A. W. Schlegel and Kant's Dissension Regarding Genius and its Implications for the Romantic Project**  
 By Matthew Knieling.....24

3. **Bog Bodies: Dirty Little Secrets of the Iron Age**  
 By Shelby Barlow.....39

4. **Klangfarbenmelodie: The cultural significance of magic and music in ancient Greek society and the magical use of music in *The Greek Magical Papyri in Translation***  
 By Jordan Cleveland.....51

5. **Dangerous Books: An Alternative View on Children's Literature**  
 By Shane Sever.....79

6. **Constructed Nations and Obstructed Peace: Nationalism and Conflict Resolution in Israel/Palestine**  
 By Alex Farrington.....89

7. **The Children Shall Inherit the Earth: The Quiverfull Movement and What it Means for Women**  
 By Marie Reimers.....108

8. **To Shabbat or Not?: The Rabbinic Concept of *Pikuach Nefesh* and the Religious Identity of Eastern European Jews Amidst America's Nineteenth Century Industrial Society**  
 By Andrew Shaw.....119

9. **Virginity as a Social Construct and its Consequences: An Anthropological Perspective**  
 By Emma Tuthill.....138

**CHSBS Special Topics Course Spotlight:**

10. **Memoirs Rippling Through the Ocean**  
 By Andre.....151

## 0. Editors' Note

This second volume of *Humanorum* builds on the foundation set forth by its inaugural volume, containing nine diverse essays from undergraduates in the College of Humanities and Social and Behavioral Sciences, and one unique essay from a special topics course in the Sociology Department. While *Humanorum* itself serves as a showcase for the work of CMU undergraduate students in the CHSBS, two new sections have been included to highlight the CHSBS undergraduate experience: a honoring a CHSBHS Undergraduate Student Paper Prize winner, and a CHSBS Special Topics Course Spotlight.

Each year, the CHSBS holds an essay competition, selecting 2-3 undergraduates whose papers exhibit outstanding content and clear presentation. Ryan Shaver's "A Battleground and a Balancer: The Jurisprudence of the Supreme Court as a Site of Political Struggle and Limiter of Civil Liberties" is deserving of the CHSBS Undergraduate Student Paper Prize it has been awarded. Shaver examines the inherent internal struggles of the Supreme Court brought on by the makeup of the Justices ruling on landmark cases in order to examine an important role of the Supreme Court in balancing civil rights and liberties while also protecting those same rights and liberties on a national level. Similarly, the CHSBS offers several special topics courses designed to challenge students and provide unique opportunities to students willing to undergo a course not typically offered. The unique nature of this particular special topics course will be covered later in this volume.

Matthew Knieling's essay "A Point of Contention: A. W. Schlegel and Kant's Dissension Regarding Genius and its Implications for the Romantic Project" explores the philosophic opposition between the opinions of Immanuel Kant and August Wilhelm Schlegel concerning an integral facet of early German Romanticism: the nature of genius. Examining the crisis of modernity at the heart of the German Romantic project, Knieling finds that the juxtaposition of the two philosophers reveals a link between the role of genius that serves to solve the crisis of modernity. Kant's discussion of genius acts as the foundation of Schlegel's dissension, wherein Knieling ultimately finds that Kant contributes to the crisis of modernity while Schlegel opposes Kant's work in order to make a solution possible for this crisis through Romanticism.

Shelby Barlow's approach to the phenomenon of bog bodies breathes fresh life into the oft-overlooked preserved human remains, providing invaluable historical, biological, and archaeological insights into both the Iron Age and the current age. Her essay "Bog Bodies: Dirty Little Secrets of the Iron Age" acts as both an introduction to bog bodies for those unfamiliar by laying bare the biological processes in which these bog bodies are formed and as a primer for the indigenous purposes that peat bogs were used for. Combining research on several well-known bog bodies with modern approaches in both archaeology and history, Barlow calls for increased preservation efforts in order to maintain these valuable remains for future research endeavors.

Glancing further into the past, Jordan Cleveland's interdisciplinary essay "Klangfarbenmelodie: The Cultural Significance of Magic and Music in Ancient Greek Society and

the Magical Use of Music in *The Greek Magical Papyri in Translation*” examines the cultural implications of ancient music and magic. Cleveland brings together the branches of anthropology, history, musicology, and philosophy in order to examine the musical properties within ancient magic., an aspect of magic that Cleveland argues is all too often ignored in the greater context of magic throughout the ages. Using *The Greek Magical Papyri in Translation*, an ancient Greek collection of papyri containing magical spells, hymns, and rituals, Cleveland holds that musical elements in the *GMPT* counter critical assumptions of magic as immoral, instead finding that the religious hymns found in ancient music signify an overlooked morality to both ancient music and ancient magic.

Challenging the cultural acceptance of modern canonical children’s literature texts in his essay “Dangerous Books: An Alternative View on Children’s Literature,” Shane D. Sever examines two popular children’s books, Norton Juster’s *The Phantom Tollbooth* and Maurice Sendak’s *Where the Wild Things Are* for patterns of aggression that may support negative social behavior. Rather than condemning canonical children’s literature through these two children’s texts, Sever calls for an increased awareness of the subtle norms being perpetuated in children’s literature at a young age. Sever argues that it is the alternative lessons and unintentional instruction that has the capacity to be dangerous for today’s youth as they learn through the very literature designed to make children more educated and cultured.

Alex Farrington’s examination of the Israeli/Palestinian conflict finds that each nation’s fundamental ideological nationalisms intrinsically holds any conflict resolution at bay by their very natures. In his article “Constructed Nations and Obstructed Peace: Nationalism and Conflict Resolution in Israel/Palestine,” an overview of the Zionist and Palestinian nationalism frames the primary cases through which Farrington examines the influence of these nationalist ideologies upon the peace negotiations during the 1993 Oslo Accords and the 2013 Israeli/Palestinian peace talks. Conflict resolution is found in the very nationalism that drives both countries, but only through the sobering realization that neither can succeed without dismissing certain national goals for a peaceful future.

Bridging the gap between the lessons found in popular culture in Sever’s essay and Farrington’s sobering look at the power of religious ideology, Marie Reimers’ dissection of the seemingly innocent American Quiverfull Movement presents an in-depth look into this often seen but rarely studied religious movement. Based on the firsthand accounts of women in the Quiverfull movement and of women who have left the movement, Reimers’ essay “The Children Shall Inherit the Earth: The Quiverfull Movement and What it Means for Women” examines the Quiverfull movement in which Evangelical Christian practitioners advocate against all forms of birth control, focus on the submission of women, and believe that reproduction as a holy act in the war against birth control and abortion, thereby keeping God’s “quiver” full of young arrows in this war. Although the practice is ultimately exposed as both patriarchal and misogynistic based on the women’s accounts and the roots of the movement itself, Reimers’ bipartisan look at the impact the movement has on women does not discount the empowering aspects of the movement on the women born into the movement nor the movements’ inhibitions regarding women, instead calling for more firsthand research to be done in order to provide further depth to a relatively unexplored aspect of women’s



studies.

Andrew Shaw continues this discussion of American religious movements in his essay “To Shabbat or Not?: The Rabbinic Concept of *Pikuach Nefesh* and the Religious Identity of Eastern European Jews Amidst America’s Nineteenth Century Industrial Society,” in which Jewish practices abandoned during the late 19th and early 20th centuries are reexamined with a new light. Religious Jews who chose not to Shabbat (attend the Sabbath) did so not under economic duress, Shaw argues, but in order to adhere to a higher Jewish concept: *Pikuach Nefesh*, or the obligation to preserve life, therefore maintaining their religious identity despite prevailing and oppressive circumstances.

Rounding out the volume’s standard selection of essays is Emma Tuthill’s holistic approach for anthropologists to regard virginity in a unique manner: as a social construct. Combining research from gender studies, religious studies, political science studies and anthropology, Tuthill’s essay “Virginity as a Social Construct and its Consequences: An Anthropological Perspective” explores the structure of virginity, and the consequences of its pervasive nature within disparate cultures. The ethical and social ramifications of treating virginity as a social construct affect individuals and societies, to which Tuthill advocates for anthropologists to reconsider the notion as one on a biological scale, instead treating virginity as something to be dismantled through deeper cross-cultural examination by anthropologists on a large scale. This will, Tuthill argues, effectively lead to a decrease in violence against women.

As stated previously, the new CHSBS Special Topics Course Spotlight serves to identify and honor one unique essay from a special topics course currently taught at CMU that *Humanorum* feels offers more than the average class. The Department of Sociology, Anthropology, and Social Work offered a course titled “SOC 399M: Social Issues through Prison” in which Dr. Justin Smith teaches 15 CMU students alongside 15 incarcerated men at Central Michigan Correctional Facility in St. Louis, MI. One of the “Inside” students in the Inside-Out Prison Exchange Program, Andre, submitted the creative piece “Memoirs Rippling Through the Ocean,” which is largely a memoir of his time spent in the segregation unit. While creative submissions are not typically considered for publication, the nature of both Andre’s content and the class itself embodies the spirit of *Humanorum*, representing the educational opportunities within the CHSBS and the humanity that is at the heart of CMU itself. For these reasons, Andre’s essay is being honored with the inaugural “CHSBS Special Topics Course Spotlight.” This note has been reprinted on pg. 149 to serve as an introduction to Andre’s work, who was not able to send in an abstract.

The editors would like to thank first and foremost Dr. Pamela Gates, Dean of the College of Humanities and Social and Behavioral Sciences at Central Michigan University. Dean Gates has shown us unwavering support throughout our lengthy editing and review process, and we wish to thank her deeply. We would also like to thank Angie Burdett and Karen Wixson in the Dean’s Office for their support as well. Our advisors, Dr. Andrew S. Blom, Dr. Sharon Kukla-Acevedo, and Dr. Joseph Michael Sommers have been instrumental in helping us craft this year’s volume. Their assistance and guidance in our review process has proven indispensable time and time again. Finally, we wish to thank the undergraduate students who support *Humanorum* through their readership.

# CHSBS Undergraduate Student Paper Prize Winner

## Editor's Note —

The following essay by Ryan Shaver was selected for the 2013 CHSBS Undergraduate Student Paper Prize, and deserves special recognition for this honor.

### **1. A Battleground and a Balancer: The Jurisprudence of the Supreme Court as a Site of Political Struggle and Limiter of Civil Liberties**

**By Ryan Shaver**

The Supreme Court of the United States has a number of very important roles. Among other responsibilities, it serves as the nation's court of last resort, uses the power of judicial review to preserve the limitations on each branch of government, and reviews the constitutionality of laws. One possible, and fairly common, summation of these responsibilities is that it is essentially tasked with protecting the civil rights and liberties derived from the Constitution of the United States. However, characterizing the Supreme Court as the guardian of constitutional rights and liberties in America is a drastic oversimplification of that institution and its history. The decisions of the Court may often speak of their duty to protect these rights, and many constitutional thinkers may like to regard the Constitution as inherently enshrining their preferred values. However, this is far from the whole story. The Supreme Court is not so much a protector of

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Ryan Shaver recently graduated from Central Michigan University, and is now pursuing a Masters degree in Public Affairs at the Indiana University Bloomington. His academic interests include law, public policy, as well as social and economic inequality. His own work focuses on the ways in which law and policy shape, and are shaped by, these inequalities.

rights and liberties as it is one of many venues in which constitutional politics play themselves out. Additionally, this characterization does not take into account the numerous instances in which the Court has ruled that an individual's constitutional rights and liberties could justifiably be limited by the state in the pursuit of sufficiently important public or state interests. As such, describing the Court as a 'guardian' of civil rights and liberties actually misses out on some of its most important functions. Above all, the Court *balances* civil rights and liberties against each other and a host of other concerns. It is also the site of a fierce, ongoing, and essentially political battle over that balance.

#### A CONSTITUTIONAL BATTLEGROUND

The single most significant complicating factor is the role that constitutional politics plays in the Supreme Court's decisions. The Court does not simply guard over a universally agreed upon or static set of constitutional rights or liberties. There has always been tension in American constitutional politics between conflicting visions of what rights and liberties are contained within the Constitution. These conflicts in the wider society invariably find their way into the Court, creating sharp disagreements and shifting coalitions among the Justices. Thus, in effect the Court and its jurisprudence are also part of the battleground where these conflicts play out. Even on the Court, conflicting political coalitions struggle to enact their visions of what constitutes a constitutional right or liberty, and how these rights and liberties should be defined and balanced.

For example, the Second Amendment states only that: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (Lieber, 2005, p. 1080) As brief as the Second Amendment is, struggles over how that right should be defined and to whom it applies are both fierce and ongoing. In cases as recent as *District of Columbia v. Heller* (2008), the conservative and liberal blocs on the Court wrote sharply divergent opinions, essentially defining the



right in two mutually exclusive ways. Here the court was divided over whether the Second Amendment created an individual right to bear arms for self-defense or a collective right tied to service in a state militia. This difference of interpretation is far from academic; as “the nature of the right conferred by the Second Amendment is inextricably intertwined with the issue of its incorporation against the states.” (Lieber, 2005, p. 1083) Incorporating this right into the Fourteenth Amendment would mean that the Second Amendment protections would apply against *state* governments, not only the federal government. Interpreted as an individual right, the Second Amendment could therefore substantially limit a state government’s ability to regulate firearm ownership.

In *McDonald v. Chicago* (2010), the conservatives argued that the Fourteenth Amendment Due Process Clause incorporated their individualized interpretation of the Second Amendment right to bear arms. In this case, the conservative majority utilized many of the arguments that liberals of previous eras had used in favor of incorporating other rights, like the right to a jury trial in *Duncan v. Louisiana* (1986). The liberal justices argued against incorporation (of this interpretation of) the Second Amendment, while in the past liberals had argued in favor of incorporating other rights. This reversal is best explained by the fact that the conservative majority viewed the Second Amendment right to (individually) bear arms as a fundamental liberty while the liberal dissenters neither agreed with their interpretation nor that it constituted a fundamental individual right.

#### *Political Struggles and Constitutional Changes over Time.*

By comparing the Court's decisions in various cases, we can also see that as the general thrust of constitutional politics changes over time, so does the Court's jurisprudence on rights and liberties. A comparison of the Court's ruling in *Bowers v. Hardwick* (1986) to those in *Romer v. Evans* (1996), *Lawrence v. Texas* (2003) and *Windsor v. United States* (2013) demonstrates this directly. In *Bowers*, the Reagan era

Court held that states had the power to regulate same sex intimacy and that the right to privacy did not include the right to commit what were then viewed as deviant sex acts. The conservative justice's opinions also argued more broadly that widespread moral disapproval of homosexuality was a rational basis for discrimination. In *Romer* and *Lawrence*, the contemporary Court has taken precisely the opposite view.

*Windsor* dealt with the federal Defense of Marriage Act, particularly the section limiting the federal definition of 'marriage' to heterosexual marriages for the purpose of determining eligibility for federal tax breaks and other benefits tied to a couple's marital status. The Court's majority opinion in this case held that this provision was unconstitutional because it violated a homosexual couple's Fifth Amendment right to due process. While most of the Roberts Court majority would argue that *Bowers* was wrongly decided, the Roberts Court dissenters and the Burger Court majority would argue that *Romer*, *Lawrence*, and *Windsor* created new rights not found in the Constitution.

Changes in constitutional politics are behind this jurisprudential reversal. Those opposed to treating homosexuals as equals read the Constitution in the same way the Burger Court did in *Bowers*. According to this view, neither the Constitution nor its meaning has changed. They also argue that the Court should not seek to change it because they perceive the Court as having a duty to preserve tradition and respect the democratic process. However, in the intervening years the politics surrounding homosexuality have changed tremendously. In 2013 Gallup found that "Just three years ago, support for gay marriage was 44%. The current 53% level of support is essentially double the 27% in Gallup's initial measurement on gay marriage, in 1996" (Jones, 2013). A 2013 Pew Research Center survey of 1,197 LGBT respondents found that while 58% of respondents reported being the target of slurs because of their LGBT status and a significant number have also faced other forms of discrimination, 92% of respondents said that "society has become more accepting of them in the past decade and an equal number expect it to grow even more accepting in the decade ahead" ("A Survey of LGBT Americans", 2013). In *Romer*, *Lawrence*, and *Windsor*, this emerging political consensus filtered its way into the Court, such that this new constitutional vi-

sion overrode the previous constitutional regime.

One can also look to cases regarding the similar, if much slower, movement towards granting women and racial and ethnic minorities civil rights as evidence of the way that changes in constitutional politics alter not just *which* rights are guarded by the Court, but *whose* rights as well. Just prior to the Civil War, the Court held in *Dred Scott v. Sanford* (1857) that the rights of slaveholders to own slaves was a form of property right protected by the due process protections of the Fifth Amendment and that the federal government therefore had no authority to ban slavery in the territories. Additionally, the Court held in *Dred Scott* that freed slaves could not become American citizens, and were therefore not covered by many constitutional protections. The end of slavery and the formal creation of due process and equal protection rights for former slaves occurred only after the Civil War, with the passage of the Thirteenth and Fourteenth Amendments. This shift was particularly dramatic, and especially instructive for precisely that reason. The Court's tendency towards protecting a constitutional right to own slaves was only broken by assertion of a new constitutional order after the cataclysmic political crisis of the Civil War. After this shift, slave-owners *lost* the right to own other human beings as property, and the former slaves (and others) *gained* due process and equal protection rights as well as the right to be free from slavery.

Even after the ratification of these amendments, the Court did not spring into action to defend the rights thereby granted. Instead, in many cases the Supreme Court took steps to limit these new rights. The *Slaughter-House Cases* (1873) and *Bradwell v. Illinois* (1873) demonstrate this aptly. In the *Slaughter-House Cases*, the Court ruled that state-sponsored monopolies did not violate either the Thirteenth or Fourteenth Amendments. In the course of doing so, the Court affirmed the existence of a constitutional distinction between the privileges and immunities that states were required to protect and those that the federal government was obligated to extend to citizens. Though the *Slaughter-House Cases* did not themselves deal with the rights of minorities, this narrow interpretation of the Thirteenth or Fourteenth Amendments

formed the basis for later rulings that in turn limited the ability of blacks and other groups to assert or secure their rights through them.

In *Bradwell*, the Court declined the opportunity to protect what most today would consider a woman's rights to due process and equal protection of the law. Here, the Court ruled that the Fourteenth Amendment did not include the right to practice a chosen profession, and women could therefore be denied admission to a state bar. Similarly, *Minor v. Happersett* (1875) held that while women could be citizens, they could be still denied the right to vote because suffrage was not among the rights protected by the Fourteenth Amendment, and the Fifteenth Amendment does not prohibit suffrage limitations based on sex. These were deliberate decisions that explicitly reflected not only the prevailing cultural biases regarding women, their aptitudes, and proper place in life, but also the constitutional regime that narrowly interpreted the Fourteenth Amendment's Privileges and Immunities Clause.

As time went on, women and minority groups carved out larger spaces for themselves in the constitutional politics of the day through the organization and mobilization of alliances and movements, through outreach and demonstrations. In the 20<sup>th</sup> Century, the women's rights movement achieved a number of milestones. These included the passage of the Nineteenth Amendment, a dramatic increase in the number of women in the workplace and in higher education, and the reemergence of the women's movement in the 1960s and 1970s (Kay, H. H., 2000). African American activists were also highly active during this period; some of the first boycotts against segregation began in the south as early as 1900-1906, the NAACP was founded by 1909-1910, by the 1940's the March on Washington Movement was beginning to organize nationwide nonviolent-direct action campaigns, by the early 1950's the NAACP was challenging segregation in the courts, and by 1955 African American activists were organizing the Montgomery Bus Boycott which in turn lead to the emergence of the 'modern' civil rights movement and the 1964 Civil Rights Act (Morris, 1999). In other words, the social and political context surrounding the civil rights and liberties of

women and minorities changed dramatically over this period.

The Supreme Court's gradual re-interpretation of the Thirteenth and Fourteenth Amendments and the attendant rights reflected these changes. For example, the limited interpretation of due process and equal protection espoused in the *Slaughterhouse Cases* gave way to the doctrine of "separate but equal" in *Plessy v. Ferguson* (1896), and (much) later the striking down of state mandated segregation in *Brown v. Board of Education of Topeka* (1954) and *Bolling v. Sharpe* (1954). This evolution occurred only gradually as the social attitudes and politics surrounding race changed. In *Brown* the Court ruled that state mandated segregation violated the Fourteenth Amendment's Equal Protection Clause; in *Bolling* they ruled that the Fifth Amendment's Due Process Clause incorporated the Fourteenth's Equal Protection Clause.

The Supreme Court would not use the Equal Protection Clause of the Fourteenth Amendment to prohibit gender discrimination against women until *Reed v. Reed* (1971), where the Court struck down an Idaho law giving men preference over women when assigning control over the estate of a deceased relative. Justice Ruth Bader Ginsburg aptly describes the course of the Court's jurisprudence since *Reed* in her majority opinion for *United States v. Virginia* (1996). While striking down a male-only admissions policy of the prestigious Virginia Military Academy, Justice Ginsburg notes that:

"Since *Reed*, the Court has repeatedly recognized that neither federal nor state government acts compatibly with the equal protection principle when a law or official policy denies to women, simply because they are women, full citizenship stature--equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities." (p. 532)

In the time between the *Minor* and *Reed* decisions lay nearly a century of gradual social change and the work of the women's rights movement. With the exception of the passage of the Ninetieth Amendment, itself a testament to this activism, the text of the Constitution itself had not been altered to include women. Nor had the Court's obligation to guard constitutional rights been formally changed. New interpretations of

the Constitution, influenced by the changing social environment, had merely come to replace earlier ones.

*Ongoing Struggles over Interpretation.*

Even after *Brown* settled the issue of *de jure* segregation, the decisions of the Court came to reflect the ongoing struggles over what exactly *Brown* meant and how to implement it. Conservatives since the era of Liberalism Divided (1969-1980) have ceased to attack the fundamental ruling in *Brown*. Rather, they held that those rulings and the legislative measures taken during the Great Society had largely solved the issue of race, and that the way to live up to the anti-discrimination principles of *Brown* was to adopt a color blind scheme of constitutional interpretation. That is, they subjected all types of differential treatment based on racial classifications to strict scrutiny, unless they were intended to compensate specific victims of discrimination. This view was reflected in decisions like *Regents of the University of California v. Bakke* (1978), *City of Richmond v. J.A. Croson Co.* (1989), *Gratz v. Bollinger* (2003), and *Parents Involved in Community Schools v. Seattle School District No. 1* (2007). Each of these struck down various quota schemes and mathematically based affirmative action plans intended to achieve racial balance and diversity in the distribution of contracting funds (*Richmond v. J.A. Croson Co.*) and education (all others listed above).

In contrast, progressives and liberals viewed *Brown's* legacy as requiring not just an end to racial discrimination, but also aggressive affirmative action programs designed to undo the disadvantages accumulated by groups of people who were discriminated against in the past. That is, they distinguished between race (and gender) based classification systems designed to harm minority groups from those designed to help them *recover* from past harms. In this constitutional scheme, the former was impermissible and subject to strict scrutiny while the latter was merely subject to intermediate scrutiny. This view prevailed in most cases where the measures were designed to remedy past *de jure* (but not *de facto*) discrimination, as in *Swann v. Charlotte-Mecklenburg Board of Education* (1971). The liberal vision also pre-



vailed in cases like *Grutter v. Bollinger* (2003), where affirmative action schemes considered membership in a disadvantaged group as a positive factor in systems *without* quotas that were based on individualized, subjective and case-by-case evaluations. Once again, the Court's rulings on the meaning of equal protection reflect a complex and ongoing struggle to shape those meanings; it is not simply a matter of the Court stepping in to prevent interference with those rights and liberties.

### *The Influence of Appointments*

These political conflicts over the meaning of the Constitution may be demonstrated even more clearly in those periods where constitutional politics and the Court are narrowly divided between rival ideological camps. During these periods, the Court tends to render many 5-4 decisions, and the outcome of these decisions often seems to depend more on the balance of power between the opposed political camps on the Court than any overarching constitutional imperative. The contemporary era, defined as the period from 1994 to the present, is one such period of sharp division that is instructive for understanding the Court's relationship with constitutional politics. This period is characterized by political polarization between the Democratic and Republican parties, each championing very different sets of rights. Republicans work to protect or enshrine what members of their party view as the rights of gun owners, property holders, religious conservatives, and whites offended by affirmative action. Democrats seek to guard or advance the constitutional rights of women, minority groups, those with non-traditional lifestyles and, to a lesser extent, the rights of the criminally accused.

In this era no overarching consensus has developed on most of these issues, and neither side has the upper hand needed to enact their constitutional programs through the democratic process. Both sides in this deadlock have increasingly turned to using ideologically driven appointments to the judiciary to influence the constitutional order, preserve their gains, or chip away at their opponents'. Accordingly, the nomination and appointment of a new Supreme Court Justice is a highly contentious and political process. The ap-

pointment process has always been highly politicized (Kahn, 1995; Monaghan, 1988), and a number of studies have provided empirical backing for the theory that a President can use their appointment powers to influence the political leanings and policy outcomes of the federal Judiciary well after their term is up (Caporale and Winter, 2002; Krehbiel, 2007; Whitmeyer, 2006). At the moment, the conservative and liberal blocs on the Court are roughly equal in size. As a result, the Court's moderates (Justices O'Connor and Kennedy), have exerted an outsized influence on the jurisprudence of the Court. Consequently, the Court has often adopted a moderate position not satisfying to either major political coalition, or advanced more conservative or more liberal agendas by mere inches.

Take for example the Court's position on abortion rights in this era. In *Stenberg v. Carhart* (2000) and *Gonzales v. Carhart* (2007), the Court first struck down a state ban on “partial-birth” abortions and then upheld an essentially identical federal ban just seven years later. The most important factor that changed between these cases was not the emergence of a new consensus on abortion rights or new legal doctrine. Instead, the pro-choice Justice O'Connor was replaced by the pro-life Chief Justice Roberts in 2003, altering the very narrow political balance within the Court. If the Court was merely the protector of constitutional rights, one instance of personnel turnover on the Court would not have dramatic constitutional implications. The fact that one such replacement does have such an impact on the outcome of a case, even between cases that are nearly identical, demonstrates the influence of both constitutional politics and the influence of appointments.

Even well established, relatively uncontroversial constitutional rights and liberties are not always protected by the Supreme Court. In many instances the Court has ruled that the rights and liberties of the individual are subject to legitimate, constitutionally sound limitations when the State exercises its police power in the interest of public health, the preservation of public order, or national security. In that sense, the Court is less guardian than referee. The Court's jurisprudence on First Amendment free speech issues

and the Fifth and Fourteenth Amendment's Due Process Clauses (in the context of criminal justice) are particularly instructive.

*Free Speech against State Interests.*

Take the Court's several free speech rulings during the Republican and New Deal Eras as examples. While the Court had held in *Near v. Minnesota* (1931) that the First Amendment's ban on prior restraints protected the publication of anti-Semitic newspapers, in *Schenck v. United States* (1919) and *Whitney v. California* (1927) they ruled that publications by left-wing groups that created a "clear and present danger" of insurrection, rebellion, or that heavily interfered with military recruitment during wartime could be punished by the government *after* publication. This standard was eventually replaced with a somewhat more permissive test in *Brandenburg v. Ohio* (1969), where the Court held that persons could only be convicted for their speech if that speech incited immediate or imminent illegal action. In *United States v. O'Brien* (1968), the Court held that the government could constitutionally convict persons who burned their draft cards, since the government had the power to regulate the non-speech elements of symbolic speech in those instances where an important government interest existed and the means employed were narrowly tailored to serving that purpose. Since that period, the Court has continued to limit some forms of speech while upholding others. In essence, then, the Court is not so much serving as the guardian of free speech as it is continuously redefining what that right entails.

*Rights of the Accused against the Empowerment of Law Enforcement.*

The Supreme Court's various rulings on the circumstances under which confessions are admissible in court also reflect a focus on attempting to balance the rights of the accused with the government's interests in stopping crime. In *Miranda v. Arizona* (1966) the Court ruled that confessions made to the police could not be submitted as evidence in a criminal trial unless the police first informed the suspect of his liberty from self-incrimination and right to counsel. While advocates for the rights of the accused hailed this

as a victory, others were concerned about the extent to which this ruling undermined the rights of victims and the state's legitimate interests in preventing and punishing crime.

Over time, the Court created various exemptions to the *Miranda* warning requirements, gradually scaling *back* the rights of the criminally accused. An exemption to *Miranda* was made in cases dealing with an imminent threat to public safety in *New York v. Quarles* (1984), when a suspect makes incriminating statements in response to routine booking questions when being processed into jail in *Pennsylvania v. Muniz*, (1990), and in other situations where the Court's majority believed that the original *Miranda* requirements created an unreasonable burden on law enforcement. This process of gradual adjustment to the constitutional politics surrounding interrogations created an equilibrium. By the time the Court ruled in *Dickerson v. United States* (2000), Chief Justice Rehnquist, who had vigorously dissented in *Miranda*, was willing to preserve that balance in writing the majority opinion upholding the key aspects of the *Miranda* ruling.

Similarly, *Kyllo v. United States* (2001) and *Florence v. Board of Chosen Freeholders of County of Burlington* (2012) also reflect this balancing act. In *Kyllo*, and other cases dealing with the gathering of police evidence by utilizing new technologies like thermal imaging, the Court ruled that these new techniques constituted searches that were unconstitutional without first obtaining a warrant. The ruling in *Kyllo* held that the warrant-less use of techniques like thermal imaging to gather information about the inside of the home violated reasonable expectations of privacy, and that the government's interest in detecting illegal activity was not sufficient to justify this. In *Florence*, however, the Court held that the indiscriminate strip searching of all arrested persons being booked into prisons and jails, even for minor offenses, served important state interests in halting the flow of contraband and preserving safety and order in these institutions. Viewed as a whole, these cases demonstrate that the Court has both recognized and protected a right to privacy and a right to be free from self-incrimination, it has also substantially *limited* those rights in order to preserve the ability of law enforcement to carry out its mission.

*Rights of Women against State Interest in Protecting Life.*

Another quintessential example of this balancing act in motion may be in the area of abortion rights. In *Roe v. Wade* (1973), the Court ruled that the right to privacy encompassed a woman's right to decide whether or not to get an abortion, and adopted Justice Blackmun's trimester framework. In this framework, the only regulations permitted in the first two trimesters were those designed to protect the health and safety of the pregnant woman. However, beginning in *Planned Parenthood of Southern Pennsylvania v. Casey* (1992), the court abandoned this trimester framework governing when regulations heavily restricting or banning abortion are permitted. It was replaced by a standard based on the potential viability of the fetus. While the Court's plurality did not go so far as to recognize a fetal right to life, it did recognize what they saw as a need to balance the mother's privacy and health with the government's interest in preserving potential life. This further demonstrates the fact that simply describing the Supreme Court as exercising constitutional guardianship is not enough, because much of what the Court does is also about delineating exactly where those rights and liberties end and legitimate state interests begin.

## CONCLUSION

In sum, then, the Supreme Court of the United States cannot be accurately described as a guardian of constitutional rights. A more accurate statement would be that it is one of the many arenas for the social and political struggles of the day. This includes both the creation and codification of new rights and new liberties, as well as the battle to define and redefine those constitutional protections already recognized by the Court. Furthermore, while the Court often rules in order to protect some individual right or liberty, it also often limits those protections in order to preserve the government's ability to tend to sufficiently important interests, given that the means used are appropriate for those purposes. While the rhetoric used by the justices and interested onlookers often describes the Court as protecting or failing to protect some constitutional right or liberty, a thorough and properly contextualized examination of the Court's jurisprudence shows that this is far from the whole story.

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## **2. A Point of Contention: A. W. Schlegel and Kant's Dissension Regarding Genius and its Implications for the Romantic Project**

**By Matthew Knieling**

### **Introduction**

The early German Romantic project transcends the limited conception of Romanticism as an exclusively literary movement; rather, Romanticism's roots are grounded in a profound philosophical and cultural crisis during the 18<sup>th</sup> and 19<sup>th</sup> centuries, emerging as an attempt to provide a solution to the "Crisis of Modernity" (Kaiser 17). This reaction against the crisis and attempt for a solution defines the Romantic project. The nature of this crisis and its implications are integral in the literary and philosophical framework of the early German Romantics, serving as the major implicit and explicit source of thematic developments, within both fiction and nonfiction writing. Regarding the former, writings within this period—poems, novels, short stories, etc.—are dripping with sentiments inspired by the philosophical underpinnings of the movement. In terms of the latter, the Romantics' own philosophical understanding of the purpose and role of the writing and the writer (or more broadly, any creative product and its creative artist) are a product of their efforts to solve this cultural and ideological upheaval. Among the multifaceted elements involved in the notions behind Romantic writings is the role of the creative artist, otherwise known as genius. While the conception and definition of genius is instrumental to the conceptual framework of artistic and creative theory, the nature and source of creative ability as perceived among romantic

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and non-romantic philosophers, poets, literary critics, and the like, is both ambiguously defined and defensively debated.

This debate is most clearly embodied in the divergent opinions of Immanuel Kant (non-Romantic) and August Wilhelm Schlegel (Romantic). Kant wrote extensively regarding the role, function, and nature of the creative artist, or genius, while Schlegel developed and communicated his ideas regarding genius in contrasting and critical reactions to the writing of other individuals, namely, Kant (Ewton, 60). When reflecting on the arguments made by Kant and Schlegel, there appear to be themes of broad conceptual disconnect with significant implications for the Romantic project, whose purpose was to solve the crisis of modernity; among those themes are passivity vs. activity, taste and genius, and the role of mimesis. Comparatively analyzing the dichotomy of these thematic dualities contributes to the comprehensive understanding of the conception of genius for both of these individuals. When the results of Schlegel's contention with Kant's conception of genius are placed into the backdrop of the Romantic project, the motivating forces behind and consequences of Schlegel's development of genius becomes profoundly important. After understanding the historical and philosophical context, characteristics, and agenda of the early German Romantics, it becomes evident that Schlegel's disagreements with Kant and his subsequent conception of genius were not only an appeal to Romantic desires and qualities, but were also integral to the Romantic's efforts in solving the crisis of modernity.

### **Historical & Philosophical Framework**

Modernity, in a general sense, signifies an era characterized by a "radical rupture with the past" (Nabholz 9). Looking specifically into the context of German Romanticism, modernity signifies an entire shift in consciousness; a break from the past that leads to the dismantling of all previously conceived truths, requiring an entire reconceptualization of reality (Saul 13). Jürgen Habermas recapitulates modernity as a crisis in the following passage:

The spell which the classics of the ancient world cast upon the spirit of later times was first dissolved with the ideals of the French Enlightenment. Specifically, the idea of being "modern"

by looking back to the ancients changed with the belief, inspired by modern science, in the infinite progress of knowledge and in the infinite advance towards social and moral betterment. [...] The romantic modernist sought to oppose the antique ideals of the classicists. [...] In the course of the 19<sup>th</sup> century, there emerged out of this romantic spirit that radicalized consciousness of modernity, which freed itself from all specific historical ties. (4)

In addition to this separation from the past, there is another element contributing to the crisis of modernity, which creates an even deeper sense of fragmentation. This aspect of modernity is found in the separation of cultural spheres. Habermas, referencing ideas from Max Weber, characterizes cultural modernity as “the separation of the substantive reason expressed in religion and metaphysics into three autonomous spheres. They are: science, morality, and art. [...] With cultural rationalization of this sort, this threat increases that the life-world, whose traditional substance has already been devaluated, will become more and more impoverished” (8-9). Thus, there exists a fragmentation of worldviews and cultural spheres. In this sense, fragmentation manifests temporally and culturally, collectively resulting in a separation from an absolute, whole truth.

Fragmentation is perpetuated by Kant’s critical philosophy, in which reason is explored primarily through three works: *Critique of Pure Reason*, *Critique of Practical Reason*, and *Critique of Judgment*. As Kant states in his *Critique of Pure Reason*, “We find that reason perpetually comes to a stand, when it attempts to gain a priori the perception even of those laws which the most common experience confirms” (13). In other words, Kant attached a cognitive limit to the ability of reason to attain knowledge and authentic understanding; he asserted that reason confines one’s understanding solely to phenomenal qualities (objects as they physically appear, as we perceive them), entirely inhibiting noumenal qualities, which are “those that attach to ‘objects’ independent of any specific local conditions affecting a subject and its space-time coordinates” (Horne 304). Therefore, reason and its inherent limitations stand as a block to reality. The Romantics, however, responded to this fragmentation—this separation of subject and object—



primarily through the use of reflection. As Horne comments, “By shifting the knowing moment to reflection from judgment, they [Romantics] effectively removed the limits Kant had placed on reason; by eliminating the noumenal remainder, they restored unity to the edifice of knowledge [by situating] reflection as the fulcrum of all cognitive, knowledge-directed mental activities” (304-305). Romantic reflection, then, defragments the separation from truth, putting the individual in contact with reality through the process of reflection. The importance of reflection within genius, which will later be addressed, manifests itself in the divergent opinions of genius between Kant and Schlegel.

This tumultuous climate—an uncertain sense of the present in relation to an obsolete past, coupled with a separation of spheres of the preexistent culture and an inability for reason to conceive of absolute truth—is the context in which Romanticism emerges, claiming to embody a solution which philosophy cannot offer. Friedrich Schiller, for instance, “sees the modern age as riven by the conflicting impulses of reason and sensibility. Philosophy may have identified this malaise of the modern age—fragmentation—but it cannot heal it” (“Cambridge Companion to German Romanticism” 11). Therefore, Romanticism, citing the shortcomings of philosophy’s attempt to unify the disjointed cultural spheres and derive an absolute truth devoid of the past as a point of reference, provides an alternative solution to the crisis. The solution, then, takes the form of poetry; however, the Romantic definition of poetry extends beyond, as aforementioned, a purely literary lens. *Romantische Poesie*, as the early German Romantics coined, embodies elements into a cohesive whole, which effectively unifies the previously separated cultural spheres, making absolute truth attainable once again (Beiser).

The characteristics of *romantische Poesie* are accurately and comprehensively detailed in Frederick Beiser’s *The Romantic Imperative*. Beiser explains the four scaffolding stages which Friedrich Schlegel developed regarding the definition of *romantische Poesie*. Firstly, *romantische Poesie* should encompass an eclectic variety of genres; secondly, because of the enormity inherent in eclecticism in terms of genres and styles, the concept should be narrowly defined not by genre, but instead by aesthetic and moral proper-

ties; thirdly, by basing the concept on the extent to which something exhibits aesthetic and moral qualities, *romantische Poesie* should be extended to all arts; and lastly, the concept should be further extended to include science, as the discipline can contain aesthetic and moral elements (Beiser 12-15). As a result of *romantische Poesie* embodying all aesthetic and moral properties, and extending its reach to science, the Romantics were able to create a philosophy which makes whole and unifies the previously separated cultural spheres (Beiser 8).

It is within this historical and philosophical context of early German Romanticism that a comparative analysis of Kant and Schlegel's conception of genius can be explored, with a thorough understanding of the implications of Schlegel's contrasting perspective for the Romantic project as a response and solution to modernity. As previously discussed, Kant wrote in great length about his understanding of genius. Schlegel, however, founded his ideas of genius in opposition to Kant; such an opposition, after exploring the framework and principles of Romanticism, can be understood as an essential appeal to Romantic sentiments and as a tool to complete the onerous philosophical task of defragmentation. The three thematic points of contention—activity vs. passivity, taste, and mimesis—collectively contribute to Schlegel's understanding of genius, and ultimately, as a result, remove a block imposed by Kant as a consequence of his conception of genius that inhibited the romantic solution to the crisis of modernity.

### **Points of Contention & Their Implications**

#### *Passivity vs. Activity:*

Firstly, and perhaps most importantly in terms of the solution of modernity's imposed crisis, is the thematic notion of dualism developed in the idea of passivity vs. activity, and Schlegel's oppositional inclusion of activity as opposed to Kant's passivity. The implication of Schlegel's contrastingly active notion of genius offers a perspective that leads to profoundly important element of the creative artist necessary for the Romantic project: reflection. Looking first at Kant, he describes genius in very passive terms, taking the agency away from the creative artist, placing it instead solely on nature. As he states in his *Cri-*

*tique of Judgment*, “Genius is the talent (natural endowment) which gives the rule to art. Since talent, as an innate productive faculty of the artist, belongs itself to nature, we may put it this way: Genius is the innate mental aptitude through which nature gives the rule to art” (*Critique of Judgment*” SS 46). In this sense, genius is not something that can be acquired; rather, genius is a predisposed ability whose source comes from nature alone.

Kant makes the creative force behind genius analogous to the laws by which nature instinctively and involuntarily abides (Proulx 1). Genius is then a “product of nature,” not a product of the genius (Proulx 9). Furthermore, genius is an exclusive disposition: “This special capacity to create beautiful artworks [...] is not an ordinary capacity universally present in all men, but it is something like nature’s gift to only a few” (“*Cambridge Companion to Kant*” 390). The genius, acting as an inert outlet for nature, is not even conscious of her/his creative ability: “Hence, where an author owes a product to his genius, he does not himself know how the ideas for it have entered into his head, nor has he it in his power to invent the like” (“*Critique of Judgment*” SS 46). To Kant, the creative artist is simply a vessel through which nature can work and provide rule. It becomes unmistakably clear, then, that genius, as conceptualized by Kant, is characterized by passivity of the artist and activity of nature. The passivity of genius eliminating the agency of the artist subsequently results in the inability to participate in any sort of reflection. If the artist is rendered incapable of understanding how the ideas for her/his creation originated or developed, and is unable to produce such thoughts and creations independently, then the ability to reflect on the creative process (or at least to reflect on one’s participation in the creative process) is impossible, taking away an element of the Romantic response to modernity that is critical to its resolution.

Schlegel, in response to these notions developed by Kant, adamantly opposes the passive properties attributed to genius. Given the repercussions—an effective removal of the capacity for reflection—it is logical for Schlegel to disagree and develop an alternative depiction. In his *Theory of Art*, Schlegel states that, “Kant makes genius a blind instrument of nature. His definition can, almost without any changes, be

applied to the artistic drives of animals: [...] the regularity of honeycomb, of beaver dams [...] is not the free work of these animals, but nature within” (202). Here, Schlegel directly criticizes Kant’s passive conception of genius, remarking on how it is reduced to mere animalistic instincts. Not only does Kant take away the autonomy of the genius, according to Schlegel, but he also establishes a counterintuitive relationship: “[...] man does not have genius, but genius has him” (203). This removal of the artist as an active agent in the creative process is problematic to Schlegel, as it creates fragmentation between the genius and the product, which is counter to Romantic longings.

Following the refutation of Kant’s asserted passivity of genius, Schlegel provides an alternative perspective, reclaiming the artist’s agency. He does this most explicitly in the following excerpt from his *Theory of Art*:

Thus, genius is not simply a matter of giving prominence to the powers of the mind that enable cognition, namely, imagination and understanding, which Kant designates as its constitutive parts. Rather, genius encompasses the whole inner person and can consist of nothing less than the energy and the most intimate union of that which is, in terms both of man’s sensuality and of his spirituality, an autonomous and unlimited capacity—namely, fantasy (which can still be distinguished from imagination in this sense)—with reason. (204)

While Kant, in addition to inactiveness of the artist, focuses on properties of imagination and understanding, Schlegel favors fantasy and reason, and the inclusion of the artist in the creative process. Moreover, this unification of sensuality (body) and spirituality (mind) is an appeal to the Romantic longing for wholeness. Ralph Ewton recapitulates this idea by stating that, “[...] art is the product of genius and, [...] the working of genius is both conscious and unconscious, rational and imaginative” (62). Furthermore, Schlegel directly addresses Kant’s previously referenced notion that the artist is completely unaware of, and possesses no power regarding, genius and the creative process. In his *Lectures on Dramatic Art and Literature*, he states the following: “The activity of genius is, it is true, natural to it, and, in a certain sense, un-

conscious; and, consequently, the person who possesses it is not always at the moment able to render an account of the course which he may have pursued; but it by no means follows, that the thinking power had not a great share in it” (Schlegel). Here, Schlegel agrees with Kant in that genius does possess a certain level of unconscious, natural (related to nature) activity, and that the genius may not necessarily always have the ability to trace his or her cognitive process of creation; however, where Schlegel disagrees is that these unconscious and natural elements, along with this difficulty in retrieval, implies an utter lack of cognitive contribution from the genius. In other words, Schlegel demands for the artist to reclaim agency in the conception of genius.

Looking more systematically at the larger significance—beyond rhetorical appeals to Romantic sentiments—of this portion of the comparative analysis between Kant and Schlegel regarding passivity vs. activity of genius, the results become fundamental to the Romantic project. Kant asserted a paradigm of reason that inhibited contact with reality, limiting one’s knowledge and ability to achieve and experience truth. While the Romantics saw reflection as a means of counteracting this disconnect, Kant also inhibited the ability for reflection with his passive conception of genius. Schlegel, however, counteracts this layered crisis by placing the agency back into the genius; in doing so, the ability for the creative artist to reflect on her/his creative works is restored. Furthermore, as indicated in the aforementioned quotation, Schlegel directly addresses reason, describing genius as “an autonomous and unlimited capacity—namely, fantasy [...] with reason.” Thus, reason, as conceived by Schlegel through genius, becomes a limitless propensity, putting the individual in touch with both the phenomenal and the noumenal, with reality. This consequential restoration of reflection and reason as a means of connecting with reality enables the subsequent points of contention—taste and mimesis—to actualize Schlegel’s active agency within genius.

#### *Taste & Genius:*

The role of taste in genius is the next factor of discontent between Kant and Schlegel. Kant seems to create a dualistic relationship between taste and genius, assigning the two separate responsibilities: “For estimating beautiful objects, as such, what is required is taste; but for fine art, i.e., the production of such

objects, one needs genius” (“Critique of Judgment” SS 48). Essentially, genius is the productive function of creation, whereas taste is a “critical rather than productive faculty” (Lewis 138). Taste, then, relates to the critical judgment of the products of genius, while genius itself is the act of creation. Kant also attributes properties of objectivity and universality to taste: “It [taste] introduces a clearness and order into the plenitude of thought, and in so doing gives stability to the ideas, and qualifies them at once for permanent and universal approval ...” (“Critique of Judgment” SS 50). Lewis compliments his notion by stating that, “it [judgments of taste] concerns an individual’s response to an object as opposed to an attribution of a property to an object” (127). The idea is that judgments of taste are objective and focused not on features or characteristics of a particular object, but rather on a universal and objective judgment of the object itself, which, if judged as truly beautiful by one individual, must be unanimously viewed as beautiful for everyone. Therefore, Kant, in his explanation of taste and genius, creates a divide between the two faculties: “There may, then, be works which exhibit taste but not genius. Since taste is a necessary condition of fine art, it seems that there cannot be works which exhibit genius but not taste” (Lewis 139).

Schlegel, however, argues against this dualistic relationship developed by Kant. The following passage encompasses his contempt and disapproval of Kant’s conception of genius and taste:

One could almost say he [Kant] gives it [genius] a thrashing. For Kant claims that ‘genius can only provide rich material for fine arts; the processing of this material and the form require a talent that is academically trained.’ And he continues, ‘taste, the disciplining or training of genius, severely clips its wings and makes it civilized or polished.’ Thus, in and of itself, genius would be uncivilized and unpolished. (“Theory of Art” 203)

Because of Kant’s separation of taste and genius, and the dependency of taste upon which he places genius, Schlegel concludes that genius on its own, according to that paradigm, would be “uncivilized and unpolished.” This disdain is largely rooted in genius’ resulted fragmentation, which is counter to the romantic desire for wholeness and unity, and in genius’ dependency on an outside force, separate from the crea-



tive process. In reference to the aforementioned passage, Ewton comments that “The denial of the conclusion in the last sentence contains the essence of Schlegel’s idea of genius. It [genius] is not the mere raw product of nature which has to be disciplined by an outside force. This is not, however, to say that genius is not disciplined, rather that discipline is part of the nature of genius, not something forced on it” (60).

Effectively, Schlegel’s replacement theory is one that incorporates taste into genius, not as an outside and separate force, but as a united and integral element to genius and the creative process, appealing to romantic desires for unity, rooted in their response to modernity.

As Schlegel declares in *Theory of Art*, “He [Kant] defines taste as the capacity to judge the beautiful, and genius as the ability to create it—as if, in the spirit of the true artist, creation did not always involve judgment as well, as if there were not a constant self-reflection bound up in the expression of creative power” (204). Taste, the judgment of beauty, is not a separate and subsequent faculty placed upon the creation of genius; rather, taste is a product of the genius’ on-going judgment and reflection of the work she or he is creating. The implications of Schlegel’s conception of taste and genius in terms of Romanticism’s agenda are twofold: firstly, the two processes are not fragmented but united into a whole, appealing to the romantic desire for unity; secondly, the unification of taste and genius elicits a heightened and integral role for reflection within the creative artist. Because Schlegel makes genius active, allowing the creative artist to create primarily on his own accord, the unification of taste and genius becomes attainable, a manifestation of the ability for reflection and a contribution to the process of defragmentation and resolution to the crisis of modernity.

#### *Conception and Role of Mimesis:*

Lastly, the role of mimesis in genius serves as the third component of dissension between Kant and Schlegel. The result of Kant’s conception regarding mimesis is similar to that of taste: fragmentation. As he declaratively states, “Every one is agreed on the point of the complete opposition between genius and the spirit of imitation” (“Critique of Judgment” SS 47). Despite this opposition, Kant establishes that works imitative of genius are inherently non-genius; however, works inspired or led by example of genius,

are (or at least have the capacity of being) genius (“Critique of Judgment” SS 49). The seemingly ambiguous distinction between “imitation” and “led by example” is made clear by Lewis: “The work of genius, then, inspires. In this respect, the word genius plays a different role from that which it does from non-genius. It is still exemplary, but what it exemplifies is not a rule or a style but an achievement” (135). Works not derived from genius exemplify a rule or style, because nature is not participatory in the creative process; works of genius, then, exemplify achievement, because either rule or style is provided by nature. It can then be said that, according to Kant, if a work is to be the product of genius, it can (and perhaps should) be exemplified by previous works of genius in a way that fosters maintained originality, not in a way that follows rules or systems.

For Schlegel, there are fundamental misconceptions regarding the ways in which nature and imitation are commonly understood; after establishing his newfound meaning for these two elements, their role within his understanding of genius can be more adequately conceptualized. When addressing the perceived misconstructions of the relationship between nature and imitation, Schlegel asserts that “Many people understand nature simply as that which exists without human artifice. If this negative concept of nature is linked to an equally passive one of imitation, where it is reduced to mere mimicking, copying, repeating, then art would be an unprofitable understanding indeed” (“Theory of Art” 212). Instead of nature denoting that which “exists without human artifice,” Schlegel calls for an understanding of nature that encompasses “the productive force pulsing in all living beings. For Schlegel, Nature is organic in the sense that it is an organized and organizing principle, granting intelligence to the totality of existing beings” (Hay). The role of imitation, given this perspective, is described as following:

This particular viewpoint enabled him [Schlegel] to reinterpret the old formula ‘art imitates nature’, in such a way as to grasp not only the true essence of art, but also its most fundamental principle. Indeed, once we conceive of nature as an organic whole, constantly becoming and transforming itself, then Schlegel's paradoxical determination

“art *should* imitate nature” becomes quite coherent. The deficiency of the formula does not lie in the idea itself, but in the meaning we give to it. In a very precise sense, art imitates nature, because in his/her creativity, the *genuine* artist (i.e. the Romantic artist) also seeks to produce an organic whole and thereby embody an eternal truth. For Schlegel, it is only through art and through everything that art signifies, that man is capable of attaining that seemingly *lost* unity. (Hay)

Given that Kant’s conception of nature and imitation differs from that of Schlegel’s, it is obvious, then, that the roles they ascribe to genius regarding these elements would differ accordingly. Schlegel, given his conceptual framework of nature and imitation, believes that art should be mimetic, not necessarily in the properties of a work, but in the sense that it participates in the creative forces of nature. The implications for this perspective regarding the Romantic project are tremendously significant: defragmentation. There is a distinction between Kant’s passivity of genius, where creative works are a product of nature, and Schlegel’s activity of genius and subsequent conception of imitation, where art imitates nature’s perpetual state of becoming. The former takes away the agency of the genius, eliminating the ability for reflection; the latter, however, consciously participates in the creative forces of nature. This participation allows for the creative artist to incorporate reflection into the creative process; furthermore, as a result of the activity of genius and its ability to allow for reflection, art and nature become unified, leading to defragmentation and the attainability of truth.

### Conclusion

The early German Romantics assumed the responsibility for a loaded and multifarious crisis, the Crisis of Modernity, whose resulted fragmentation existed in three forms: temporally (separation from the past), culturally (separation of spheres), and epistemologically (limitation of reason to come into contact with reality). Schlegel’s conception of genius, formed in opposition and reaction to Kant’s, serves as a manifestation of the Romantic’s attempt to defragment and solve the laden crisis. In Schlegel’s develop-

ment of genius, he attributed aspects of activity and consciousness to the creative artist, allowing for the ability to reflect. This was significant primarily in its subsequent dismantling of the limitations of reason imposed by Kant. Furthermore, after Schlegel provided active agency to genius, he was able to defragment Kant's separation of taste and genius, making reflective judgments an integral element to the creative process. Similarly, Schlegel maintained the ability to dismantle Kant's separation of mimesis and genius, making the creative artist participatory in the creative forces of nature, eliciting amalgamation and an embodiment of truth, in the absence of past certainties. Moreover, all of these implications regarding genius are within the paradigm of *romantische Poesie*, whose conception united the cultural spheres of science, morality, and art. After a comparative analysis of the conceptions of genius between Schlegel and Kant, in the context of the Crisis of Modernity and the Romantic's attempts to provide a solution, it becomes profoundly evident that Schlegel *must* disagree with Kant in order to generate resonance with Romantic desires and allow for the Romantic solution to become attainable.

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### **3. Bog Bodies: Dirty Little Secrets of the Iron Age**

**By Shelby Barlow**

Bogs; not only are they sources of energy producing peat used to heat homes across Western Europe, but they also amazingly serve as time capsules keeping the dirty secrets of ancient people from over 2,000 years ago. Since the 17<sup>th</sup> Century, peat has been an active alternative source of energy for many western European countries such as Ireland, England, and even countries as far east as Russia. Around the time of World War II, when the need for energy producing peat soared, centuries old secrets held within the mire began to surface. Bodies, still juicy as if they died weeks ago were accidentally being found within their watery graves. Suddenly, it appeared that peat bogs were not only resourceful in a technological sense, but in an intellectual sense as well, serving as windows into the past.

Since WWII, dozens of ancient citizens, left to rot away in mires of Western Europe, began resurfacing across the continent. Though not all have been well preserved, these bodies provide modern day archaeologists, anthropologists, biologists and historians with a unique look at a world so different from their own by providing specimens so well preserved one could analyze what the person had for breakfast the day they died. Besides that, peat bogs have preserved numerous grave goods such as clothing and jewelry, and even the ancient evidence of possible murder.

The following paper aims to shed a light on the mystery and intrigue of bog bodies and

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how changing technology and theories have impacted the interpretation of these particular remains. This paper will discuss how bog bodies are found and how they've managed to remain so well preserved, as well the picture these bodies have painted of medieval life. Besides the archaeological aspects of it all, this paper also wants to give its readers a modern day ethical perspective on the uses and misuses of bog body research. Overall, this is a paper that will discuss how bog bodies are made, the vast amount of knowledge gained from the research of Bog Bodies, as well as the mysteries and controversies.

### **Mummification within the Mire**

To begin, this paper will discuss what makes a “bog body” and how they have managed to stay so well preserved over dozens of centuries. Unlike the mummies found within Egyptian cultures, the mummification of bog bodies is one of natural occurrence rather than cultural. The degree of mummification ultimately relies on multiple natural forces, such as the biological composition of the bogs, the weather during the time the bodies were left, as well as which type of bog the bodies were left in. Typically, raised bogs are known for producing bodies “so well preserved that they are hardly different from the day they were deposited” (Fischer 1998: 238). Raised bogs are dome-shaped masses of peat and often occupy former lakes or shallow depressions in the landscape. Within these particular bogs it's the soggy, acidic, and anaerobic conditions that inhibit decay (Brothwell 1987:78).

A special characteristic that assists in creating these particular conditions is known as “sphagnum,” or in other words, bog moss. When this moss dies it is converted into humic acid, this acid combined with other intermediate compounds within the peat helps stop bacterial growth and in the end the body's skin, hair, and nails are tanned like leather (Fischer 1998:238). An accumulation of layers over the centuries and their increasing pressure also reduces the threat of oxygen and its effects on specific bacteria that could destroy the protective layers of peat (Fischer). This, aided by an extraction of calcium from the bodies lying within the bogs, stops any growth of bacteria that could promote any kind of decay (McLean 2008:302).



### **Bog Bodies: Ancient Forms of Crime and Punishment or Sacrificial Remains**

As a collective, bog bodies are known to date all the way back to the Mesolithic period and up to the twentieth century with some of the better known finds dating back to the Iron Age (McLean 2008:299). One of the most popularly known specimens that will be continuously discussed throughout this paper will be the story of “Grauballe Man.” A few others that will be mentioned as well are known as “Tollund Man,” “Lindow Man,” “Yde Girl,” “Elling Girl,” and “Borreose Woman.” These are only a few of the most well-known bog bodies and besides them dozens have turned up in a number of countries around Western Europe. Over the decades bodies have surfaced in Denmark, Ireland, Great Britain, the Netherlands, and Germany (Fischer 1998:255-257).

Grauballe Man was found by peat-cutters in the year 1952 near the village of Grauballe within Jutland, Denmark (McLean 2008:300). Grauballe Man is only one of 10 complete bog bodies held within museums as of the 21<sup>st</sup> century, but he is among the “best preserved and most complete” (Dicks 2003:38). After the body was moved to the facilities of the Moesgard Museum upon discovery, it was determined that the man’s cause of death was determined to be a deep cut across the throat from ear to ear (McLean 2008:302). Medical examinations were able to confirm that this particular cut did succeed in severing the man’s esophagus, and had to have been inflicted by another person, for the cut’s direction and appearance ruled out the possibility of suicide and the idea of a postmortem lesion (Fischer 1997: 252). More evidence to back up this initial theory was uncovered during re-examination in the 1980s when doctors could use an endoscope to look inside the wound and found that that the tongue and the associated hyoid bone and larynx were intact. This kind of cut could only have been made from behind, with the head pulled right back (Dicks 2003:40).

Just two years before Grauballe Man, and found within the same district, was the body of Tollund Man. He was found in a position resembling that of a sleeping state, yet also had the rope used to strangle

him still tied tightly around his neck (Fischer 1997:244). A particularly interesting thing about Tollund Man would be that he was placed in such a position, rather than being discarded like so many other bodies. Some believe that being placed in this “noble visage” suggests that it was likely that he could have been a subject sacrificed to a bog deity or earth goddess (Menon 1997:60).

When examining bog bodies, it’s as if archaeologists and scientists are acting as detectives, just a few hundred years too late to the scene of the crime. Analysis of bog bodies typically find signs of violence correlating with cause of death. According to a chart cited by Mike Pearson, when it comes to cause of death, about seven bog bodies have been determined as being the subjects of hangings or strangling (three being more concrete, and four being more hypothetical), two have had their heads severed, one has had their throat slit, and one suffered blows to the skull (Pearson 1986:18). Not only is the cause of their deaths interesting, but the fact that they turn up in bogs at all is of particular interest when studying the cultures of the Iron Age. When it comes to human remains associated with the Iron Age, the most a person may find will usually be bits of charred bone within urns or funeral pyres, due to the fact that people of that time normally cremated their dead (Menon 1997:60).

Other unusual characteristics include that they are often stripped or near-naked and are sometimes laid with care, and with analysis, some appear to have led lives of “ease and relative luxury” (Pearson 1986:16). During an analysis of Grauballe Man’s stomach content, there was also a controversial find known as ergot fungus, which happens to be a hallucinogenic herb (Lynne 2003:38). Since researchers today don’t know how much of the herb there really was, we currently don’t know if it was a part of a ritual meal, or just a part of the daily diet of that time. When looking at this evidence, and all that mentioned above, one will reach some of the more controversial debates amongst bog body analysts; were these people murdered, punished, or sacrificed?

A number of women found within the bogs have been found with one side of their head shaved, a

sign of disgrace since the medieval times, which could suggest a punishment of infidelity (Menon 1997:60). Yde Girl was one of such women, she was also found with the cord that strangled her to death still wrapped around her neck (Nemeth 2008:34). Could her death and burial been the punishment meant for a criminal? When discussing this theory, a number of researchers and writers reference the work of early Roman historian Cornelius Tacitus, *Germania*, written in 98 AD. Over the years, archaeologists have proposed that the people found within the bogs had “clearly” committed some kind of offense and were being sentenced to a form of savage execution, Tacitus supports this theory in some of his writings in a quote that describes how “cowards” or the “unwarlike,” or a man “stained with abominable vices, is plunged into the mire or the morass” (Menon 1997:60). According to some references, Tacitus explains how Northern European tribes punished criminals by hanging and buried the bodies in bogs and staked or weighed them down with rocks in order to “keep the criminal spirits from returning to haunt the living” (Nemeth 2008:34).

An example to support Tacitus’ reference would be the finding of “Borremose Man” in 1946. When he died, Borremose Man was placed in the bog in the sitting position and sunk against his thighs, pulled by his own weight, and had a birch stick placed above his body. This is fairly common with bog body burials, as well as later Christian burials, in order to, as Tacitus said, prevent the dead from haunting the living. (Fischer 1998:241)

Tacitus continues to reference the burial of bog bodies throughout three other passages, discussing how medieval execution varied according to the committed offense, but in the end “traitors and deserters are hanged on trees; cowards, shirkers and sodomites are pressed down under a wicker hurdle into the slimy mud of a bog” (Pearson 1986:17). Besides punishment though, Tacitus also refers to the idea that these burials may have something to do with worship of Nerthus, “Mother Earth,” and it was believed that after a traveling festival “the chariot, the vestments, and the goddess herself, are cleansed in a secluded lake. This service is performed by slaves who are immediately afterwards drowned in the lake” (Pearson

1986:17). Since changes in technology over the years, the theory that has become more widely accepted within the archaeological community is this idea of bog bodies being the product of a sacrificial ritual (Nemeth 2008:34).

Though both theories, that of punishment and that of ritual sacrifice, are based primarily on the historical writings of Tacitus (Fischer 1998:260), science has made its own impact on the interpretation of bog bodies as well. Over the decades, modern developments in technology and changing anthropological theories have shed a new light on the subject. The next section of this paper will look into how new technology has helped form this popular theory over the decades through re-examination and interpretation.

### **Modern Analysis: New Technology and its Impact on Bog Body Interpretation and Preservation**

When it comes to the debate of murder versus sacrifice debate, much of the scientific endeavors used to back up either theory are majorly results of late 20<sup>th</sup> to early 21<sup>st</sup> century re-analysis of remaining bog bodies. The 1984 discovery of Lindow Man and the ability to examine him more fully than other bodies through the use of modern medical advance extracted a wealth of knowledge that inspired researchers to go back and re-examine a number of previously excavated bodies (Menon 1997:60). One such re-analysis begins during a renewal of the Grauballe Man exhibit in the year 2000. Over a three day period, a total of 1362 CT cross-section scans were produced and examined. CT scans are used to take a form of x-ray photographs that show varying densities of different tissues that help develop an accurate image of a body's internal structure. These particular CT scans determined that a skull fracture, revealed by x-rays in 1952, had occurred after death due to pressure within the bog, rather than a blow to the skull like originally thought. (McLean 2008:303)

As mentioned in an earlier section of this paper, during one of the original analysis of Grauballe Man, it was also noted that traces of the hallucinogenic ergot fungus was also found within the man's stomach contents. During this initial analysis though, early scientists never specified how much ergot there really was. Today, after re-analysis, modern scientists have realized that “rather than being a ritual

meal spiked with large quantities of hallucinogen, Grauballe Man's last food was just poor quality fare, typical for the time" (Lynne 2003:38+).

When looking specifically at these efforts to re-analyze the death of Grauballe Man, it seems as though the results contradict each other. Though the CT scans prove that Grauballe Man didn't die as violent a death as originally thought, the re-analysis of his stomach contents suggests that his last meal wasn't one of any mystical ritual. Due to this continued discovery of contradicting evidence, there are some archaeologists who choose to look at the debate on a case by case basis. One such archaeologist is Christian Fischer.

Christian Fischer was director of the Silkeborg Museum in Denmark back in 1997, and was a prominent figure within the movement that involved relocating forgotten bog mummies and re-researching them with new techniques and new technologies. Within his article, "Bog Bodies of Denmark and North-Western Europe," Fischer states his opinion:

I will base my interpretation on the contexts in which thoroughly examined bog bodies have been found. In my opinion, they [bog bodies] have not suffered a treatment more violent than was necessary for killing them. Were they criminals who had been executed, they would have been thrown into a pit like Lindow Man II from England, and not carefully laid in a sleeping position like Tollund Man, or wrapped in their clothing like Elling Woman and Borremose Woman 1948. I do subscribe to the theory of sacrifices made to a deity, but dare not guess to which. (Fischer 1980:260-261)

There are other ways archaeologist are trying to establish reason behind one theory or the other. Archaeologist, Dr. Mike Parker Pearson, for example, chooses to look at the lives of bog bodies as a means to determine their death, rather than merely cause of death or form of burial themselves. Within his theories, Pearson chooses to analyze bog bodies in order to see how they lived, and how that may have influ-

enced their death, as well as analyzing our modern society and how archaeologists today may be influenced by that society when making interpretations.

According to Fischer, there are characteristics that reveal that those found buried within the bogs may have originally lived lives considered fairly hassle-free for their time. Such evidence of this would be the analysis of Grauballe Man's finger prints, which ultimately demonstrate an absence of manual work (Pearson 1986:16), a trait also identified on Tollund Man (Fischer 1980:260). Could this have suggested he was a man of higher economic status? In general, bog corpses also tend to be taller than the standard Iron Age population, a characteristic also shared amongst ruling elites of 1<sup>st</sup> to 4<sup>th</sup> centuries AD in Denmark (Pearson 1986:16). This could suggest that they could have been some members of superiority.

Overall, Pearson believes that archaeological evidence and the ethnographic record "point firmly to the European bog bodies being socially sanctioned human sacrifices and executions" (17). Pearson's theory is that original interpretations of bog bodies as being murdered, mugged, or punished, may ultimately be a reflection of our modern society's influence on the evidence, rather than the evidence itself (18). When one is surrounded by the violence of the evening news, the violence of primetime television, and the overall fear of daily, unexplained horrors happening to good people, how could a member of our modern, scary society not jump to such a violent interpretation?

Technology advances every day, and though not all the mysteries have been solved quite yet, it is already clear that "ritualized bog killings were not as gruesome as we once thought" (Lynne 2003:38). Overall, scientifically speaking, modern technology has made quite the advances in medically analyzing these special corpses. CT scanning, other than just proving the fracture to the skull was a product of peat pressure, was also able to reproduce a model of Grauballe Man's skull, correcting other distortions made by the overlying peat. CT scanning has also made overall analysis of bog bodies easier due to the fact that most bog bodies are too fragile to turn over or shift around much in general; this scanning allows scientists

to investigate without getting too invasive (McLean 2008:305).

According to some, such as archaeologist Christian Fischer, there is hope that we will one day be able to get and analyze the DNA of these ancient people. Forty to fifty years ago, bog bodies could only be dated by the analysis of their surrounding sediments (Menon 1997:60). Today, with the use of modern medical techniques, over 10,000 CT images have been taken of Tollund Man's head and an endoscope was used to take a look at his "perfectly preserved" brain. Scientists hope that one day it will be possible to extract DNA from that particular brain (Lynne 2003:38).

### **The Politics and Ethics**

The last section of this paper takes a turn towards the less scientific perspective when analyzing bog bodies. The following section will take a brief look at some of the past, as well as upcoming present, ethical issues that have arisen with the research of bog bodies. The issues selected involve political misuse of research, as well as the rising environmental issues involved with the mining of peat bogs.

When one originally thinks of bog bodies and the research involved, they may not instantaneously think of the political implications they may have presented over the decades, especially those embedded in one of the most horrific incidents of world history; the Holocaust. What do Nazis have to do with the analysis and interpretation of bog bodies? According to professor Karin Sanders, bog bodies "serve as a 'medium' through which to channel a range of political and ideological agendas" (Sanders 2009:61).

In the year 1937, Heinrich Himmler gave a speech to the Waffen-SS interpreting the fate of bog bodies to be one deserving of homosexuals and "unnaturals." This idea refers back to the writings of Tacitus and Himmler's interpretation of the phrase "*corpores infames*," which to some is translated as cowardly men who mutilated their bodies to get out of military duty, but others knew the term as one that refers to homosexuals deposited in the bogs as punishment. The latter was the interpretation adopted by Nazi ideologies as a means of supporting their idea of the "termination of such an abnormal life" (Sanders 2009:62).

Following such historical interpretation, through physical analysis of the bodies it was believed that the bodies ultimately did not embody an image worthy of German national pride. It was believed that the bog bodies, “wet, soft, and uncanny,” seemed to fit in with those who were believed to be the subordinate race of modern society (Sanders 2009:63). Ultimately, this is a discussion that could take up an entire paper on its own, but when it comes to this particular paper, a brief history was noted in order to give the reader an understanding that archaeological matters don’t just affect the archaeological or anthropological community.

Remains as rare and well-preserved as those of the bog bodies can mean many different things for a variety of different people. Archaeology impacts entire nations on emotional and political levels and spectacular findings can have a monumental impact on any particular group of people. The level of this impact leads into the next idea of environmental preservation.

After looking at the wealth of knowledge supplied by the archaeology of peat bogs, only a fraction of which could fit into this paper, the overall importance of peat bogs and their contribution to archaeological research is easily made apparent; this particular fountain of knowledge drying up though. Today, peat-cutting is done by large machines that can quickly destroy any body that may be lying in its way, therefore researchers believe that coming across any new bog body finds is very unlikely (Lynne 2003:38). Peat is also known to accumulate slowly. About four to eight-hundredths of an inch is produced a year! Today, scientists are arguing that peat miners are mining a non-sustainable resource (Waite 1993:1). Though multiple organizations are calling for a “complete halt to extraction,” it’s hard to believe much of the possible knowledge that could be extracted from these natural wonders will actually be found before they dry up completely.

## **Conclusion**

In conclusion, the discovery of bog bodies has brought a wealth of knowledge soaked deep in con-



troversty since before WWII. For centuries, peat bogs of Western Europe have acted as the natural archives of the past, keeping the Iron Age's dark secrets perfectly preserved within their murky layers. The bodies that have surfaced won't remain in our world forever though, for preservation isn't a means of permanence. For this reason, it is extremely important for researchers today to be utilizing and taking advantage of modern technological advances every day in order to learn as much as we possibly can of these people of our past.

Bog bodies are natural wonders that provide an intense look at life and death during the Iron Age, and soon the bodies currently on display and in storage within museums around the world will be the only bodies we have left. It's vital we treat these people as precious as gold, not merely out of respect, but in respect of the pursuit of knowledge itself.

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#### 4. Klangfarbenmelodie\*: The Cultural Significance of Magic and Music in Ancient Greek Society and the Magical Use of Music in *The Greek Magical Papyri in Translation*<sup>1</sup>

By Jordan Cleveland

##### 1. Introduction

###### *1a. General introduction*

It is the general purpose of this work to fill the 'lacuna' that exists in the scholarship of ancient magic and music; by analyzing primary and secondary literature to support the claim that music was used in ancient magic, and to prove music was used magically within *The Greek Magical Papyri*.<sup>2</sup>

I must ask four major questions: (1) what is magic and what role did it play in society, (2) what did music mean to the ancient Greeks and what role did it play in society, (3) what evidence is there to support the appearance of music within Greek magic, and (4) did music possess magical qualities? The answers to these questions will present the understanding of music from the prospective of the Greek philosophers Pythagoras, Aristotle, Plato, and Aristoxenus; following the analysis of music, I will present the scholarship of Matthew W. Dickie, David E. Aune, G.R.S. Mead, and Edward A. Lippman whose arguments deal specifically with ancient magic. I will argue that the evidence provided proves music was used in magical ceremony and challenge Matthew W. Dickie's definition that magic is quintessentially immoral.

My method will be one of cross-disciplinary design. It is impossible to approach the topic

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\* For Ian.

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1 Primary source abbreviations used in this paper follow the standard abbreviations found in N.G.L Hammond and H.H. Scullard, ed., *The Oxford Classical Dictionary* (Oxford: Clarendon Press, second ed., 1970). See bibliography for abbreviations not found in *The Oxford Classical Dictionary (OCD)*.

2 Hans Dieter Betz, ed. *The Greek Magical Papyri in Translation, Including the Demotic Spells*. 2nd ed. Chicago: University of Chicago Press, 1992.

of ancient Greek music without first consulting the extensive research done by musicologists and the modern historical works on magic without also consulting primary sources concerning both topics from classical Greece. For this work I have assembled a collection of multi-disciplinary writings spanning the fields of musicology, history, philosophy and anthropology. Historian Peter Brown suggests in his article “Sorcery, Demons, and the Rise of Christianity from Late Antiquity into the Middle Ages”<sup>3</sup> that although a multi-disciplinary approach to historical writing is “frequently expressed,”<sup>4</sup> there is not always the need to create scholarly work in a multi-disciplinary fashion. Brown then declares that “the historian of sorcery in Late Antiquity begins, however, where the anthropologist leaves off;”<sup>5</sup> despite Brown's original warning that combining disciplines is a “long delay of courtship” and attempting to use this method often produces an “elderly, ugly daughter,”<sup>6</sup> I will proceed in such a fashion because the necessity to fully understand magic and music I must examine the primary writings of classical philosophers, poets and mathematicians, as well as the modern writings of musicologists, historians and anthropologists as a way to emically show the practice of music within the *GMPT*.

*1b. Introduction to The Greek Magical Papyri in Translation: Including the Demotic Spells*

The primary source on Greek magic I used was also the single most important source for my research: *The Greek Magical Papyri in Translation (GMPT)*, edited by Hans Dieter Betz, which has been translated from the original Greek, Demotic, and Coptic texts.<sup>7</sup> In the introduction, Betz calls the *GMPT* an assembly of “magical spells and formulae, hymns and rituals”<sup>8</sup> that can be dated to the “second century BC to the fifth century AD.” For the purposes of this paper, I will focus my attention on the fourth and fifth centuries BC.<sup>9</sup>

3 Brown, Peter. “Sorcery, Demons, and the Rise of Christianity from Late Antiquity into the Middle Ages.” In *Witchcraft Confessions and Accusations*, edited by Mary Douglas. Modern Series 7. London: Tavistock Publications, 1970.

4 Brown, 17.

5 Brown, 18.

6 Brown, 17.

The historiography for the *GMPT* starts in Victorian Europe when the first publication of any spells were released by scholar Charles Wycliffe Goodwin (1817-78) in 1853,<sup>10</sup> but the first collection of spells were assembled and translated by Albrecht Dieterich between 1928-1931. Originally published by Dieterich in two volumes the publication of a third volume was cancelled due to the Second World War.<sup>11</sup> Both Goodwin and Dietrich understood the importance of the *GMPT*, which Betz in his introduction describes as “a collection of texts of diverse origin and nature” reflecting “an amazingly broad religious and cultural pluralism”<sup>12</sup> that contains aspects of ancient Egyptian, Greek, and Jewish religious symbolism.<sup>13</sup> Despite all of this diversity, Betz notes that the primary religious imagery of the papyri is completely Hellenistic in origin.<sup>14</sup>

Similarly, music theory has existed since 500 BC based on mathematical and speculative science, but at the same time of Wycliffe's first publication of spells the first modern leaps in musicology were being taken by Guido Adler in 1855. Adler believed in the tonal science ('Tonwissenschaft') derived and established by a strict set of laws. Adler contended that music “as an art presupposes reflection and therefore science.”<sup>15</sup> Musicology developed as a means of establishing historical intentions and the theoretical structures of past musical creation. Likewise, the study of the *GMPT* developed as a new source for scholars to understand the

7 Brown, Peter. “Sorcery, Demons, and the Rise of Christianity from Late Antiquity into the Middle Ages.” In *Witchcraft Confessions and Accusations*, edited by Mary Douglas. Modern Series 7. London: Tavistock Publications, 1970.

8 Betz, *Introduction to the Greek Magical Papyri*, xli.

9 Since, as Betz notes, the date of the Papyri is believed to have its origins in the second century B.C. I will make no attempt to date spells to specific time periods, but rather assign them all to the time period I plan to cover.

10 Ibid., xliii.

11 Ibid., xliii-xliv.

12 Ibid., xlv.

13 Ibid., xlv.

“religious and cultural pluralism” of antiquity.<sup>16</sup>

The collection of magical papyri presented a new aspect on ancient life. Matthew W. Dickie notes in the introduction to his book *Magic and Magicians in the Greco-Roman World* that the study of magicians and sorcerers provides for historians a glimpse into an often overlooked profession. Dickie also notes that this “does give us an entry to areas of life in Classical Antiquity and the Late Roman world to which it is otherwise hard to gain access,” and that such a study is driven by the “richness” and depth the study of magic provides to social history;<sup>17</sup> in turn music is an essential aspect to social history.

## 2. The role of magic and the magician

### 2a. *Introduction and David E. Aune*

Within the study of Greek magic there is an ongoing debate concerning the definition of magic. In the following paragraphs I plan to look at two different definitions from two separate scholars: Matthew W. Dickie and David E. Aune. Dickie and Aune's definitions differ except on the issue of religious deviation. I analyze their works after summation and then end with assessments on each of their definitions of magic and the role it played within society. Using this method, I will be able to show what the situation of music within magic was.

David E. Aune in his article “Magic in Early Christianity,” presents three objectives he wishes to accomplish throughout his work: (1) criticize the current<sup>18</sup> scholarship pertaining to the

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14 Ibid., xlvii.

15 Anja Volk and Frans Wiering, “Musicology; ISMIR 2011 Tutorial Musicology, Part 1.” Power Point PDF, Utrecht University, October 27, 2011. <http://ismir2011.ismir.net/tutorials/ISMIR2011-Tutorial-Musicology.pdf>.

16 Betz, *Introduction to the Greek Magical Papyri*, xli.

17 Dickie, *Introduction*, 1-2.

relationship of early Christianity and ancient magic by summation; (2) submit to the field of history a “comprehensive and consistent theoretical framework” to improve productivity in studying magic and early Christianity; and (3) to bring attention to the “lacuna which currently exist in scholarly research.”<sup>19</sup> Aune approaches these objectives by addressing the then contemporary scholarship, specifically the scholarly assumption that “magic is easily separable from religion, and that magic is a decadent cultural phenomenon.”<sup>21</sup>

However, at the time of Aune's publication, historians who specialize in the study of magic and religion were split into two categories: those who (1) analyze magic and religion on a culturally individual basis as to avoid “universal validity,” (2) and those who consider questions of “nature and function of magic and religion and their relationship to science and technology on the theoretical level.”<sup>22</sup> Aune notes that a permeating theme is present in these two trends; this opinion states that magic and religion do not, in theory, nullify the other, and that believing they are antithetically opposed is misleading.<sup>23</sup> As I will show in the following section, music was integral to religious ceremony and in turn important to magical ceremony, which adds to Aune's approach to magic.

In order to comprehend how Aune gives agency to magic, we must first approach how Aune

18 Note the publication date of David E. Aune's article—the “current” scholarship Aune refers to is not necessarily still “the current scholarship.” For a more in depth, all-encompassing and longer coverage of time analysis of magical historiography see: William Brashear *The Greek Magical Papyri: An Introduction and Survey; Annotated Bibliography (1928-1994)*, Berlin, 1995. Brashear's work covers a substantial amount of historiographical work.

19 Aune, 1509-1510.

20 The work of E.E. Evans-Pritchard is cited by Aune as a middle point regarding the scholarship concerning magic and religion. Evans-Pritchard's work, Aune notes, influenced the study of magic and religion in the time of Aune's publication. The framework Aune cites as influential to his work was created by Evans-Pritchard in his article *Witchcraft, Oracles and Magic among the Azande* (Oxford, 1937) which brought respect to the study of religion and magic. Evans-Pritchard, Aune says, spoke “more inclusively of 'religio-magical phenomena'” which relies on two notions: “(1) the distinction between magic and religion is at best ambiguous, and (2) magic, in view of its interrelationship with religion, cannot be dismissed as unimportant (Aune, 1510).” Aune argues that Evans-Pritchard considers the attempt to “understand magic as a universal idea with a unique essence as a thoroughly hopeless task (Aune, 1510).”

21 Aune, 1510.

defines magic in his own work. Aune's four-tiered definition of magic states (1) magic and religion are impossible to separate into socio-cultural categories; (2) if we are to analyze the structure and function of magic and religion, we must forbid any negative attitude towards the phenomenon; (3) the idea that 'magic is not religion' can be a misnomer, since magic exists within the consistent "religious reality" constructed by the mainstream religion; and (4) magic is a feature of religion.<sup>24</sup> Magic's role within society, Aune argues, requires social deviance. This deviance is sensible and realistic, but primarily goal-oriented in its use of religious procedures to achieve "particular goals for individuals."<sup>25</sup> Ancients used magic through a religious structure as a way to facilitate the goal of achieving personal objectives not sanctioned by the dominant religious institutions. Another aspect Aune determines as essential to understanding magic's role within society is to notice the practitioner's ability to issue an invocation to supernatural powers where favorable results are guaranteed.

Aune assembles the evidence for his arguments primarily in contrast to other scholars. Consider Aune's three objectives from the second paragraph of this section; each of Aune's objectives are determined to oppose or bring direct attention to the understanding of magic at the time of publication. One notices his method of defining the role of ancient magic as being determined by the integration of scholarship from anthropologists and sociologists. Aune's argument attempts to prove the structurally interdependent relationship shared between magic and religion. Aune also attempts to rectify the multi-disciplinary scholarship which states that the ancient's understanding of 'magic' and 'religion' constituted a rigid dichotomous relationship and that 'magic' and 'religion' should be categorically apportioned. Aune recognizes the correlation between 'magic' and 'religion'

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22 Aune, 1510-1511.

23 Aune, 1511.

24 Aune, 1516.

25 Aune, 1522.



by elucidating his definition of magical practices as being 'the next step'<sup>27</sup> taken by the ancients after mainstream religious practices were unable to meet their personal objectives. Therefore, the structure, function, understanding, and role of magic and religion in the ancient world are too complex to simply assign them into opposing or separate categories, because of the implication that they are largely co-dependent.

*2b. A different approach: Matthew W. Dickie*

In 2001, Matthew W. Dickie published his comprehensive survey titled *Magic and Magicians in the Greco-Roman World*<sup>28</sup> which traces the development and understanding of magic in the ancient world throughout the entirety of his work; Dickie sought to assign special attention to “the men and women who were believed by their contemporaries to be expert in magic or who themselves professed expertise.”<sup>29</sup> Dickie's *modus operandi* in *GRW* is to confront the primary source material pertaining to the lives of the practitioners as a way to delineate the significance of magic. However, there is a single important factor that challenges Dickie's definition of magic and that is how the philosophers interpreted music. Dickie focuses his research on the ancient Mediterranean world of Greece, Rome<sup>30</sup> and Egypt, covering the fifth century BC to the end of the seventh century AD. When Dickie assembles his evidence in defense of sorcerers and sorceresses<sup>31</sup> in antiquity, he investigates the nature of “identity and social origins”<sup>32</sup> but fails to recognize the influence music had within magic.

Dickie begins his study in the fifth century BC which he argues is when magic in Greece first entered into practice brought from Persia.<sup>33</sup> In Dickie's first chapter, he tackles the Greek con-

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26 Aune, 122-123.

27 My emphasis added.

28 Matthew W. Dickie, *Magic and Magicians in the Greco-Roman World*, (New York: Routledge, 2003). To be abbreviated as *GRW*.

cept of magic. Using the *modus operandi* previously mentioned, Dickie establishes a definition for magic and magic's role within society. Based on the amassed primary evidence, Dickie illustrates the magician within their respective societies, who were more interested in the results of “the application” of magic rather than the nature of the magic.<sup>34</sup> The societal profession of magician began to blend the popular philosophies of the time and the tenants of magical practices together which led the professional field of the magician to consist of men of education “who risked being charged...with practicing *magia*.”<sup>35</sup>

During this time period, many names were given to identify the practitioners of magic<sup>36</sup> and the craft which they practiced.<sup>37</sup> The role of magic within ancient culture, Dickie argues, meant the magician, through secrecy, sought to disrupt the course of nature. The magician and his craft were seen by society as immoral and steeped in religious impiety and deviation.<sup>38</sup> However, as I will show later, it becomes increasingly more difficult to assign immorality to magic because of the contradictory philosophy that holds magic as being purely moral.

Where David E. Aune defines the role of magic with a socio-cultural and anthropological outlook, Dickie defines the role of magic through a comprehensive collection of primary source material. Thus, as I have previously mentioned, the study of ancient magical practices and texts provide an excellent primary resource granting scholars a unique look into the social lives of ancient peoples. Taking this into consideration, we are able to distinguish Dickie's investigation from

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29 Dickie, *Introduction*, 1.

30 Note this includes not just the Apennines peninsula but also the Anatolian and Iberian peninsula's and most of the territory within the Roman Empire.

31 Used interchangeably with magician. See: Dickie, 1-45.

32 *Ibid.*, 4.

33 *Ibid.*, 5.

34 Dickie, 26-27.

Aune's: Dickie's primary *modus operandi* is intended to engage primary material in an attempt to better understand the interaction between ancient societies and the professional magician, whereas Aune's research is an example of second-order inquiry which concludes by stating that the work is “incomplete,”<sup>39</sup> leaving the reader suspended in suspense.

### 2c. Magic and magicians

Considering the definitions and approaches of both Aune and Dickie, I must establish for this paper's purpose a definition and approach to magic and magicians. I will combine certain aspects from both of their understandings and define magic as: (1) not of a separate taxonomy as religion—magic is set in a religious framework (2) believed to produce results; (3) an attempt to disrupt the natural order; (4) soaked in religious tradition and symbolism; and (5) esoterically-centric, but exoterically available: meaning, it was possible for most citizens to practice magic, yet the practice was secret. However, it is important to remember that Dickie's definition of immorality is the primary focus of my definitional contention.

### 3. Make a joyful noise to the Lord, All the earth...rejoice, and sing praise<sup>40</sup>

35 Ibid., 7-9.

36 Dickie lists the following Greek terms applied to “witches and sorcerers:” *epodoi*, *epaoidoi*, *epodos*, *goetes*, *goes*, *magoi*, *magos*, *pharmakeis*, *pharmakeus*, *pharmakides*, *pharmakis*, *pharmakeutria*, *goetides*, and *goetis* (Dickie, *Introduction*, 2-13).

37 Dickie lists the following Greek terms applied to the craft of “witches and sorcerers:” The craft of *goetes* is *goeteia*—with the transitive verb used which refer to the activate effects being *goeteuein*. The craft of the *magoi* is *mageia* and the transitive verb *mageuein*. (Dickie, *Introduction*, pp. 13). Dickie also lists the relative Latin terms and notes that “they come to be used interchangeably to refer to the same people (Dickie, *Introduction*, pp. 13).

38 Dickie lists the following Greek terms applied to the craft of “witches and sorcerers:” The craft of *goetes* is *goeteia*—with the transitive verb used which refer to the activate effects being *goeteuein*. The craft of the *magoi* is *mageia* and the transitive verb *mageuein*. (Dickie, *Introduction*, pp. 13). Dickie also lists the relative Latin terms and notes that “they come to be used interchangeably to refer to the same people (Dickie, *Introduction*, pp. 13).

39 Aune, 1557.

## 3a. 'Proem'

In the opening line of Homer's *The Iliad*,<sup>41</sup> the performer the invokes his 'Muse'<sup>42</sup> to “sing” to him “the ruinous wrath of Achilles” (Hom. *Il. I*; trans. Rees). Ennis Rees explains, in his endnotes to *The Iliad*, that the first seven lines form what is known as a “proem.” Rees describes the proem as “the performing poet [calling] upon the immortal Muse to inspire his own voice (Rees, 441).” The importance of the proem is directly related to the narrator’s profession, religious affiliation, as well as the nature of *The Iliad*. The invocation is a summons to the gods; a request for the gods to lend a special magic for remembering the entirety of the epic poem, as well as endurance. This section of my paper will include a schematic overview of the Greek understanding of music with examples to illustrate the role music played within society with special attention drawn towards the evidence that will be used to prove the use of music within the *GMPT*.

Musicologist Edward A. Lippman, writes in his book *Musical Thought in Ancient Greece*,<sup>43</sup> that “the historian of musical thought does not deal with a continuous and clearly marked out body of source material,” because evidence comes from “every conceivable kind of document.”<sup>44</sup> For my purposes I will be using a few philosophic, mathematical, and literary primary sources, because among their ranks are some of the most recognizable ancient Greeks.

In Book IX of *The Iliad* a group of ambassadors from Agamemnon enter the lodge of Achilles and find the great warrior “soothing his soul<sup>45</sup> with a resonant lyre...pleasantly passing the time

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40 Ps. 98:4

41 Unless otherwise noted all parenthetical references to Homer are from *The Iliad*, trans. Ennis Rees, Barnes and Noble Classics (New York: Barnes and Noble, 2005), which will be cited, in text, as author, abbreviated title, page number, and translator's last name.

42 According to *The Oxford Classical Dictionary*, the Muses were the patron goddesses of music and in the larger Greek mythos, inspired the initial creation of music, song, and poetry. *The Oxford Classical Dictionary* explains how the Greek poet Hesiod was approached by the Muses on Mt. Helicon, in Boeotia, and gifted him the art of song (*OCD*, pp. 510-511 and 704-705).

(Hom. *Il.* 145. trans. Rees).” The ambassadors’ reaction to seeing Achilles singing “of warriors fame” while they are “quietly awaiting the end of his song (Hom. *Il.* 145. trans. Rees)” implies that this was normative behavior. This is of particular importance to the current study: *The Iliad* is precisely the same type of work Achilles is singing about—warriors. In ancient Greece, the works of Homer were recited in a chant with an accompaniment of a musical instrument.<sup>46</sup> Furthermore, the ambassadors’ reaction emphasizes the importance of music within Greek culture. Music permeated the lives of the Greeks and was integrated into “religious observances...marriage and funeral rites...banquets, and convivial gatherings,” as well as “vintage festivals” and those celebrating the harvest.<sup>47</sup> Therefore, had the ambassadors’ reaction to Achilles been opposite of that in *The Iliad*, we could infer that the scene is unusual—but that is not the case.

Similarly, in the Orpheus myth in Ovid's *Metamorphoses*, Orpheus poses an “enchanting” music that moves “bloodless spirits to tears” (Ovid, *Met.* 384. trans. Raeburn). Ovid describes this power Orpheus had as spellbinding and made this spellbinding was the music. In Homer's *Odyssey* we find a similar scenario where the Sirens perform their songs that possess an enchanting power. *The Iliad*, *Odyssey* and *Metamorphoses* are written as epic poems which adds musical involvement in magic. All three works begin with an invocation to the gods, expecting magical assistance in the

43 Edward A. Lippman, *Musical Thought in Ancient Greece*. New York: Columbia University Press, 1964.

44 Lippman, *Introduction*, xi. To use the entirety of Lippman's quote within the body of the text would have been unnecessary and distracting, but it is an extensive list that does need to be documented to show that there are plenty of fields and primary source materials available to further academic research into musical magic. The amount of information available could easily overwhelm even the most assiduous student. The following is the quote: “There are musical views in every in every conceivable kind of document: in metaphysical, scientific, ethical, educational, political and religious works; in treatises on mathematics, medicine, cosmology, astrology, poetics, rhetoric, architecture, general aesthetics, and musical theory, but rarely in works devoted specifically to a consideration of the nature of music. In addition, there are more popular notions of music in the literary works and writings of musicians: in history, poetry, drama, novels, essays, letters, and criticism (Lippman, *Introduction*, xi).”

45 For a information on 'the soul' see: Gregory A. Smith, *The Myth of the Vaginal Soul* in (*Greek, Roman, and Byzantine Studies*: 44, 2004) 199-225.

46 Hammond, N.G.L., and H.H. Scullard, eds. *The Oxford Classical Dictionary*. second ed. Glasgow: Oxford University Press, 1970. 705.

47 *OCD*, 705.

musical performance of the poetry.

Poetry produced in ancient Greece had always been closely associated with music, and emphasis was rarely placed on one or the other.<sup>48</sup> The poet has been described as being “one” with the composer, and that tune and lyric were often created simultaneously. As a part of the Greek education system the laity was also trained in music theory.<sup>49</sup> For example, Lippman notes that the nature of music transcends esoteric circles due to its universality and shares an intimate relationship with human activity and existence. Furthermore, we know that in Greek society music was a part of a free-born citizen’s education.<sup>50</sup> Thus, Greek citizens shared an understanding of music because of their education which began with the musically philosophical movement of the Pythagoreans.

### *3b. Pythagoras and the 'Harmony of the Spheres'*

The earliest writings we have concerning Western civilization’s knowledge of music come from the Greek philosophers.<sup>51</sup> Although, as Julius Portnoy points out, “what they [the Greek philosophers] had to say about music is not altogether original since views similar to theirs are held by the Egyptian priesthood and wise men of the Orient long before the Golden Age of Greece,” but what the Greek philosophers did was evaluate music on moral and metaphysical terms.<sup>52</sup> This is an example that complements the importance Betz and Dickie put on the study of magic because of the cross-cultural symbolism.

The teachings of Pythagoras are molded around ideas of symmetry, harmony, and disso-

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48 Ibid., 705.

49 Ibid., 705.

50 *OCD*, 705.

51 Julius Portnoy, *The Philosopher and Music: A Historical Outline*. New York: The Humanities Press, Inc., 1954.

52 Portnoy, 4.

nance through mathematics. Julius Portnoy argues that since the Pythagoreans thought of music as mathematical, it was therefore inherently good and should be judged on moral grounds.. These judgments fused the ideas of aesthetics and ethos which led to an idea known as the harmony of the spheres.<sup>53</sup> Before I address harmony of the spheres, I must first address ethos, which the *Pro/Am Book of Music and Mythology* defines as signifying:

[...]the moral character which the music tends to inspire in the soul. The notes, the harmoniai, the genera [divisions of the tetrachord, or larger system of which the tetrachord forms a part] the melos [melody] in general, and the rhythms had, in the view of many ancient Greek writers, ethical strength and purpose.<sup>54</sup>

The effect of music, therefore, affected the “moral character” of a person. As I will show, this sentiment carries over into the writings of other philosophers, but is unique in Pythagorean thought due to its originality in Western thought.

The musical theory harmony of the spheres explains the existence of ethos<sup>55</sup> in earthly music as a reflection of celestial music. Harmony of the spheres describes that the celestial bodies (moon, sun, stars, and planets) traveled through the heavens at unimaginable speeds causing the heavenly bodies to emit a “bending sounds as though they were a celestial choir.” Each heavenly body was a part of a celestial choir, and the noises emitted were “related to each other like the notes of the scale.”<sup>56</sup> It was because of these beliefs ethos, harmony of the spheres, moral music, and aesthetics, that music or the study of music, “was therefore justified in the eyes of the serious man.”<sup>57</sup> Ethos gave power, a certain magical strength, to music and thus affected the way in which Plato directed his philosophy on music.

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53 Ibid., 8.

54 Lewis, 217.

55 For further reading see: Thomas J. Mathiesen, “Harmonia and Ethos in Ancient Greek Music.” *University of California Press* 3, no. 3. *The Journal of Musicology* (Summer 1984): 264–279.

56 Ibid., 8.

57 *OCD*, 705.

*3c. Plato and Aristotle*

In *The Republic*, Plato notes that music can affect emotions and will permanently affect one's character. The character change brought by music is one reason why Plato advocated the need of musical training in education. However, Plato notes the Dorian and Phrygian scales as being the most important for their sobering effects—contrary to the Lydian and Ionian scales which “are soft” and for “drunkenness,” which are “utterly unbecoming” to one's character (Pl., *Resp.*, 331. trans. Jowett). The role of music, Plato argues, is to imitate nature. In the *Laws*, Plato's opinion does not change, and continues to advocate the importance of music within education as way to imitate nature, because proper musical training leads to a strengthened virtue.<sup>58</sup>

Plato reasoned that music contains an emotional potency and a strong combination of seductiveness and knowledge. The primary function for Plato's ethical music are for educational and for social use.<sup>59</sup> In *The Republic* Plato reasoned that music and gymnastics were essential for the soul and the body, respectively. Plato reasoned that music should take precedence over gymnastics in one's education, because the mind is more essential to a statesman.<sup>60</sup> More importantly Plato argues that musical innovation is unnecessary and unwarranted, because innovation could misrepresent the meaning of harmony and rhythm (Pl. *Leg.*, 669-670. trans. Jowett). Portnoy notes that Plato argued “musical simplicity was not incongruous with natural law.”<sup>61</sup> Portnoy summarized Plato by writing: “his numerous comments on music imply that music could help man to rhythmically attune his finite soul with the finite, through gracefully blending his thoughts and action with the celestial bodies comprising the harmony of the spheres. Raucous cacophony...caused the human soul to clash with the ideal order of things.”<sup>62</sup> Plato understood the power of music to have influ-

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58 *OCD*, 705.

59 Lippman, 49-51.

60 *Ibid.*, 70.

61 Portnoy, 18-19.



ence over human emotions and “considered [music] comparable to that of sorcery.”<sup>63</sup> Finally, Plato's philosophy on the ethics of music can be summarized as recognizing the power of music over human emotions, and character and the possibility that musical improvisation could misrepresent and distort natural law corrupting both the listener and the performer; Plato concludes the creation of music must reflect and imitate nature. As we will see this philosophy makes it hard to understand Dickies' *immorality*-assumption concerning magical practices.

Aristotle takes the teachings of Plato a step further.<sup>64</sup> In *Politics*, the entire last book (Book VIII) contains a digression on musical education and moral music. Like most Aristotelian works, Aristotle entertains the question within an introductory paragraph: what is the nature of music? By giving three understood meanings of music—education, amusement, and intellectual—Aristotle confronts why men take comfort in music. For all three meanings, Aristotle determines that music is understood to alleviate, relax, and provide pleasure as a means of rectifying “past toils and pains.” Aristotle follows this statement by stating “and who can say whether, having this use, it may not also have a nobler one?[...] may it [music] not also have influence over the character and the soul? It must have such an influence if characters are affected by it.” Aristotle explains ethos in action: “and that they [ones character] are so affected is proven in many ways [...] for beyond question they [songs] inspire enthusiasm, and enthusiasm is an emotion of the character of the soul (Arist., *Pol.*, 2126. trans. Jowett).” Here again, we have a reference to the effect of music on both the soul<sup>65</sup> and character.

Aristotle affirm his thoughts on music by stating that:

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62 Portnoy, 18-19.

63 *Ibid.*, 19

64 For further reading see Portnoy's section on Plato, pp. 14-22.

64 cf. Section 3a. Concerning the effect of music on Achilles.

since then music is a pleasure, and excellence consists in rejoicing and loving and hating rightly, there is clearly nothing which we are so much concerned to acquire and to cultivate as the power of promoting right judgements, and of taking delight in good dispositions and noble actions. Rhythm and melody supply imitations of anger and gentleness, and also of courage and temperance, and of all the qualities contrary to these, and of the other qualities of character, which hardly fall short of the actual affections, as we know from our own experience, for in listening to such strains our souls undergo change. (*Pol.* 2126. trans. Jowett)

Aristotle claims that music will change ones soul—as anger and gentleness effect ones character and soul, so do rhythm and melody. The purpose of the musician is to make music through the interpretation of nature rather than imitate nature. Since the nature of music is intended to reflect the character of the musician and the musicians is a reflection of nature his music should be free from strict guidelines governing his craft.<sup>66</sup>

In the end, Aristotle and Plato “believed that the ultimate end of music should be the good of man and society.” The major difference between the two, Portnoy argues, is where Plato believed music should imitate nature, Aristotle believed music should recreate nature. Aristotle reasoned that a musician could experience superior passions and represent true emotions, effectively reaching a deeper meaning and understanding than all of the other arts.<sup>67</sup>

### *3d. Aristoxenus*

Plato and Aristotle believed that music could mold character and therefore was essential to education. Plato strictly believed in good music and bad music and that an education was needed to hear the difference. Aristotle, agreed with Plato; his belief in musical recreation of nature differs from Plato, however both of their understandings of music were moral issues. Aristotle's pupil Aristoxenus departed greatly from his mentor. Where Plato and Aristotle believed a universal 'moral'

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<sup>66</sup> Portnoy, 26-28.

<sup>67</sup> Portnoy, 30.

measurement of music, Aristoxenus believed that the individual could determine what sounded good and what did not.<sup>68</sup>

On many occasions, Portnoy notes, Aristoxenus condemns the modern music of his day as being “no longer serene and simple” rather noisy and disturbingly loud and harsh.<sup>69</sup> This problem, however was not a moral one. Aristoxenus also questioned the mathematical approach of the Pythagoreans by stating that “extraneous reasoning, and rejecting the senses as inaccurate fabricated rational principles, asserting that height and depth of pitch consist in certain numerical ratios and relative rates of vibration” is a theory utterly irrelevant to the subject and are “quite at variance with the phenomena” (Aristox., *Harm.* 188-190. trans. Macran). Aristoxenus departed from Plato and Aristotle and developed a philosophy that gave the power of musical interpretation to the creator and the listener.

The two major works of Aristoxenus are *Harmonica* and *Rhythmica*, both in fragmentation.<sup>70</sup> However, what has survived gives historians and musicologists a substantial understanding of Greek musical theory.<sup>71</sup> Where Pythagoras is a philosopher and mathematician and Plato and Aristotle are philosophers, Aristoxenus is a musician and philosopher. Aristoxenus' method of logic is defined as defining, dividing, and subdividing—his musical theory is “distinctly superior to the empirical and half-mystical investigations of the Pythagoreans.”<sup>72</sup> Aristoxenus however, does appear to have connections with the Pythagoreans, specifically concerning philosophical matters, for example: “Aristoxenus regarded the soul as a 'tuning' of the body” which may be of Pythagorean

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68 Portnoy, 31.

69 Ibid., 32.

70 *Preface to Elementa Rhythmica*, translated and edited by Lionel Pearson. (New York: Oxford University Press, 1990). (Aristox. *Rhythm.* trans. Pearson. *Preface*, v, Pearson).

71 For further reading concerning the 'musical theory' of Aristoxenus see: *OCD*, 707; subheading 6.

72 *OCD*, 118.

origin, but is unclear.<sup>73</sup> I will show that these connections to Pythagoras and cosmology present music as vital to magical ceremony.

#### 4. Music and Magos

##### 4a. Hymn

Throughout the entire existence of Greek civilization, music was vital to religious ceremony.<sup>74</sup> A typical aspect of formal ritual was the hymn. Hymns are a metrical address to a god, typically sung, and hexametric; consisting of an accumulation of names and depicting characteristics attributed to specific gods.<sup>75</sup>

Before we begin our exploration of specific spells we must determine what makes a spell musical or how we can determine if there is music within a spell. The first question: does the spell contain a hymn? In most cases, within the spells there are notes signifying the hymn begins. A hymn, by strict definition, is musical (chanted or sung). See footnote for spells within the *GMPT* that contain a hymn.<sup>76</sup>

The first spell we will analyze is *PGM II. 64-184*. The hymn enters the spell in line 78, with two lines invoking “AKTI KARA ABAIŌTH, O lord god, servant of god, who are in control of this night, stand by me, Apollo Paian.”<sup>77</sup> The practitioner is to then sleep and upon waking at sun-

73 *OCD*, 118.

74 *Ibid.*, 713.

75 *Ibid.*, 713.

76 Spells that contain a hymn are: *PGM I.*, ll. 42-196, 262-347; *PGM II.*, ll. 1-64, 64-184; *PGM III.*, ll. 187-262, 282-409, 424-466, 494-611; *PGM IV.*, ll. 154-285, 296-466, 475-829, 930-1114, 1390-1495, 1916-1870, 1928-2005, 2145-2240, 2241-2358, 2441-2621, 2622-2707, 2708-2784, 2785-2890, 2891-2942; *PGM VII.*, ll. 1-148, 540-578, 664-685; *PGM VIII.*, ll. 64-110; *PGM IX.*, ll. 1-14; *PGM XII.*, ll. 401-44; *PGM XIII.*, ll. 1-343, 343-646; *PGM XVIIb.*, ll. 1-23; *PGM XX.*, ll. 4-12; *PGM XXII.*, ll. 1-70; *PGM XXIX.*, ll. 1-10; and *PGM XXXVI.*, ll. 134-160.

rise recite the given hymn to Apollo. It should be noted that Apollo is often the patron of music<sup>78</sup> and often seen with a lyre. The first section of the hymn cites both a song sung by Apollo followed by a request for the “lips” of the magical practitioner to be inspired (*PGM II., ll. 83-90*).

This section of the hymn reflects the opening lines of *The Iliad* where the performer imposes upon the muses for inspiration. After the invocation, the hymn invokes Apollo in many ways and under several titles: “scepter-bearing lord” (*PGM II., l. 84*), Helios<sup>79</sup> (*PGM II., l. 87*), “scepter-bearing leader of the Muses” (*PGM II., l. 99*), etc.. More than once are the Muses mentioned throughout this spell adding to the overall musical nature of the manuscript. At the spell’s end, Apollo comes to the practitioner and grants him everything he wants to know.

This spell uses terminology and methodology specifically related to music—Apollo, Muses, and hymn and the structural mirrors of Homeric style—I can conclude that music was of primary influence and necessary for successful completion of the spell.

#### *4b. Musical magic and notation*

Now that I have established with certainty the existence and importance of music within one spell, another question must be asked: was music ever used magically and is there a case where magic is the “product” of music?

*The love spell of attraction, PGM XXXVI. 134-60* claims to be the greatest of all spells. For this study I will look at the line which says “and may no barking dog release you, no braying ass, no Gallus, no priest who removed magic spells, *no clash of cymbals, no whining flute;*<sup>80</sup> indeed, no protective charm from heaven that works for anything; rather, let her be possessed by the spirit

77 Paian is an alternate spelling of *paean*; typically a hymn addressed to Apollo. (*OCD*, 766).

78 *OCD*, 81.

79 The *OCD* cites Apollo as being identified as Helios sometime in the fifth century BCE (*OCD*, 494).

80 Emphasis mine.

(*PGM XXXVI. ll. 156-160*).” There are two important parts to note from these lines: (1) the purpose, and (2) the noting of two musical instruments. The purpose is clear: the following action(s) will not break the spell. The implication is that these actions have the necessary magical influence to undo lesser spells. The noting of the *cymbal* and the *flute* as unable to break the spell implies there are other spells in which they have magical influence, persuasion, or the influence to undo spells. In any case, by the authors implication the use of music has magical properties.

Another example of music possessing magical qualities is to address the phenomenon of vowel triplication and 'mystical sound (*voces mysticae*).’ The *voces mysticae* appear in numerous spells often appearing, but not always, as triplets and quadruplets: ĒĒŌ OĒĒŌ IŌŌ OĒ ĒĒŌ AĒŌ. Author G.R.S. Mead notes that these vowels play an important role in every spell and that these vowels were most often chanted. Mead quotes Demetrius as saying:

In Egypt the priests hymn the Gods by means of the seven vowels, chanting them in order; instead of the pipe and lute the musical chanting of these letters is heard. So that if you were to take away this accompaniment you would simply remove the whole melody and music of the utterance (logos). (Demetrius, *On Interpretation*, c. 71 (p. 20 Raderm.) in G.R.S. Mead's *Echoes from the Gnosis*)

Mead continues by noting that each time a grouping appears they represent “spheres” that are said “to give forth a different vowel or nature-tone.”<sup>91</sup> This description mirrors the Pythagorean philosophy of harmony of the spheres. The vowel chants and cosmological connection to Pythagoras add a new layer of spells involving music.

#### *4c. Imitation and the interpretation of nature*

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81 Mead, G.R.S. *Echoes from the Gnosis*. Edited by John Algeo. Wheaton, IL: Quest Books, 2006. 216-217.

The philosophical differences between Plato and Aristotle concerning the nature of music would have been known to an educated man. Dickie states that the practice of magic extended to the educated<sup>82</sup> whom would have been familiar with the works of Plato and Aristotle. The Platonic assertion that music must imitate nature could have been the basis for the “*popping*” and “*hissing*”<sup>83</sup> instructions found throughout the *GMPT*.<sup>84</sup> G.R.S. Mead approaches these “unarticulated sounds” in his collection of writings *Echoes from the Gnosis*.

Mead suggests that these sounds were “to be used in the rubrics of” rituals<sup>85</sup> and symbolically uttered as a means of invocation. Mead defines the terms *syrigmós* and *pop-pysmós* as a “shrill piping sound or hissing” and “the second is used for a clicking or clucking with the lips and tongue.”<sup>86</sup> The musical significance comes from his understanding and description of the *hissing* and *popping* sounds when they are used. Mead fully defines the action and vocalization of *hissing* and *popping* as:

...whistling, cheeping, chirruping, warbling or trilling of birds. It is used of the smack of a loud kiss and also of the cry “hush.” Both Aristophanes and Pliny tell us that it was used as a protection against, or rather a reverent greeting of lightning; and the latter adds that this was a universal custom. It is evident that we have here to do with certain nature-sounds, which have disappeared from articulate speech, except in some primitive languages...[the *popping* and *hissing* sounds] pertains to the art of *onomatopoiía* or *onomatopoiēsis*, or the forming of words expressive of natural sounds...designed to bring man in touch with the hidden powers of nature, the language of nature...<sup>87</sup>

82 Dickie, 7-9.

83 From Betz 149: The first is called *σyrigmós*, its performance *σyrízειν*, a hissing or whistling. The second sound is named *ποπυσμός*, its performance *ποπύζειν*, a pop-pop sound.

84 For a complete list within Betz's *GMPT* of *hissing* and *popping* and other interpretations appears in his footnote on page 48, footnote 80. Here is the footnote: “see Albricht Dieterich, *Mithrasliturgie* 40-43, 228-29; R. Lasch, “Das Pfeifen und Schnalzen und seine Beziehung zu Dämonenglauben und Zauberei,” *ARW* (1915): 589-93.

85 Mead, 215.

86 Mead, 216.

87 Mead, 216-217.

Mead's interpretation of the unarticulated sounds is too coincidental to Plato's philosophy of musical ethics to be unrelated. The *hissing* and *popping* sounds imitate nature in many ways, and are onomatopoeic expressions. Whether these sounds were made in harmony, or with rhythm or accompanied by an instrumentation is unclear, but clearly their purpose is to imitate nature. The coincidence is too obvious to be overlooked even though the explanation Mead provides *does not* prove that the *hissing* and *popping* sounds were musical when expressed.

However, Hans Dieter Betz states in his commentary on the *Mithras Liturgy* that the ritualized sounds “belong to the field of 'music,' here reflecting cosmic music,” which strengthens the Pythagorean connection.<sup>88</sup> Betz notes that the *hissing* and *whistling* is analyzed by Xenophon in *Symposium* as being similar “to a pipe tune (αυλημα).”<sup>89</sup> If there was any doubt whether these sounds were musical or not are put to rest by Betz and reinforce my argument for musical involvement within magical ceremony.

## 5. Conclusion

### 5a. Summary

The purpose of this work was to prove music was used magically within the *Greek Magical Papyri*. I asked four major questions and provided a detailed answer to each. I concluded that the best argument for defining magic was a combination of Matthew W. Dickie and David E. Aune's definitions. I used Aune's assumption that magic was not separate from religion, because magic operated within a religious framework. I presented evidence that showed the essence of *hymn* is rooted in religion which strengthened Aune's religio-magical framework. Both Dickie and Aune agree that the use of magic is intended to produce results and I followed the same criteria. I addressed the use

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88 Betz, Hans Dieter, trans. *The “Mithras Liturgy:” Text, Translation, and Commentary*. Tübingen, Germany: Mohr Siebeck, 2003, pg. 104.

89 Betz, 104.



of invocation in poetic proems, citing *The Iliad* as a reference that showed performers and practitioners assumed their words would bring the gods to their aid. Next I asked if there was evidence to support the appearance of music within Greek magic. By carefully examining the works of Plato, Aristotle and Aristoxenus, I was able to determine that the hymn, vowel vocalization and imitation of nature were musical. Lastly, I asked if music had any magical powers? I approached this question by analyzing the absolute statement found in *PGM XXXVI. 134-60* which implies music can have magical powers. The evidence provided in this paper shows that music was magical and music was used in magical ceremony.

The second major purpose of this paper was to reflect on Dickie's *immorality*-assumption of magic. I have presented the views of Plato and Aristotle, as well as Pythagoras, who each believed music to be inherently good and moral. They argued that music was a part of nature and was therefore impossible to ever be immoral. Aristoxenus argued that even what Plato referred to as "bad music" was a part of nature and so Dickie's *immorality*-assumptions is challenged by primary sources. I would suggest a change in Dickie's definition to include Aune's framework which includes musical embellishment to ceremony and in doing so would remove Dickie's pure *immorality*-assumption based on how ancient magicians viewed magic. A spell that includes music could be understood as the magician assuming his actions were moral. A vast majority of spells contain a hymn, imitation/recreation of nature, or harkening to the *harmony of the spheres* and the cosmological music of Pythagoras showing that music was magical and used in magical ceremony.

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## 5. Dangerous Books: An Alternative View on Children's Literature

By Shane Sever

Children's stories are an essential part of young life. Books can transport their reader to imaginary lands, take them on new journeys, or simply teach them to count and recognize shapes. The sphere of influence is much greater than simply fueling the imagination or teaching basic concepts, however. In his book *An Introduction to Children's Literature*, Peter Hunt, a long established scholar in the discipline, operates under the assumption that children's literature shapes the imagination of the Western World. Many in the field share this assumption and it seems logical that the initial texts children read offer a unique perception through which they can view their environment. They can take what they read and apply it to what they already know, and vice versa. But what exactly are these books teaching children? Much of children's literature is intended to instruct and impart constructive lessons. Generally, they are successful, but not all the lessons are positive.

In the early stages of childhood, children are far more impressionable than they would otherwise be later in life. Children are more open to learning, developing, and attempting new things. They are apt to absorb information and influences. Children are also inherently keen observers and adept at collecting information through non-traditional methods, such as conversation (Akhtar 199). They pick up on subtle clues that they assimilate into their perceptions of the world and carry them through adulthood. But with acceptance of new influence and information, comes a vulnerability to negative influence. Typically, children's literature aims to introduce new con-

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cepts and offer positive learning experiences. These books, however, could also be imparting lessons that may be unintended by the author. As children read these texts, they are not simply learning how to count or differentiate colors; they are also picking up on subtle influences of the culture. Without knowing it, children are constructing gender roles, forming stereotypes, and establishing negative behavior.

While some books attempt to address behavior in childhood, the initial intent of most children's books is to create a foundation of education. Though counting and object recognition are important for very young children, the primary role of children's literature is to hone the use and comprehension of language. But, as Gordon Wells argues, the role of children's literature is much more than a fine-tuning of language (Wells 194). It is used to construct a world-view (Wells 194). By constructing mental stories, or "storying," meanings are created through the process of storytelling (Wells 194). Children can share an understanding of a topic, or a worldview, which in turn aligns their perceptions with that of the adult reading the story. In other words, the literature acts as a shaper of how children perceive the world. Whatever the author intends in the book is the first thing a child will read and thus, the first perceptions of the world are cemented in the mind of the reader.

Further, according to a recent essay that attempted to tackle a large sample of children's titles and draw out similar themes of gender imbalances in literature, children learn early on to categorize themselves, their peers, and the authority figures in their lives into social roles (McCabe 199). These social schemas are not just encouraged by the teachers and parents in their lives, but also by the books that they read (McCabe 199). Children's books are a segment of a "socialization and identity formation process that is colored by children's prior understandings" (McCabe 199). Alongside the social interactions with their peers and the authority figures in their lives, books also socialize children into behaving and thinking in a certain manner. They create cultural perspectives that persist through their childhood and well into adulthood (McCabe 199). Children's books offer only one cultural perspective and encourage certain gender and sociological behavioral patterns in children.

This can be problematic. If children are vulnerable to the cultural prodding of books, then the literature



that they are exposed to will act as a foundation for cultural inclinations or social cues—or, the way they behave. Kay Vandergrift addresses this in her essay “A Feminist Research Agenda in Youth Literature” when she asserts that it is “essential to identify texts that marginalize or degrade females” in an effort to discover “whether or not children’s literature perpetuates such behavior” (24). She fears that gender stereotypes can be created early and pervade deep into adult life. She believes that by scouring children’s literature for the potential of unintended (or perhaps entirely intended) cultural leanings, patterns can be identified for the installation of social roles. By closely reading texts, a line can be drawn that connects cultural themes within the text and paint a better picture of how children’s literature can socialize its readers. It is important to recognize texts that could potentially harm the impressionable minds of the youth. At young ages, children are like sponges: soaking up all the information they can possibly get to better understand their world. If children are exposed to literature, or any media, that offers a worldview of intolerance, violence, or enforces stereotypes, then the culture at large suffers as the children grow.

In order to prevent any inclination toward a negative outcome it is beneficial, as Vandergrift suggests, to scrutinize the literature presented to children in order to discover any trends that may appear. Once these trends, or cultural prompts, are brought to light, then proper action can be taken to remedy the issue. Whether the proper action is to eliminate the books entirely or simply keep children away from the texts is another issue altogether and one that is perhaps better tackled by parents.

It is also essential to point out that children’s literature is rarely designed to intentionally inculcate youth into a cultural mindset. There is little evidence outside the rare propaganda produced by extremist groups to suggest the intentional misleading of youth. Instead, they are designed to teach. They teach lessons, morals of various types, necessary quantitative exercises, and are generally viewed in a positive light. The concern is what lies underneath the overt material: the bits and pieces that the authors have perhaps missed or that parents are unaware of. If children are so easily impressionable as the evidence suggests, the

overlooked concepts could have the greatest significance on a child. Though, it would certainly be beneficial to address the entire canon, or at the very least a large sample of work, the task would be arduous and inefficient for the purpose of this paper. Rather, two different books for children will be considered. Both books are well known and widely accepted as masterful pieces of work. This paper functions under the assumption that these two texts are quintessential to the types of books children may be exposed to and thus are examples of the potential unintended lessons children can extract from generally benign material. First, I will look at the picture book *Where the Wild Things Are* by Maurice Sendak. The book has won a Caldecott Medal and is exemplary of a child's picture book. Second, I will look into a book for older children, *The Phantom Tollbooth*, which is a powerhouse book by Norton Juster. The short novel took the medium by storm in the 1970's and aided in revising the way that children's literature was approached. Each of these books is an example of material that may be presented to children.

*Where the Wild Things Are* by Maurice Sendak tells of Max, an ill tempered boy who, through a fit of anger, visits an imaginary land and comes face to face with his fury. Max eventually returns and a belief of parental love and comfort prevails as the tale comes to its close. While the book is often seen as a narrative of a young boy wrestling with his anger and coming to terms with his punishment, the book also has warmth that resonates with children. Despite getting into a great deal of trouble, Max will always have a home to come to, a mother who loves him, and a hot meal at the end of the day. The lesson here is no matter how one may mess up, there will always be someone waiting who loves them. But what is deeply troubling about the book is that despite Max's actions that got him sent to bed without supper, he was without repercussion.

Max donned his wolf suit and went about the business of terrorizing his house. He put nails in the walls (Sendak 1) and harassed the dog (Sendak 2). When admonished by his mother, Max simply threatened to eat her, which ultimately ended up with a punishment of going to bed without supper (Sendak 3).

From there, he goes on a metaphorical journey where he meets the wild things (Sendak 17), starts the wild rumpus (Sendak 22), and then gets bored and goes home (Sendak 30), where he finds his hot supper waiting for him (Sendak 36). The last image the reader is left with is that of Max staring at his nightstand where his meal still steams. If children truly learn cultural perspectives from the books they read, what is the lesson here? It is often said that Max's journey is an imaginary one where he "meets" his dark side in the wild things. He throws a tantrum in his room, eventually calms down, and all is right in the world again. But all is *not* right. Max, upon admonishment from his mother, threatened her with bodily harm and she does nothing. Where is the lesson?

In Sendak's book, children are inadvertently being taught that it is acceptable to cause chaos and then threaten violence when opposed. Max stands up to his mother and is ultimately rewarded with a hot meal. It is arguable that his punishment of being sent away for a period of time is sufficient in educating him in the proper way to behave. But time is indiscriminate in *Where the Wild Things Are* and can only be assumed. As the meal is still hot at the close of the book and there is little evidence for any significant passage of time in the text, one can only assume that Max was not punished for long. Moreover, he left on a fantastic journey where he was allowed to cause all the ruckus he wanted and return when he had his fill. The lack of punishment to Max illustrates to children that this is a normal way to behave.

There is no suggestion from Sendak that Max learned from his actions. In turn, neither will the children who inject themselves into *Where the Wild Things Are* through reading. Indeed, Max seems to simply return to life as normal. What, then, is gained from the text? Perhaps one of the more apparent lessons is that there will always be a stable environment and a loving family for a child. While stability in a child's life is undoubtedly important, however, so too is the lesson of proper behavior. Sendak's book encourages misbehavior. Here, *Where the Wild Things Are* illustrates the complexity and depth of the problem at hand. It is very unlikely that Sendak's intentions were to create a narrative that would entice children to

misbehave. But the suggestion is still there for children to snatch out and assimilate into their perception.

Young children are not the only ones at risk, however. Even books geared toward older youth can have unintended lessons. Norton Juster's *The Phantom Tollbooth* is a book that is geared toward older elementary students. It is full of puns, wordplay, subtle jokes, and encourages critical thinking and critical learning. On the surface, Juster's narrative is of a boy who rediscovers the joys of curiosity, learning, and the importance of education. When children pick up a copy the intention is that they rediscover their own sense of curiosity in the world. What is significant about the tale, however, is what is not seen overtly, rather, what is between the scenes and underneath the meaning of the words.

The origin story of the setting within *The Phantom Tollbooth* is one of assertion of power. While this is not the focus of the novel, as it is a brief chapter of exposition for the benefit of the reader, it is one of the more illuminating moments in the text. It is an example of how a text can assert a cultural ideology unintentionally. In the novel, the protagonists are told a tale of a young prince who traveled to an untamed continent known as the land of Null (Juster 72). Upon seeing "demons of darkness" and "evil creatures" the prince took it upon himself to liberate the native denizens and spread "goodness and truth" throughout the land (Juster 71). In a tale of violence and forced occupation, the prince arrested the land at sword point and carved out a portion at the edge of the sea, claiming it as his own (Juster 72). He founded a city and continued to rail against the native creatures that had banded together in an effort to expel the presumptuous prince from their home (Juster 71). Despite having gutted a sizable portion of land for his kingdom, which he dubbed the "Kingdom of Wisdom," he was not satisfied. He vowed that he would "conquer the land that was rightfully his" in its entirety (Juster 73).

While the tale operates as a quintessential fantasy designed to entice young readers into the lore of the narrative, the tale hides something far more sinister. The king commits great violence against the natives of a foreign land to meet his own goals. The king's blind ambition and gruesome crusade is left un-

checked. Indeed, the king is quite successful. He builds cities, commands troops, sires sons and daughters—the whole process is quite lucrative for him. The lesson that children are left with, then, is that it is beneficial to be selfish and persecute those that are different.

In his dreadful treatment of the natives, the king acts as an example for young readers to treat those who are different poorly. The natives are called vile names (Juster 71) and pushed out of their homes (Juster 72) simply because the king wanted to make a name for himself. This encourages children to do the same. While it probably will not manifest itself in overt discrimination or persecution, it is feasible to suggest that it could lead to bullying, which has already become a problem that has garnered national attention.

Further, the king's dogged expansion into an unknown land (Juster 72) offers evidence to children that power is equivalent to righteousness. Or, as an old cliché goes: 'might is right.' This encourages children to use power, intimidation, and violence to get what they want. The book even suggests that the behavior will be rewarded. The king suffers no consequence for his actions and is instead seen by his citizens as just and strong (Juster 73). This concept alongside the persecution of alternative cultures paints a harrowing picture of what children are digesting.

*The Phantom Tollbooth* seems to instill the importance of learning, of curiosity, and of keeping an open mind. For the most part, it succeeds in doing so. But it cannot be ignored that there is evidence to suggest that a darker lesson lurks beneath the words. While swords probably won't be unsheathed in classrooms and playgrounds won't be carved into territories, it still instills that persecution of those who are different as appropriate behavior.

Obviously, two books are not an accurate reflection of the whole body of work that is children's literature. Jerry Y. Diakiw states succinctly that the literature children read, "can be a powerful device for gaining an understanding of a world far from our own reality" (297). There are many fantastic pieces that

offer different cultural perspectives that broaden the world-view of children and shape it positively.

Jacqueline Woodson's books *The Other Side* and *Each Kindness*, for example, offer cultural perspectives that unapologetically stare segregation and racial tension in the face. Her books teach children to transcend traditional cultural barriers and encourages valor in the face of critical cultural pressure. The concern, however, is that books in the canon that children are exposed to have the *potential* to shape their perceptions in a negative manner.

*Where the Wild Things Are* and *The Phantom Tollbooth* are both fantastic pieces of children's literature and should most certainly be read by children. Sendak and Juster wrote beautiful narratives that can instill valuable lessons. They are, however, two examples of canonized texts that can offer a dangerous lesson if one is not careful. If the lessons of *Where the Wild Things Are* and *The Phantom Tollbooth* are paired together, a dangerous pattern emerges. Both books encourage behaviors, at least in part, that are violent and domination oriented. Together, they advocate aggression and persecution, but more importantly that there will be little to no consequences for their actions. If children are to absorb this material and act upon it, they will learn that it is acceptable behavior and continue to act as such. While not every child reacts to a book in the same manner, it is no less disturbing to think that children are exposed to such levels of aggression. In the process of learning through literature, children run the risk of picking up alternative lessons.

This is the danger of children's literature: the easily influenced perceptions of children are assimilating the alternative lessons hidden within the text and adding it to their worldview. Most authors of children's books have no intention of inculcating children into heightened aggression, or selfishness, or any number of horrible things. Rather, they aim to teach and mold children into outstanding, successful members of society. Yet, unintended lessons may be gathered from the material. As shown with *Where the Wild Things Are* and *The Phantom Tollbooth*, despite what may or may not have been the authors' inten-

tion, hidden instruction is prevalent throughout the narratives. These lessons, however unintentional they may be, are cues children detect and assimilate into their behavior. Ultimately, the alternative lessons present in the material are a danger to developing children and care must be taken to ensure that *what* children are exposed does not act as inculcation into negative behavior or harmful cultural perspectives.

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## **6. Constructed Nations and Obstructed Peace: Nationalism and Conflict Resolution in Israel/Palestine**

**By Alex Farrington**

The Israeli-Palestinian conflict is one of the most protracted clashes in modern history. The origins of the conflict come from a collision of two inherently opposing nationalist ideologies: Zionism and Palestinian nationalism. While it is well-known that the source of the conflict comes from these nationalisms, it is less often noted that the continuation and irresolution of the conflict is still fueled by these underlying nationalist ideologies. I argue that not only does nationalism often cause conflict, but that nationalism also impedes any significant conflict resolution. In order for a lasting peace to be created between Israel and Palestine, there must be a suspension of unreasonable nationalist claims from both sides. Only then can a pragmatic political solution be reached.

My paper will consist of three main sections. First, I will give a brief overview of the origins, evolution, and core ideological goals of both Zionism and Palestinian nationalism. Second, I will analyze two cases in the Israeli/Palestinian peace process to illustrate how nationalism must be compromised in order to come to an acceptable peace agreement. The first case will be the Oslo Accords, which were a relative success in the peace process. The second case will be the fall 2013 peace talks between Israel and Palestine, which represent a definite failure in peace negotiations. In each case study, I will examine how each nationalist ideology influences the negotiations. Finally, I will discuss my conclusion regarding nationalism and conflict resolution.

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## **Background**

Before I delve into an analysis of specific cases studies, it is important to lay the groundwork for understanding each nationalist ideology. Both Zionism and Palestinian nationalism claim superior legitimacy in their ownership of the land of Israel/Palestine, but from different sources. By examining the roots, evolution, and essential goals of each nationalism, we can better understand their influence on the peace process.

### **Zionism**

The state of Israel was founded on the ideology of Zionism, which is still a major driving force in Israeli policy today. Zionism emerged in the late 19<sup>th</sup> century, largely due to the widespread persecution of Jews in Europe and Russia (Gelvin 49). The Jews already had been considered (by themselves and others) a distinct people based on their common ethnicity and religion. However, they had been spread out across the world, constituting small, repressed minorities in many states. Jewish intellectuals—influenced by the western concept of nationalism—began to see the creation of a single Jewish nation-state as the solution to their problems. Zionism held that the Jewish people, now considered a nation, needed a homeland where Jews could escape their persecution and create their own purely Jewish state (Yiftachel 57).

Theodore Herzl was largely responsible for popularizing the Zionist idea. He lobbied European nations for land that could serve as the territory for a future Jewish state (Gelvin 49). At first, Palestine was one of multiple options for the Jewish homeland. The British offered the World Zionist Congress land in Uganda, but it was rejected in favor of pursuing a homeland in Palestine. The religious and historical significance of the Promised Land was a powerful pull for the Zionists. It gave the movement another level of legitimacy and incentive. Zionists considered the land of Palestine a God-given right (Gelvin 52). They also used the ancient Israeli civilization as a further claim to the land. Jewish settlers began migrating to Palestine as early as the 1890's (Gelvin 56). The 1917 Balfour Declaration and the horrifying events of the

Holocaust during WWII both boosted Jewish immigration to Palestine. They soon came into conflict with the local Arabs, who saw their expansion and goals of statehood as a threat to their own claim to the land (Yiftachel 57). The conflict escalated as Jews began to fill up Arab lands and each side began attacking the other. The root of this conflict was the clash between Zionism and Palestinian nationalism, both of which claim the same territory.

Before the creation of Israel in 1948, Zionism had five main ideological goals. Now, before I continue, I want to preface my layout of these ideological goals with a quick disclaimer. Both Zionism and Palestinian nationalism are multifaceted ideologies that contain internal divergences in their interpretation. I am not attempting to describe these ideologies completely by their goals; rather I am trying to create a helpful list of the basic nationalist aims each ideology holds. This way I can later analyze the encouragement or rejection of these goals during the peace process. That being said, I believe that the original goals of early mainstream Zionism (before 1948) were:

- Creation of an exclusively Jewish state in Palestine
- International recognition of the new Jewish state
- The “reclamation” of all of Greater Israel (usually interpreted as the Mediterranean to the Jordan River)
- Security from the Arab “other”
- Complete control of Jerusalem and its holy sites

After 1948, the Jewish settlers in Palestine became the state of Israel. This put their national identity largely in the hands of the state, its institutions, and its leaders. Zionism, although it has had some internal divergences, has overall retained a strong hold on Israeli foreign policy since 1948. Throughout the history of the Israeli/Palestinian conflict, Israel has secured the full backing of U.S. financial and military support, survived multiple wars with the Arab states, and has been able to expand its territory through military vic-

tory and growing settlements in the West Bank. It has been able to dominate its relationship with the Palestinians without much need to compromise its Zionist ideology. Therefore, the nationalist goals of Israel today are not much different than those of Zionism's original goals.

Here are the main ideological goals of the nation-state of Israel today:

- Maintain the “Jewishness” of Israel
- The “reclamation” of all of Greater Israel (usually interpreted as the Mediterranean to the Jordan River)
- Security from the Arab “other” and rejection of Palestinian national identity
- Maintain control of Jerusalem and its holy sites

Clearly, some of the original Zionist goals have already been achieved. The creation of a Jewish state has already been fulfilled, along with international recognition. Even the Palestinian Liberation Organization (PLO) recognized Israel in 1993 (Shlaim 518). Israel also won control over Jerusalem, which now serves as its capital. Currently, Israel is determined to maintain the Jewishness of Israel, both ethnically and religiously. It still holds the antagonistic Zionist view of the Arabs, which has been reaffirmed through its endless conflict with the Palestinians. Many Israeli officials, especially in the right-wing and religious parties, still believe it is Israel's right to reclaim all of Greater Israel (Ben-Moshe 19). In present day reality, this means continuing illegal settlements into the West Bank and refusing to recognize a Palestinian state.

Israel's Zionist ideology has changed little over the years for a simple reason: there is little pressure to change. Israel has consistently held the upper hand militarily and economically in the Israeli/Palestinian conflict since its inception. This has allowed it to achieve its own nationalist goals while denying those of the Palestinians. However, I will argue that Israel must compromise its ideological objectives, either willingly or from external pressure, in order to secure a practical peace.

### **Palestinian Nationalism**

Palestinian nationalism, although similar in its origins to Zionism, has developed much differently than Zionism due to external and internal political factors. Initially, the Arabs living in Palestine during the Ottoman Empire did not see themselves as uniquely Palestinian. Rather, they most likely identified as Ottoman, Muslim, or later Arab (Mi'ari 582). Furthermore, the Palestine we know today was not territorially defined until the collapse of the Ottoman Empire in WWI. The League of Nations then gave the British government control over the newly designated mandate of Palestine (Ghanem 12). British policy, as stated by the Balfour Declaration, facilitated the creation of a Jewish national home in Palestine. This influx of Jewish settlers presented the local Arabs with a threat to their own historic claim to the land on which they had lived for hundreds of years. The new territorial definition of Palestine, coupled with the intrusion of a mass amount of foreigners claiming rights to already-inhabited Arab land, combined to shape a Palestinian national consciousness among the local Arabs (Mi'ari 582).

Riots broke out against the new Jewish settlers, at first for the specific purpose of reclaiming land or goods. But as Palestinians became methodically discriminated against by the British government and were pushed out of their land, the riots began to adopt a more nationalist cause. The large uprising of 1936-1939 especially solidified Palestinian unity and identity (Yiftachel 57). Leaders began to call for Palestinian self-government and a permanent end to Jewish immigration.

A major difference between Zionism and Palestinian nationalism was that Palestinians considered their claim to the land to come from the basic and irrefutable fact that they were living there. Their claim was not ethnic or religious like the Zionists. Their ideology of homeland included the minorities in Palestine (Jews and Christians) in also having a right to the land, but not the new colonizers (Yiftachel 55). Religious claims to Jerusalem and its holy sites were similar, but their claim to the land as a whole was largely practical and historic, not religious. Later, Palestinian Islamic groups like Hamas, Hezbollah, and Islamic Jihad would emphasize the religious nature of Palestinian nationalism, but mainstream Palestinian nationalism remained largely focused on the national, not religious, rights of its people. It is also worth mention-

ing that the fact that a Palestinian identity did not exist before the influx of Jewish settlers to Palestine does not discredit Palestinian nationalism more than any other nationalist ideology. James Gelvin says it best in his book on the conflict: “The fact that Palestinian nationalism developed later than Zionism and indeed in response to it does not in any way diminish the legitimacy of Palestinian nationalism or make it less valid than Zionism. All nationalisms arise in opposition to some ‘other’” (93).

By 1948, Palestinian nationalism had solidified into an articulate and widespread ideology, containing some basic nationalist goals:

- Creation of an independent Palestinian state
- International recognition
- Reclamation of all of occupied Palestine
- Complete control over Jerusalem and its holy sites
- Rejection of Israel (the “other”)

It is important to notice that these goals are very similar to those of early Zionism. Both movements wanted an independent, internationally recognized state of their own to protect their people from persecution. Each movement also claimed the entirety of Palestine as their own. Both nationalisms also wanted complete control over Jerusalem and its holy sites. Both sides also rejected the national rights of the other. It is easy to see how the conflict grew out of these opposing nationalist ideologies when each side made exclusive claims on the same territory, and each side saw their counterpart as a feared and hated “other”.

Palestinian nationalism evolved in a very different manner from Zionism. Instead of being adopted by state, Palestinian nationalism was largely reactive to external events. The 1948 war and creation of Israel displaced approximately 700,000 Palestinians from their homes. The refugees migrated to the West Bank, Gaza, and nearby Arab states (Mi’ari 583). The result of this massive displacement intensified Palestinian national identity and ingrained in Palestinians the injustice of their forced eviction from their land. The

long-disjointed nature of Palestinian nationalism began to unite under the PLO, which was created in 1964 (Yiftachel 63). Then the 1967 war resulted in the Israeli occupation of Gaza and the West Bank, further humiliating the Palestinian's nationalist claims to independence. After 1967, Palestinian identity was shaped by occupation and oppression. Israel confiscated Palestinian land and water resources, demolished houses, censored the press, and rejected the existence of a Palestinian nation. (Mi'ari 586). The 1982 invasion of Lebanon and the Sabra massacre also left a lasting mark on Palestinian national consciousness (Yiftachel 65). Years of Israeli domination, solidified two main ideas in mainstream Palestinian thought. First, Palestinians needed a state of their own to escape Israeli oppression. Second, Israel held a large power advantage over the Palestinians and that this power disparity is not going to change anytime soon. From this, the Palestinians were forced to become more practical in their nationalist goals for a state and give up some of their original ideological claims.

Today, mainstream Palestinian nationalist demands look quite different from the original goals I outlined above:

- Creation of an independent Palestinian state
- International recognition
- Reclamation of land from the 1967 borders
- Control over East Jerusalem and the Muslim holy sites
- Right of return for refugees

As you can see, Palestinians have shifted their basic nationalist aspirations to a more pragmatic and realistic set of goals. The biggest difference is their relinquishment of the claim that all of Palestine must be returned to the Palestinians. Of course most Palestinians continue to believe that they hold a valid claim to the entirety of Palestine, but they realize that there is no possible way Israel would be dismantled and all land given back to the original owners. Therefore, they settle on demanding the reclamation of land from

1967, before the outbreak of war. In addition, they want the “right of return” for refugees, who should be able to go back to their homes. Palestinian officials usually reference UN Resolution 194, which stipulates that “refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date” (“UN Resolution 194 (III)” 20).

Most Palestinian officials also gave up their claim to complete control over Jerusalem, in favor of a smaller claim to East Jerusalem, the Al-Aqsa mosque, and the Dome of the Rock (“Middle East Peace Talks: Where They Stand”). Of course, the core goal of Palestinian nationalism is still an internationally recognized, independent state.

Overall, Palestinian nationalism has had to adapt in ways that Israeli Zionism has not. The Israeli domination of the Israeli/Palestinian situation has given them an intractable hold over much of the disputed territory of Palestine. Thus, Palestinian leaders have been forced to compromise some of their fundamental ideological goals in order to work towards a pragmatic peace. The problem is that only one side is providing any real ideological compromise. Because both nationalisms have contradictory nationalist aspirations, the only way to attain a real solution to the conflict is if both sides forfeit part of their ideology.

### **Case Studies**

In order to demonstrate the effects of nationalism on the peace process, I’ve selected two cases that represent a relative success and a definite failure in Israeli/Palestinian peace talks. The Oslo Accords were the first major step towards peace between the two parties. As I’ll explain, the Accords were made possible by mutual concessions in each nationalist ideology. The 2013 talks, however, characterize the recent problems that arise when ardent nationalism—as a replacement for pragmatism—guides foreign policy.

#### **Success in Oslo**

The secret meetings in Oslo—and consequently their successes—came as a result of several im-



portant factors, all of which exhibit the suspension of certain nationalist aims in favor of political pragmatism. First was the failure of the public bilateral talks in Washington following the Madrid Conference of 1991. In both Madrid and Washington, the PLO was shunned from sending delegates due to its controversial support for Saddam Hussein during Gulf War. This left the Palestinians with a joint Jordanian-Palestinian delegation (Shlaim 485).

Despite their lack of adequate representation in Madrid, the Palestinians presented a very moderate and rational desire to attain peace. Although they still wanted Jerusalem, the right of return, and an independent state, the Palestinians came to the table for a pragmatic compromise over the land itself. In his opening remarks, the Palestinian delegate Dr. Haidar Abdel Shafi stated that, “We are willing to live side by side on the land and the promise of the future. Sharing, however, requires two partners willing to share as equals. Mutuality and reciprocity must replace domination and hostility for genuine reconciliation and coexistence under international legality” (“Address by Dr. Haider Abdul Hafi”). This rhetoric of compromise over the national aspirations of each people was not reciprocated by the Israeli delegates, who still refused to recognize the Palestinians as a nation with any rights to independence. In Israeli Prime Minister Shamir’s opening speech, instead of promoting any compromise he called for the Arabs to “show us and the world that you accept Israel's existence. Demonstrate your readiness to accept Israel as a permanent entity in the region” (“Address by Mr. Yitzhak Shamir”). Thus, the Zionist ideology was still too entrenched in the Israeli policy for any progress to be made during the bilateral talks in Washington after Madrid. However, this soon changed as Israeli politics and society began to shift away from conventional Zionist ideology.

In addition to the failures of public talks, two other factors made the negotiations at Oslo possible. First was the influence of a new intellectual movement in the 1980’s and 1990’s termed “post-Zionism,” that challenged the ideological and historical assumptions of Zionism. Post-Zionist thought ranges from

total rejection of Jewish nationalism to the idea that Jewish nationalism is no longer in danger after the creation of Israel (Ben-Moshe 15). One group of scholars known as the “New Historians” played a key role in the movement by challenging the conventional historiography of Israel (Ben-Moshe 14). Although more of a trend in public and intellectual thought than a self-conscious movement, post-Zionism’s influence help create a more suitable atmosphere for peace. By refuting Israel’s Zionist claims to Greater Israel and its claims to moral superiority over the Arabs, post-Zionism encouraged a more reality-based peace process with the Palestinians.

The election of Labor candidate Yitzhak Rabin as Prime Minister was perhaps the most crucial reason that Oslo was successful. Rabin’s views on Zionism and the peace process differed sharply from his predecessors. Although he was far from being anti-Zionist or even post-Zionist, Rabin knew that compromise was needed to ensure peace. He and Foreign Minister Shimon Peres believed that true Judaism and true Zionism did not require oppression of the Palestinians (Ben-Moshe 20). While still deeply concerned with security, Rabin was willing to compromise some Israeli control over Palestinian territory in return for promises of peace. He even believed that settlers, who had long been hailed as national heroes, were a liability rather than a benefit (Ben-Moshe 23).

Rabin’s election, the influence of post-Zionism, and the failure of the Washington talks all pushed Israel towards a more pragmatic position in the peace process. This pragmatism was evident by Rabin and Peres’ decision to initiate direct talks with the PLO. Just the informal recognition of the PLO as the voice of the Palestinians represented a small breach in conventional Zionist thought. This was a small step towards genuine talks with the Palestinians, without the underlying Zionist assumptions.

On the other hand, Palestinians had been ready for a practical solution since Madrid (Shlaim 490). They knew that Israel was not going anywhere and the only hope for their own nation-state in Palestine was to broker a deal with heavy concessions from their own national agenda. Although the Palestinians

originally claimed ownership of all of Palestine, they had been forced to abandon such claims due the reality of the situation. The power disparity between Israel and the Palestinians is what forced pragmatism to prevail early on in the Palestinian side.

The secret talks in Oslo, which consisted of 14 meetings over 8 months, were able to produce an agreement because for the first time both the Israelis and Palestinians made significant compromises to their standard nationalist ideologies (Shlaim 513). First, the PLO changed their position on an interim settlement for the creation of a Palestinian state. Originally, they had insisted recognition of Palestinian national self-determination if they recognized the legitimacy of Israel. However, knowing that Israel did not want to immediately promote the idea of a Palestinian state, the PLO decided “to discuss interim arrangements without prior agreement on the final outcome” (Shlaim 514). This was a compromise of one of Palestine’s major nationalist aims, which was recognition of its right to statehood. This compromise allowed Israel to work towards more Palestinian autonomy without having to agree to a future state on its borders.

Israel’s major compromise was its “Gaza first” suggestion. The Israeli negotiators floated the idea of ending its occupation in Gaza as a precursor to a later withdrawal from the West Bank (Shlaim 514). This constituted a major contradiction in traditional Zionist ideology, because it conceded land believed by many to rightfully belong to Israel. Also, the idea of a military withdrawal represented a relaxation in security, which was always an integral concern of Zionism.

Negotiations progressed after these initial compromises. The PLO countered the “Gaza first” offer with a “Gaza and Jericho first” proposal, in fear that in the future Israel would designate Gaza as the only available territory for a Palestinian state (Shlaim 514). Then, the details concerning the Israeli withdrawal and the creation of a Palestinian administration were discussed. The Oslo Accords were finalized on August 20, 1993 and publicly signed in D.C. on September 13 of the same year. The final agreement consisted of two components. The first was the Declaration of Principles on Interim Self-Government Arrange-

ments, which called for an Israeli military withdraw from Gaza and Jericho (which would be replaced by a Palestinian police force), the election of a Palestinian council, and the transfer of power in education, health, social welfare, taxation, and tourism to Palestinians in Gaza and much of the West Bank. “Final status” negotiations were to take place after two years (Shlaim 517).

Although there was no resolution on the problems of returning refugees, Jerusalem, Jewish settlements, or borders, and Israel still maintained control over most of the Palestinians’ security and foreign policy, the Declaration of Principles was crucial step forward to a practical peace (Shlaim 517). The Palestinians conceded their wish to secure a promise of future statehood from Israel and let Israel maintain significant control over much of the West Bank. Both of these concessions were in direct contradiction to the ultimate aims of Palestinian nationalism, which call for an independent, internationally recognized state. The Israelis also compromised some of their Zionist goals. Specifically, the agreement Declaration of Principles went against the reclamation of all of Greater Israel. Most Zionists had seen Gaza as a part of the land promised by God, so relinquishing this claim was both in conflict with traditional Zionist thought and drastically needed for the peace process. Giving responsibility of security to the “other” was another major concession. The military withdrawal from Gaza and Jericho and the creation of a Palestinian police force was a major step in building trust between the two peoples, who usually had seen each other as an inherent enemy.

The second part of the Oslo Accords was the mutual recognition of Israel and the PLO, symbolized by a letter from each leader. Arafat’s letter recognized Israel’s “right to live in peace and security”, renounced terrorism and violence, accepted Resolutions 242 and 338, promised to change Palestinian Covenant to conform to these statements. Rabin’s letter, a one sentence reply, stated that Israel recognized the PLO as representing the Palestinian people and promised to continue negotiations with the PLO for mutual peace (Shlaim 518). The significance of these letters is monumental. The fact that the PLO recognized Is-

rael, previously its sworn enemy, was a direct violation of the original goals of Palestinian nationalism. However, Arafat knew that the only way forward was to compromise ideology in favor of practical solutions. Rabin's response was also a direct violation of the traditional Zionist rejection of a uniquely Palestinian people, let alone the acceptance of the PLO as a legitimate representative of such people. Both letters epitomized a rejection of irrational ideology in favor of progress towards a practical solution of the conflict.

Progress towards peace continued under Rabin's pragmatic approach to the conflict. In 1995, Rabin and Arafat signed the Interim Agreement on the West Bank and the Gaza Strip (also known as Oslo II), which gave further power to the Palestinians in designated areas. However, the progress that Rabin had achieved ground to a halt when he was assassinated that same year. His killer was an ultra-nationalist who opposed the signing of the Oslo Accords and wanted to end the peace process (Fawcett 265). This assassination shows yet again how ardent nationalism is a frequent barrier to peace.

After new elections in 1996, Benjamin Netanyahu of the conservative Likud Party was elected as Prime Minister. Netanyahu effectively killed the peace process. He approved new Jewish settlements, demolished Arab houses, confiscated Palestinian land, and imposed new curfews. He openly denounced the Oslo agreement and "waged an economic and political war of attrition against the Palestinians" (Fawcett 266). Although punctuated by occasional progress—like the Hebron Protocol and the Wye River Memorandum—the peace process since 1996 has been mostly characterized by failure. However, this past summer, peace talks were resumed in hope of new reconciliation between the two parties.

### **Failure in 2013**

In the summer of 2013, U.S. Secretary of State John Kerry tried to revive peace talks between Israel and Palestine. The renewed talks were meant to be based on final status issues for a two-state solution. Kerry said that borders, refugees, settlements, and Jerusalem would all be open to discussion. Israeli offi-

cials Tzipi Livni and Isaac Molchoc represented Israel, while Saeb Erekat and Muhammed Shtayyeh, both from the Fatah-dominated Palestinian Authority (PA), represented Palestine. Both Hamas (who governs the Palestinians in the Gaza Strip) and the Popular Front for the Liberation of Palestine opposed the talks. Before peace talks officially started, both sides offered a concession to the other. Israel agreed to free 104 Palestinian prisoners, while Palestine offered to refrain from upgrading its current membership status in the United Nations.

The peace talks officially began on August 13, 2013 in Jerusalem. The negotiators agreed to meet weekly, alternating between Jerusalem and Jericho ("Israel-Palestinian Peace talks Resume in Jerusalem"). Actual negotiations were kept secret from the public, but Palestine officials leaked some of the information from the talks. Abbas said that a future Palestinian state would have to be demilitarized to be accepted by Israel. He also clarified that he was not against any Jews in the new Palestinian state, as long as they were not illegal settlers or Israeli military personnel. In a meeting with members the Israeli left-wing party Meretz, Abbas stated that he was willing to consider changes to the 1967 border agreement as well as the continued presence of some Israeli settlements. His openness to compromise was evident when he said, "These are details that need to be discussed. Every topic is up for negotiation, keeping an open mind" (Ravid). This kind of rhetoric suggests that Palestine, at least PA-controlled Palestine, was willing to further compromise its national claims to land in order to complete a deal. However, Israel denied the accuracy of Abbas and the Palestinians' leaked information about the talks.

Although the internal content of negotiations was disputed, we can look at the external events that surrounded the 2013 talks. In an address to his cabinet on October 27, Prime Minister Netanyahu said that Israel would keep Jerusalem under its control and would reject the right of return for Palestinian refugees. He went on to state that "We are demanding from them that at the end of the negotiations, they will renounce all their claims, including national claims, and that they recognize the national rights of the Jewish

people in the State of Israel” (Lazaroff). This statement is packed with nationalist rhetoric. In a single sentence, Netanyahu demands the recognition of his own nation while denying the rights of another nation. It was also wildly unrealistic to assume that Palestine, which had been developing the preliminary structure to a state for years and had already been partially recognized by the UN, would renounce its national identity. Then, in early November the local media reported that Israel refused to base the new Palestinian borders on the 1967 lines. Instead they proposed using the current separation wall, which would better account for demographic changes since the war ("Israel Says Separation Wall Will Be Border"). Thus, Israel’s insistence on pursuing Zionist aspirations instead of practical solutions stalled the peace process.

Radical Palestinian nationalism also impeded the 2013 talks. In late September, Islamic Palestinian groups Hamas and Islamic Jihad called for a violent third intifada against Israel. Hamas’ armed wing also threatened to execute suicide bombings against Jewish state (Abu Toameh). The threats of violence from these more radical Islamic versions of Palestinian nationalism endangered the viability of comprehensive Israeli/Palestinian peace. Israel most likely worried that peace with the Palestinian Authority in the West Bank would only provide a partial resolution to the larger conflict.

The biggest obstacle to the recent Israeli/Palestinian talks was the dispute over settlements. Since the announcement of the peace talks, Israel had been building illegal settlements in the West Bank. On August 10, Israel approved the construction of 1,200 new settlement homes in the West Bank, followed by 900 more on August 13. 3,500 more homes were approved on October 30. On November 12, watchdog organization Peace Now reported that Israel had plans for an additional 24,000 settler homes ("Israel Plans 24,000 New Homes for Jewish Settlers"). Palestinians had repeatedly demanded the halting of such building projects, as Israelis unilaterally took much-needed land from the future Palestinian state. It was impossible to negotiate borders while Israel steadily built up new settlements in disputed land.

The 2013 peace talks unofficially came to an end on November 14 when the Palestinian negotiators

quit in frustration. Palestinian negotiator Shtayyeh said that Israel was "completely responsible for the failure of negotiations, because of the continuation and escalation of settlement-building" ("Palestinian Negotiators Quit in Protest"). Abbas has stated that he wants to continue the talks, possibly with different negotiators.

### **Conclusion**

In terms of the Israeli/Palestinian conflict, the role of nationalism in conflict resolution is clear. Both Zionism and Palestinian nationalism claim the same territory for their own nation-state. Both claim Jerusalem as their rightful capital. Both also reject the legitimacy of the other. It is easy to see that the only way this conflict can be resolved is by mutual compromise, meaning mutual acceptance of the fact that their national goals cannot be completely realized. The successful negotiations in Oslo prove that the dismissal of certain national goals is a necessary condition to achieve peace. The PLO's recognition of Israel and its deferral of final status negotiations were considered by many Palestinian nationalists to be a betrayal to the Palestinian cause. Similarly, the Israeli recognition of the PLO and the withdrawal from Gaza and Jericho constituted a direct defiance of traditional Zionist thinking. However, these breaches of ideology were absolutely necessary to progress towards a final peace agreement. Sadly, the suspension of an ideological-driven Israeli foreign policy did not last.

The 2013 peace talks were a brilliant example of nationalism impeding conflict resolution. Although the PA came ready for compromise and open discussion, Israel instead held steadfast to its Zionist ideology and resisted genuine compromise. The outright refusal of the right of return, split control over Jerusalem, and the national rights of Palestinians prevented the talks from going anywhere. The refusal of Hamas to accept the ideological compromises of the peace negotiations also impeded progress from the Palestinian side. However, the continuation of illegal Israeli settlements effectively terminated the 2013



peace talks. It was impossible to reach a practical agreement over territory that was being taken unilaterally as the talks were happening. Simply put, the 2013 talks failed because Israel had no intentions of giving any meaningful concessions.

The persistence of the conflict shows that this concept of conceding key national goals has not been accepted by both sides. In fact, Israel has consistently pursued its idealistic national goals with little effort or incentive to compromise. Palestine has been forced to concede many of its national principles by direct coercion from Israel. But forcibly extracting concessions from a group is no way to secure peace. There will always be ideological individuals and units within the repressed group that respond violently to such attacks on their sacred principles, and this is exactly what has been happening in Israel/Palestine. The only real way to secure peace is for pragmatic, voluntary concessions from *both* sides, while suspending the irrational national goals that have consistently precipitated the conflict.

I believe the only solution to the conflict is Israel's potential to step back from Zionist-driven, impractical ideology and pursue a more pragmatic plan for peace. This means conceding the reclamation of Greater Israel, building trust with the Palestinians, and facilitating the creation of Palestinian state in the West Bank and Gaza. The question is how this voluntary shift away from Zionism would come about. I believe external pressure, from the international community and the Palestinians, would only solidify nationalism in Israel through their perceived victimization. Instead, I think that real change has to come from an internal movement within Israel. A second wave of post-Zionism is the best hope for real policy change at the state-level. If enough intellectual scrutiny is applied to Zionist claims and the public is swayed away from such ardent nationalism, the elected government would have to follow suit. Although it is extremely unlikely this shift will happen anytime soon, I strongly believe it is the best chance for real conflict resolution in the Israeli/Palestinian conflict.

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## 7. The Children Shall Inherit the Earth: The Quiverfull Movement and What it Means for Women

By Marie Reimers

The Quiverfull movement has been thrust into popular culture through the advent of reality TV shows like “19 Kids and Counting”<sup>1</sup> and “United States of Bates”<sup>2</sup>. Both television programs follow the lives of families who have an extraordinary amount of children in the name of forsaking birth control. Mainstream America now has a lens into the lives of these large families, and interest in the popular culture is overwhelming. Despite the Quiverfull movement’s visibility on reality TV, not much is known about the movement in the academic study of religion. There are few articles on Quiverfull and the books published on the movement tend to be rather sensationalist. The sources that are available tend to be primary sources from people practicing Quiverfull themselves.

The movement is often traced back to Mary Pride’s 1985 book *This Way Home: Beyond Feminism and Back to Reality*.<sup>3</sup> Pride argues that feminism is the root of all evil, and that the only true way to lead a Christian life is to renounce feminism and family planning all together. Pride was one of the first people to argue that any and all family planning was against God’s will. In the past, anti-birth control ideology was advocated by mostly Catholic theologians, and even they ap-

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Marie Reimers is a junior studying Women's Studies, Political Science, and Sociology. She is interested in using qualitative analysis to examine women's experiences. Specifically, her work examines the lives of women in the Christian sect known as Quiverfull. Marie would like to thank Dr. Laurel Zwissler for providing mentorship during the research process.

- 1 Overbeeke, Sean. “19 Kids and Counting.” *19 Kids and Counting*. The Learning Channel, n.d.
- 2 Overbeeke, Sean. “United States of Bates.” *United States of Bates*. The Learning Channel, n.d.
- 3 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010.

proved of natural family planning.<sup>4</sup> Pride and the Quiverfull movement reject even the most basic natural family planning method, claiming that any and all attempts to control family size are sinful. Although there is an abundant amount of primary Quiverfull sources written by men, it is almost impossible to find primary sources from Quiverfull women. Due to the nature of this analysis all primary sources used in this paper have been written by women. It is the belief of the author that in order to truly understand and begin to analyze the experiences of women in Quiverfull, women in Quiverfull and women who have left Quiverfull must be allowed to speak and reflect on their own experiences. Rejecting family planning is not the only tenet of Quiverfull, most Quiverfull families believe in male headship, extreme frugality and conservation, and women as protectors of the home. Much of Quiverfull rhetoric is focused on militarizing the family for God. The name Quiverfull comes from the concept of children as “arrows” in God’s “quiver”. It is important then for families to make sure God’s quiver is full.

The Quiverfull movement, in a guise to bringing back “biblical womanhood”, rejects all forms of family planning.<sup>5</sup> Quiverfull sees children as a gift from God and women as the protectors of the home. In their attempt to completely remove women from the public sphere, they end up politicizing women more than mainstream religious movements. The politicization of the family and womanhood can be directly observed from the intense Quiverfull connections within mainstream American anti-abortion movements.

Mary Pride’s *This Way Home: Beyond Feminism and Back to Reality*, originally published in 1985, is hailed by many within the Quiverfull movement as the governing Quiverfull text.<sup>6</sup> Pride is one of the first to argue that in order to live a wholly Christian life, women must reject not only abortion and birth

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4 Pope John Paul II, *Castel Gandolfo*, 1994

5 Kathryn Joyce. "Quiverfull: More Children For God's Army". RH Reality Check.

6 Joyce, Kathryn. *Quiverfull: Inside the Christian Patriarchy Movement*. Beacon Press, 2010. pg.135

control, but all methods of family planning.<sup>7</sup> She claims that abortion's legality in the United States is directly related to the church's endorsement of family planning. By endorsing family planning, Pride argues, the church is saying that children are not the "unqualified blessings"<sup>8</sup> that God intends them to be. Christians who control their family size or the spacing of their children are "making a cutoff point for how many blessings they are willing to accept".<sup>9</sup> Years later, in her 2003 book, *Be Fruitful and Multiply: What the Bible Says About Family Planning*, self-proclaimed Quiverfull woman<sup>10</sup> Nancy Campbell echoes Pride's sentiments about family planning, proclaiming, that "we will not see a victory in stopping abortion until God's people repent in their attitudes toward children".<sup>11</sup>

Radical anti-abortionism is a mainstay of the Quiverfull belief system, and the underlying theme for many of their beliefs about reproduction and child rearing. Campbell and Pride both argue that the reason for abortions continued legality in the United States is the widespread use of contraceptives, and that if true Christians were really concerned by the amount of abortions in the United States they would stop using contraception altogether. Pride goes so far as to blame the church for the rise of abortion rights in the United States. She claims that "once the church came out in favor of family planning, it produced certain effects... epidemic divorce, abortion-on-demand, child abuse, and the popularity of homosexuality".<sup>12</sup> Although Pride does not hold the church totally responsible for abortion in the United States, she does hold them partially responsible. The church "did not confront these groups [abortion and women's rights groups] at their most basic level by insisting that children are unqualified blessings."<sup>13</sup> The use of contraception, for Pride, is an indication that

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7 *Ibid.*

8 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010. pg 76

9 *Ibid.*

10 Campbell, Nancy. "Above Rubies - About The Campbell Family," December 21, 2011. <http://aboverubies.org/home/about-us>.

11 Campbell, Nancy *Be Fruitful and Multiply*. Vision Forum, 2003. pg. 154

12 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010 pg 75

13 *Ibid.* pg 76

“blessings”<sup>14</sup> (children) can be rejected; a mindset that Pride argues is the justification for abortion.

Pride and Campbell’s arguments are unique in that they don’t just use biblical justification to oppose family planning, they both attempt to use biological science to back up their claims. The use of pseudoscience to discourage the use of contraception is rampant in Quiverfull culture. The pamphlet “Does the Birth Control Pill Cause Abortions?”<sup>15</sup> can be found on several prominent Quiverfull websites, including the website for the 22 member Duggar family that is often featured on the television show “19 Kids and Counting.”<sup>16</sup> This pamphlet claims that birth control pills can cause abortions, and although it makes several scientific claims to prove this point, none of these claims are sourced and could not be verified through more reputable sources.<sup>17</sup> Pride and Campbell use similar tactics to argue against contraceptive use, Campbell claims that the birth control pill and IUD have performed more abortions than surgical abortions have in the United States.<sup>18</sup> This claim is made because the birth control pill sometimes fails to prevent ovulation; however, this claim is not backed up by more mainstream sources on reproductive technology.<sup>19</sup> Pride uses more extreme stories of pseudoscience to explain the horrors of abortion to readers. She claims that fetuses are being torn limb from limb and then being used in cosmetics that are sold to consumers.<sup>20</sup> Pride also claims that couples are conceiving children simply for the chance to abort the fetus and harvest it’s organs for use.<sup>21</sup> These claims cannot be backed up by any reputable source.

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14 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010. pg 76

15 Alcorn, Randy. “Does the Birth Control Pill Cause Abortions?” *Eternal Perspective Ministries* no. 10 (2011).

16 “Home - The Duggar Family.” Accessed December 3, 2012. <http://www.duggarfamily.com/>.

17 “Birth Control Pills - Birth Control Pill - The Pill.” Accessed November 7, 2012. <http://www.plannedparenthood.org/health-topics/birth-control/birth-control-pill-4228.htm>.

18 Campbell, Nancy *Be Fruitful and Multiply*. Vision Forum, 2003. pg. 172-175

19 “Birth Control Pills - Birth Control Pill - The Pill.” Accessed November 7, 2012. <http://www.plannedparenthood.org/health-topics/birth-control/birth-control-pill-4228.htm>.

20 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010. pg 69

21 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010. pg 71

Pride and Campbell don't just argue for an end to family planning, both natural and artificial, but to a return to male headship and female helpship. Male headship is not argued for directly, instead both Pride and Campbell argue for female helpmateship. Pride specifically relates women as helpmates to the Christian story of creation. Eve was not meant to be a companion of Adam but a helper. Pride claims that if God wanted to give Adam a companion, he would have given him a dog or another man.<sup>22</sup> She goes so far as to say that the search for companionship in marriage is the reason so many marriages end in divorce. If women would accept their position as helpers in marriage, not as companions, then the divorce rate will go down and women will be happier.<sup>23</sup> Romance as a reason for marriage, a common assumption in mainstream American life, including mainstream Christianity, is ludicrous to Pride. Marriage, is not meant to be a partnership and doesn't need romance to thrive. In fact, Pride argues that the expectation for romance in a marriage is another reason for high divorce rates. Divorce is assumed to be much more harmful than a loveless or unequal marriage.<sup>24</sup>

In addition to rejecting family planning and embracing women as helpmates, Quiverfull rhetoric also focuses on militarizing families for God. Children are referred to as "Arrows for God's Army"<sup>25</sup> in Campbell's book, a direct allegory to the culture war Quiverfull families feel they are fighting for God. Campbell goes so far as to claim that God intended children to be seen as "arrows" to be used in "war" citing Psalm 127:4-5 "As arrows are in hand of a mighty man; so are children of the youth. Happy is the man that hath his quiver full of them: they shall not be ashamed, but they shall speak with the enemies in the gate"<sup>26</sup>. Pride focuses on what she calls "evangelism through reproduction".<sup>27</sup> She argues that having children is the best thing that Christian families can do to spread Christianity, certainly better than outside evangelism.

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22 *Ibid.*. pg 16

23 *Ibid.* pg 17,18

24 *Ibid* pg. 15-23

25 Campbell, Nancy *Be Fruitful and Multiply*. Vision Forum, 2003. pg.79

26 *Ibid.*

27 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010. Pg 80



The number of women actually practicing anti-family planning theology is nearly impossible to pinpoint. In her 2009 book, *Quiverfull : Inside the Christian Patriarchy Movement* Kathryn Joyce uses numbers from the US Department of Education’s data on homeschooling to place the number of Quiverfull families at around 1 million.<sup>28</sup> It almost goes without saying that this number is intensely problematic. Although Quiverfull families are more likely than other families to homeschool, it cannot be said that all or even most of the families who homeschool in the United States identify as members of Quiverfull. Counting the number of Quiverfull families in the United States is further complicated by the unwillingness of many families to call themselves Quiverfull. Many families who practice anti-family planning theology and male headship don’t identify as Quiverfull.<sup>29</sup> Vyckie Garrison, the founder of *No Longer Quivering*, a website and online support group dedicated to helping women who have left Quiverfull families, calls the term Quiverfull “unfortunate”<sup>30</sup> because it is not a label that many families use, and it places more emphasis on the “anti-birth control aspect of the lifestyle which is not necessarily primary among those who have adopted some or all of the beliefs commonly associated with...the practice of biblical family values”.<sup>31</sup>

Quiverfull beliefs and values, especially surrounding birth control and family planning, are often compared to Catholic beliefs. Although it would be a mistake to act as if Catholic and Quiverfull beliefs on birth control are the same, the Catholic church endorses natural family planning as a way to control family size,<sup>32</sup> while members of the Quiverfull movement see any attempt to control family size as rejecting God’s blessings. Catholics and members of Quiverfull find common ground in their beliefs opposing contraception, abortion, and feminism. In recent years, many Quiverfull practitioners have partnered with Catholic organizations to

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28 Joyce, Kathryn. *Quiverfull: Inside the Christian Patriarchy Movement*. Beacon Press, 2010. pg. ix

29 “No Longer Quivering” Accessed October 22, 2012. <http://www.patheos.com/blogs/nolongerquivering/>.

30 *Ibid.*

31 *Ibid.*

32 Paul IV, *Humanae Vitae*. Accessed December 3, 2012. [http://www.vatican.va/holy\\_father/paul\\_vi/encyclicals/documents/hf\\_p-vi\\_enc\\_25071968\\_humanae-vitae\\_en.html](http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae_en.html)

support anti-abortion and contraception laws, and to support pro-life or conservative candidates. What started as a “marriage of convenience”<sup>33</sup> has evolved. “We’re united by common principles and a common threat, and that’s a powerful combination,”<sup>34</sup> says high profile Patriarchal Evangelical Robert George of Princeton University.

The lack of research on Quiverfull families makes it nearly impossible to obtain unbiased information about Quiverfull demographics. The one book written on Quiverfull, Joyce's previously mentioned *Quiverfull: Inside the Christian Patriarchy Movement*, is rife with judgement and reads more like a tabloid than a researched account of Quiverfull life. Books such as Mary Pride’s *This Way Home: Beyond Feminism and Back to Reality* and Nancy Campbell’s *Be Fruitful and Multiply: What the Bible Says about Family Planning* are both more concerned with espousing beliefs than documenting the people who practice those beliefs. The best way to understand the daily life of Quiverfull women and to understand the demographics of Quiverfull families is to listen to Quiverfull women and women who have left Quiverfull directly.

Due to the nature of Quiverfull beliefs, specifically in male headship and female submissiveness, most sources dealing directly with day-to-day Quiverfull life come from men. There are some exceptions, many of those being from women who have left the Quiverfull movement through divorce or separation or women who grew up within a Quiverfull family but chose to leave the lifestyle once they reached adulthood. The previously mentioned community *No Longer Quivering* is a blogging website devoted to helping women who have left Quiverfull families. The community was started by Vyckie Garrison as a way to document her “escape from the Quiverfull movement.”<sup>35</sup> Over time the community began to take on more and more women writers who had left Quiverfull families, and it is now an online “gathering place”<sup>36</sup> and support group for women who

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33 Bailey, Sarah. “Mass Appeal: Evangelicals Copy More of Catholic Playbook.” *Christianity Today*, April 1, 2012. pg. 16

34 *Ibid.*

35 “No Longer Quivering” Accessed October 22, 2012. <http://www.patheos.com/blogs/nolongerquivering/>.

36 *Ibid.*

Garrison claims are “victims of spiritual abuse.”<sup>37</sup> Interestingly, not all of the women who belong to *No Longer Quivering* see themselves as victims, many women, especially those who grew up in the movement rather than married into it, see Quiverfull as misleading, but not inherently harmful.<sup>38</sup>

Many of the women who do see Quiverfull as harmful are women who divorced out of the movement after suffering abuse at the hand of their husband only to be left to support and parent large amounts of children alone. Heart Sees, a former Quiverfull practitioner turned radical feminist and a blogger for *Women’s Space*, tells the story of friends who were left to support extraordinary amount of children, up to 11, after divorcing their husbands.<sup>39</sup> These women were left completely alone, and after devoting their life to homemaking, were unable to support themselves on their own.

Daughters who were raised in the movement and left it during adulthood don’t seem to have the same level of hatred toward Quiverfull. *Broken Daughters*<sup>40</sup> is a blog run by Lisa Bennett, a 23 year old woman who was raised within Quiverfull but left it upon reaching adulthood. Bennet spends most of her blog detailing her transition from a Quiverfull life to a secular one, and although it is clear that she has an overall negative view of Quiverfull and wouldn’t go back, she does not seem to have the same incendiary hate toward the lifestyle that Sees and Garrison espouse.

Daughters who leave Quiverfull families are also much more likely to keep their faith than wives who leave. This is directly demonstrated by two popular ex-Quiverfull communities on the internet. The previously discussed *No Longer Quivering* is tailored more towards the needs and experiences of wives who left Quiver-

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37 *Ibid.*

38 “No Longer Quivering” Accessed October 22, 2012. <http://www.patheos.com/blogs/nolongerquivering/2012/09/the-polished-lives-of-others/>

39 “I Name the Patriarchs, Part I: The Truth About ‘Full Quiver’ Families.” *Women’s Space*. Accessed October 22, 2012. <http://womensspace.wordpress.com/2006/11/14/i-name-the-patriarchy-part-i-the-truth-about-full-quiver-women/>.

40 Bennet, Lisa. “Broken Daughters” *Broken Daughters*. Accessed December 2, 2012. <http://brokendaughters.wordpress.com>

ful (although there are daughters on the site), and it is unapologetically and confrontationally secular. This is in direct contrast to the community *Quivering Daughters*<sup>41</sup> which is a community devoted to helping daughters of Quiverfull families who have left, and is just as unapologetically and confrontationally Christian as *No Longer Quivering* is secular.

It is much harder to find accounts of Quiverfull life from women who are currently within the lifestyle. There are some accounts of Quiverfull life by women available, but these women tend to be high profile women such as Mary Pride, Nancy Campbell, and Michelle Duggar. These women are unique in that they have made a career out of espousing the Quiverfull lifestyle and are thus more outspoken than the average Quiverfull women. It is important to note that Quiverfull women do not see themselves as oppressed, rather they seem themselves as empowered by their childbearing responsibilities.<sup>42</sup> The previously discussed rhetoric concerning children as warriors in God's "war", helps Quiverfull women to frame their mothering and wifely skills as important and necessary in the eyes of God.<sup>43</sup> Quiverfull women see themselves as doing God's work through submitting to their husbands and having as many children as possible.

Quiverfull is such a new religious movement that it is unclear how it will continue to grow or how it will be documented by religious scholars in the future. Hopefully in the future further insight will be gained into the lives of women within Quiverfull belief systems.

Mainline Christian doctrines, including Catholicism, have many similarities with Quiverfull. However, Quiverfull it distinguishes itself from other belief systems by taking certain beliefs about children and reproduction to the ideological extreme. This is done in the name of saving America from the destruction of abor-

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41 "Quivering Daughters." Accessed December 3, 2012. <http://www.quiveringdaughters.com/>.

42 Pride, Mary. *The Way Home: Beyond Feminism, Back to Reality*. 25 Anv. CreateSpace Independent Publishing Platform, 2010. pg 132

43 Campbell, Nancy *Be Fruitful and Multiply*. Vision Forum, 2003. pg. 105

tion, the ultimate evil in the eyes of those who belong to Quiverfull belief systems. Male headship is also practiced by those who belong to Quiverfull, and is seen as the ultimate and only way to make a marriage work.

The Quiverfull experience is a unique one, and can not be boiled down to stereotypes or assumptions. Women who have left Quiverfull have a wide range of feelings about the movement they walked away from, from anger, to sadness, to indifference. It would be preposterous to make the claim that all Quiverfull women are being abused, misled, or oppressed within their family as this is not always the way to Quiverfull women see themselves. Many Quiverfull women see themselves as empowered because of their childbearing, rather than in spite of it.

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## 8. To Shabbat or Not?: The Rabbinic Concept of *Pikuach Nefesh* and the Religious Identity of Eastern European Jews Amidst America's Nineteenth Century Industrial Society

By Andrew Shaw

R. Simon b. Menasiah says: Behold it says: “And ye shall keep the [S]abbath for it is holy unto you” (Ex. 31:14). This Means: The Sabbath is given to you but you are not surrendered to the Sabbath.

*Mekilta de Rabbi Ishmael*, Tractate Shabbata

Widely accepted within the study of Eastern European Jewish immigration to the United States is the enduring notion that external socioeconomic pressures compelled a mass compromise of Jewish religious observance and, in turn, initiated a substantial wave of Jewish secularization and loss of religious identity during the nineteenth century. However, this simple explanation overlooks the complex religious disposition of the migration as a whole, especially considering the predominantly religious environment of the Eastern European *shtetl* communities in which the traditional tenets of *halakhah* (Jewish law) largely governed and defined the orientation of this migrating people who fully intended to make America their new home. Generally speaking, this dynamic consisted of three distinct religious dispositions: those who viewed American culture as *treife* (non-kosher) and defended themselves from all forms of assimilation by fiercely devoting themselves to traditional institutions; those who, either motivated by secular socialist philosophies or through their venture for wealth, readily dismissed religion entirely for American

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1 To my valourous mother: without your endless support, my work is not possible. Andrew (Andy) Shaw is a senior history and religion major and a philosophy minor. His research interests include Jewish identity, Jewish intellectual history, and the work of French philosopher Michel Foucault. This fall Andy will be attending Indiana University (Bloomington) to begin his graduate work in Jewish studies and history.

conventions; and the compromising majority who, despite their intentions to assimilate, struggled to separate themselves from their cultural “otherness” while persisting to maintain a certain level of piety. For the latter, the invasive nature of American industry routinely disrupted Jewish efforts to continue with traditional religious practice and ultimately resulted in the neglect of cherished ritual customs. This dilemma often caused Jewish immigrants their inability to properly observe *Shabbat* (Jewish Sabbath) as many were required by their non-Jewish employers to work the holiday in order to protect their jobs and ensure a reliable income. Despite this economic necessity, many Jews sought ways to uphold their religious commitments regardless of their inability to practice this critical feature of Jewish religious practice and did so, I argue, by abiding to an even greater *mitzvah*. Moreover, as I will demonstrate, determined to maintain their religious identity amidst American society, religious Jews who chose to desecrate the Sabbath out of economic desperation did so not in contempt of their religious tradition, but rather, were motivated by what they regarded to be an essential precept of their faith; and through a thoroughly religious orientation, reasoned through their predicament by championing the preeminent Talmudic obligation to preserve human life – *pikuach nefesh* – in order to successfully manage and maintain their religious identity.<sup>2</sup>

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2 The communal pattern of the Jewish *shtetl* (the Yiddish designation assigned the relatively quaint Jewish villages that constituted the Russian Pale of Settlement territory during the nineteenth century) established the sociological model by which Eastern European Jewish life was structured and sustained in the Eastern European region for nearly three hundred years. Initially emerging from small Jewish settlements within their sixteenth century host society of Poland-Lithuania, the communal pattern particular to the Jewish *shtetl* eventually developed into a relatively homogeneous socio-culture that ultimately spread beyond the borders of Poland to neighboring European states, namely Russia, whose anti-Semitic legislation initiated what would be the final phase of *shtetl* culture. For more regarding either the Jewish *shtetl* or the Pale of Settlement, see further “Shtetl,” in *Encyclopedia Judaica*, ed. Fred Skolnik, 2nd ed., (Detroit: Macmillan Reference USA, 2007), vol. 18, 524-527, and “Pale of Settlement,” in *Encyclopedia Judaica*, ed. Fred Skolnik, 2nd ed., (Detroit: Macmillan Reference USA, 2007), vol. 15, 577-580; For more regarding the legal aspects of Judaism, see further “Halakhah,” in *Encyclopedia Judaica*, ed. Fred Skolnik, 2nd ed., (Detroit: Macmillan Reference USA, 2007), vol. 8, 251-258; According to Jewish tradition, the seventh day of the week was recognized by the ancient religious cult as the day of rest in which the adherent is required to abstain from work. Throughout the ages, Sabbath observance has continually been regarded as the central institution within mainstream Judaism. Interestingly enough, as the only ritual observance mandated by the Ten Commandments, the Sabbath’s importance, especially for the religious Jew, is considered to be essential to the devotee’s overall religious character. See further, “Sabbath,” in *Encyclopedia Judaica*, ed. Fred Skolnik, 2nd ed., (Detroit: Macmillan Reference USA, 2007), vol. 17, 616-620; “Pikuach Nefesh,” in *Encyclopedia Judaica*, ed. Fred Skolnik, 2nd ed., (Detroit: Macmillan Reference USA, 2007), vol. 16, 152-153; Rabbi Jeff Summit, “Pikuach Nefesh – Protecting Human Life,” <http://www.youtube.com/watch?v=dRSP-l96cfQ>; Clay Motley, “Dot’ sh a’ Kin’ a man I am!: Abraham Cahan, Masculinity, and Jewish Assimilation in Nineteenth-Century America,” *Studies in American Jewish Literature* 30 (2011), 3-4; Annie Polland, “May a Freethinker Help a Pious Man?: The Shared World of the ‘Religious’ and the ‘Secular’ Among Eastern European Jewish Immigrants to America,” *American Jewish History* 94, 3 (December 2007), 376.



Derived from the biblical injunction conveyed in Leviticus 19:16, “Do not [stand upon] the blood of your fellow,” *pikuach nefesh* – “regard for human life” – is traditionally upheld as the definitive *mitzvah* by which all ritual observances follow as secondary concerns (Hul 10a). According to the rabbinic commentary recorded in the Talmudic tractate of Yoma, the ancient rabbis concluded that the implications of Leviticus 18:5 – “You shall keep My laws and My rules, by the pursuit of which man shall live” – dictated that one’s observance of the Divine commandments should not result in the adherent’s death for, “[man] shall not die of them” (b. Yoma 85b), instructing that, with the exception of idolatry, illicit sexual relations, and murder, a person must do everything within his or her ability to guarantee the preservation of human life (b. Yoma 82a). In fact, of all the diverse applications of this concept, none of the Talmud’s discussions of *pikuach nefesh* overshadow the significance of the debate regarding one’s desecration of the Sabbath in order to fulfill this fundamental tenet ordained by the ancient rabbis.<sup>3</sup>

Surprisingly, this precept is rarely, if ever, considered within the greater scholarship of the period’s Jewish-American work ethic and, unfortunately, continues to be overlooked as a plausible explanation for what would initially appear to be either the result of American socioeconomic influences or the manifestation of a substantial transition toward Jewish secularism. In fact, the weakening of Jewish religious observance during the nineteenth century, as argued by many within the academy, is regularly introduced as a development heavily stimulated by external economic necessities in which regard for one’s religiosity simply vanished from the concerns of Jewish immigrants and was replaced by a greater ambition for economic gain. In his recent work, *Jewish Immigrants and American Capitalism, 1880-1920: From Caste to Class*, Eli Lederhendler

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3 Unless otherwise indicated, all references to the Hebrew Bible are taken from *The New Jewish Publication Society Translation*, copyright 1985; Unless otherwise indicated, all Talmudic references are taken from Isidore Epstein’s *The Babylonian Talmud* (London: Soncino Press, 1961).

argues that Eastern European Jews, upon their arrival to the United States, were not solely regarded as immigrants alone but also as a religious out group of low socioeconomic standing. Lederhendler contends that Jewish adaptation to American culture was purely derived from extrinsic motivations and had little relation to the community's religious consciousness. Apart from this argument, other scholars, employing a variety of inadequate methodologies, either choose to oversimplify the loss of religious adherence as a minor alternation within a greater secular social movement – such as Moses Rischin and Howard M. Sachar who consequently ignore the majority of the migration who sought to continue Jewish practice – or choose to completely avoid the loss of Sabbatical observation entirely, similar to Arthur A. Goren's account recorded in the *Harvard Encyclopedia of American Ethnic Groups*.<sup>4</sup>

Unfortunately, these interpretations dismiss the extensive religious orientation of the Jewish immigrant population, especially those who were rigorously determined to maintain a certain level of piety and continue observing their well instituted religious traditions. By disregarding this defining characteristic, scholars obstruct the academy's understanding of the probable cause behind this loss of religious practice. Ultimately, these approaches prove insubstantial in demonstrating the true complexities of Jewish thought and the manner in which the Talmudic ideology was utilized to better cope amidst America's non-Jewish culture. Subsequently, this omission leaves the study of Jewish assimilation incomplete and without the proper appreciation of the intricate concepts and key principles that prove essential for a more comprehensive account of the Jewish experience in American history.<sup>5</sup>

Building upon the insightful work of scholars who accurately recognize the complex religious disposition of the migration as a vital part of the assimilation process, I intend to disclose the manner in which the

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4 Eli Lederhendler, *Jewish Immigrants and American Capitalism, 1880-1920: From Caste to Class* (New York: Cambridge Press, 2009), xix-xx; Moses Rischin, *The Promised City: New York Jews 1870-1914* (Massachusetts: Harvard University Press, 1967), vii; Arthur A. Goren, "Jews," in *Harvard Encyclopedia of American Ethnic Groups*, ed. Stephen Thernstrom, (Cambridge, Mass.: Belknap Press of Harvard University, 1980), 579-598.

5 Annie Polland, "May a Freethinker Help", 376.

Talmudic governance of the *shtetl* community influenced the motivations for implementing what was traditionally established as an obligatory violation of Sabbatical law. My approach to this matter will contrast from previous scholarship as I will include in this work an exploration of the material from which the religious thought of the *shtetl* was derived and maintained as well as entrusted when faced with the challenging situation of working the “day of rest” to sustain one’s employment and ensure the safeguarding of human life.<sup>6</sup>

As a whole, the Eastern European Jewish emigration strikes a variety of exclusive characteristics that distinguishes the movement from the general influx of immigrating peoples to American shores during the latter third of the nineteenth century. This is certainly true concerning their motivation for leaving the Old World, namely in the case of the Russian Jews, who, while under severe political persecution, sought to flee the confines of the Pale of Settlement, the economic restrictions of the May Laws, and the spontaneous outbreaks of *pogrom* violence. Inevitably, as hundreds of thousands of Jews came to accept, the only outlet for such oppression was emigration. For many young class-conscious Jews, the prospects of both political security and material betterment abroad, coupled with improved transportation, greatly enabled a mass exodus of entire families from the deteriorating Pale environment. For the vast majority, the rapidly industrializing United States with its promotion of social and religious liberty proved to be the location of choice. Reflecting the openness of the American economy, New York quickly became the center of Jewish activity as Eastern European Jews found themselves immediately acquiring a range of skilled and semi-skilled occupations many of which resembled a variety of *shtetl* manufacturing trades that ultimately provided an avenue by which the process of acculturation was relatively more adaptable. In addition to the economic motivations of an expanding

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6 The scholars and works I intend to build upon include, Clay Motley’s, “*Dot sha’ Kin’ a man I am!*”: *Abraham Cahan Masculinity, and Jewish Assimilation in Nineteenth-Century America*; Annie Polland’s, “*May a Freethinker Help a Pious Man?*”: *The Shared World of the ‘Religious’ and the ‘Secular’ Among Eastern European Jewish Immigrants to America*; and Jonathan D. Sarna’s, “*American Judaism: A History.*”

industrial society, the United States also attracted Jews who were anticipating to reconnect with friends and family of earlier migrations, many of whom resided in large commercial areas. Over the course of a thirty year period, between 1881 and 1914, nearly two million Jews entered the country.<sup>7</sup>

However, for a considerable amount of the Eastern European rabbinate, much of which initially chose to remain in Europe, the host of economic opportunities of the “Golden Land” and its “promised city” of New York posed what was perceived to be a considerable threat to traditional family life, prompting one rabbi to liken the movement to “sheep without a Shepherd.” Rabbis, wary of America’s “un-kosher” culture, found it probable that the following generation would detach itself from its Jewish roots and ultimately disband from what would otherwise be its traditional Jewish orientation, and cautioned the migration to return to Europe for the sake of their children’s spiritual lives. Moreover, alarmed by America’s inadequate representation of Or-

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7 Primarily motivated by the oppressive anti-Semitic sensibilities of their native countries, Eastern European Jews from Russia, Austria-Hungary, and Romania, upon their arrival to the United States, formed a relatively homogenous demographic that not only shared a common language (Yiddish) and practiced similar religious traditions, but likewise possessed similar sociological traits. See Samuel Joseph’s, *Jewish Immigration to the U.S. From 1881 to 1910* (New York: Arno Press and The New York Times, 1969), 83; In regard to the Eastern European persecution of the Jews, Samuel Joseph explains, “[The] Economic helplessness was essentially the condition created for the Jews, as narrow was the margin left for the exercise of their own power. The social pressure that was added, through laws limiting the entrance of Jews to educational institutions and the liberal professions... was part of the same policy. In the case of Russia, repression reached the form of massacres of Jews, when these were found politically useful.” See Samuel Joseph’s, *Jewish Immigration*, 83; Interestingly enough, this legislation placed nearly 95 percent of Russian Jews – roughly estimated to have been some five million people – within an area totaling 5 percent of Russia’s provinces and territories combined. As Eli Lederhendler notes, such limited residency marginalized Jewish economic pursuits to the heavily manufacturing culture of the Pale – a development that not only reduced their influence in the greater regional economic system, but also established a genuine “ethnic economy” that would severely cripple their potential as social agents. Samuel Joseph’s, *Jewish Immigration*, 43, 57; Eli Lederhendler’s, *Jewish Immigrants and American, 1880–1920: From Caste to Class* (New York: Cambridge Press, 2009), xx, 36; Introduced as the “Temporary Regulations” of May 1882, the May Laws were essentially extensions of the Russian Empire’s Pale legislation that targeted specifically what was perceived to be a relatively lax approach toward Jewish mobility which ultimately restricted much of what was otherwise free movement within the Pale itself. The legislation’s main clauses established that, as a temporary measure until the revision of their legal status, all Jews were forbidden to settle outside the boundaries of the Pale. This was followed by a variety of restrictions prohibiting the extending or selling of real estate outside of the Pale as well. See Samuel Joseph’s, *Jewish Immigration*, 60; Breaking out after the death of Tsar Alexander II, pogrom mob violence was continuously exercised throughout the Pale of Settlement by Russian nationalists and is usually credited with initiating the large-scale exodus of Russian Jews. Eli Lederhendler’s, *Jewish Immigrants and American*, 3; Essentially a family movement, European Jews, unlike the majority of their non-Jewish contemporaries, permanently left the Old World determined to make America their new home and did so in an unprecedented manner of which a significant percentage of the immigration was represented by women and children. As Samuel Joseph mentions, through the eleven year period of 1899-1910, a total of 466,620 (43.3 percent) of Jewish immigrants were women. Similarly, Jewish children fourteen years and younger consisted of 990,182 members (24.8 percent) of the same movement. In both circumstances, the Jewish demographic exceeded all other immigrating groups in these categories. Samuel Joseph’s, *Jewish Immigration*, 179-180; Eli Lederhendler’s, *Jewish Immigrants and American*, 40-41; Samuel Joseph, *Jewish Immigration*, 83; Eli Lederhendler, *Jewish Immigrants and American*, xx, 3; Jonathan D. Sarna, *American Judaism: A History*, 153; Jim Crees, interview by author, 26 October 2012, Evart MI, digital recording; Samuel Joseph, *Jewish Immigration*, 155; Jonathan D. Sarna, *American Judaism: A History*, 151.

thodox authority and spiritual leadership, rabbis often feared that if confronted with difficult circumstances, Jews, outside of their Old World religious centers, would likely abandon religion in pursuit of material wealth or, even worse, embrace the liberal philosophies of the German Reform movement. On the contrary, other rabbis, dismissive of American society and fully aware of the financial benefits awaiting their arrival, argued for immigration believing that the modernity of American culture would not, on its own, directly affect religious practice as long as Jews put forth their best effort to preserve the Sabbath. As a whole, very few rabbis immigrated to America during both the 1880s and 1890s. Those who did, primarily displeased with the absence of organized religious communities, found it difficult to earn a living functioning as a rabbi without requiring payment for their services – a condition Eastern European Jews were not accustomed to and often rejected. Subsequently, this absence in organized religious leadership liberated Jews to practice their faith in a more lenient manner; one that accommodated their material ambitions.<sup>8</sup>

Though most of the “fervently religious” remained in the Old World, a large portion of the migration did, in fact, value their religious tradition as a critical element of their personhood and anticipated to keep the chief tenets and practices of their faith intact. As Jonathan D. Sarna explains, the right to maintain a Jewish identity was of insurmountable importance to many Jews who chose to journey to the United States. Unfortunately, religious liberty was not accompanied with ethnic acceptance, and the nearly tyrannical process of Americanization – a procedure expected of all immigrants – was a challenging facet of American culture difficult to transcend<sup>9</sup>

Once established in the United States, Eastern European Jews immediately shared a world that required an entirely new engagement with religion. While living in Eastern Europe, Jews had long recognized their re-

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8 Jonathan D. Sarna, *American Judaism: A History*, 153-154, 160; Jim Crees Interview 2012; Jonathan D. Sarna, *American Judaism: A History*, 154-155, 160-161.

9 Ibid., 156, 159, 153; Isaac B. Berkson, *Theories of Americanization, a Critical Study*, (New York: Arno Press and The New York Times, 1969), 69-70.

religious distinctiveness as an inescapable component of their personhood and the feature that defined them amongst their Christian counterparts. Unlike the *shtetl* society of the Pale region whose religious governance established and sustained the community's Jewish ethic, the secular environment of the United States not only allowed religious customs to go unobserved but, coincidentally, made Orthodox Judaism inherently difficult to fully practice. Even for those who were traditional Jews, living in American cities posed a tremendous problem with religious adherence; and, as was found, violating the dictates of Orthodox restrictions were challenging to avoid but necessary to survive within America's industrial society. Nevertheless, the migration's religious disposition proved to be of tremendous importance throughout the entire assimilation process for both Jews who intended to remain committed to traditional Jewish life and those seeking to completely integrate into American culture. As mentioned by Clay Motley, "the act of assimilation was extremely complicated for Jews because of the 'indistinguishability' of traditional Jewish cultural identity from Jewish religious faith." In Judaism, a religion that traditionally emphasizes ritual adherence over theology, an individual's "Jewishness" is often discernible through a myriad of daily activities that together directly reveal one's devotion to the faith. For the Eastern European Jews entering American ports during the latter portion of the nineteenth century, such an understanding of Judaism was not only commonly accepted but extensively ingrained in the consciousness of the people.<sup>10</sup>

In fact, the deep seeded religious orientation of the migration is evident through the work of nineteenth century newspaper editor and author, Abraham Cahan, whose writing repeatedly exhibited the tenuous interaction between Jewish identity and acculturation. For many of Cahan's male characters, a number of whom were determined to assimilate, the struggles of disassociating oneself from his Jewish identity solely depended upon the individual's ability to properly fulfill the American expectations of male behavior. Cahan addressed the process of assimilation as a continuously evolving effort to act "more American" by acting "less Jewish,"

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<sup>10</sup> Annie Polland, *May a Freethinker Help*, 179; Jonathan D. Sarna, *American Judaism: A History*, 159; Neil M. Cowan and Ruth Schwartz Cowan, *Our Parents' Lives*, 250-251; Clay Motley, *Dot' sh a' Kin'*, 4.

that at times, ironically, never fully manifested. In fact, much like Cahan's characters, those who attempted to adjust socially often failed to obtain their "American" status in light of their inability to detach from their culturally Jewish distinction. Ultimately, the *shtetl* constituted religious outlook of the Eastern European Jews proved difficult to transcend.<sup>11</sup>

According to Isaac B. Berkson, fundamental to this difficulty was the American notion that the ethnic "other" was of an inferior breed and therefore desperate for American conventions. The process of Americanization – one that endeavored to mend the innate weaknesses of the minority races – aimed to mold the mind of the immigrant in order to conform to the dominant Anglo-Saxon culture. Unlike their German counterparts, Eastern Europe Jews, particularly the pious, conceptualized religion and nationality as a single identity which proved to be difficult to separate when faced with integrating into American society. The question remained: to what extent could one separate from his or her cultural "otherness" while preserving the desired level of ritual devotion – especially if conformity regulated economic opportunity and provided a means of survival?<sup>12</sup>

For these incoming Jewish immigrants, adjusting to the social demands of a foreign culture was by no means an unfamiliar difficulty but one that was common to the Jewish experience as a "traveling peoples," and, of course, a part of their life within the manufacturing sector of the Russian Pale of Settlement. During the latter third of the nineteenth century, the loose boundaries of the Pale's class structure – one far removed from the political sophistication of other pre-modern societies that closely resembled the Feudal structure of

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11 Clay Motley, *Dot' sh a' Kin*, 4-6.

12 Interestingly enough, much of this American effort to forcefully integrate immigrant Jews, not to mention the immigrant population as a whole, was directed through the public school system. In New York, Jewish children alone represented forty percent of the general school population. Discussing the official attitude of the school system, Berkson explains that creating a new life based on loyalty to the state was fundamental to the school's agenda and a critical part of the greater process of assimilation. Furthermore, heavily influenced by fear of a deeper allegiance, the school system sought to implement English and discourage foreign language with the intent of diminishing cherished folkways and traditional ideas in order to systematically develop "true Americans" out of the unrefined immigrant. See Isaac B. Berkson's, *Theories of Americanization*, 59, 68-69; As noted by Berkson, traveling to America to seek spiritual freedom was, at times, an ironic endeavor. In fact, many Jews fleeing the political persecution of Russia's anti-Semitic legislation were drawn to America by its constitutional rights only to enter into a political environment that encouraged the surrendering of Old World identities to adopt what was theorized to be the standardized American personality. Berkson inquires, "Of what significance is the opportunity of economic advancement, if it must be bought at the price of suppression of individuality?" See Isaac B. Berkson's, *Theories of Americanization*, 62; Isaac B. Berkson, *Theories of Americanization*, 55, 61, 66-68, 52-53; Clay Motley, *"Dot' sh a' Kin"*, 4.



Medieval Russian society – was confronted with modernizing its political configuration under the harsh economic and residential restrictions of Russia’s Pale legislation; and chose to secularize its work relations with local bosses through socialist ideals. Established through all-male *khevreh* institutions, the Jewish proletariat constructed a non-religious platform capable of organizing against their Orthodox employers whose fierce demands for a stern “productivization” dominated the economic reform within the Pale. Though heavily influenced by Marxist philosophy, the origin of this development and the *khevreh* organizations laid in the emerging Hasidic religious movement. Providing an alternative to Orthodoxy’s tradition and supporting the social stratification of the Pale, Hasidism celebrated a spiritual communitarian and egalitarian ideology representative of the greater *Haskalah* (the Hebrew Enlightenment) influence that spread throughout the entire Pale district. This shift in Jewish thought – one very much grounded upon firm religious principles – would prove to be an exemplary model for the later Jewish engagement with socioeconomic crises in America.<sup>13</sup>

For many who desired to remain ritually observant and preserve their religious identity, the driving forces of American industry would initially prove troublesome. This was the case when, out of economic necessity, religious Jews chose to remove themselves from their Sabbatical tradition and work the Sabbath to remain employed. As explained by Neil M. Cowan and Ruth Schwartz Cowan, in many situations Sabbatical violation was necessary if one was to succeed in a country that regarded Sunday, and not Saturday, as the day of rest. Initially, such a choice would appear to have indicated a much greater spiritual crisis considering the

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13 As a part of their greater discussion of nineteenth century Jewish American religious practice, Neil Cowan and Ruth Schwartz Cowan describe the Jewish experience of the last two millennia as a plagued endeavor to adapt to the demands of local cultures within their host society. For centuries now this reoccurring dynamic has left the Eastern European Jewish community pondering the ever so problematic inquires to what constitutes Jewishness – that is to say, “who is a Jew?” – and what exactly should one’s religious practice entail – or, “what is right for a Jew to do” – if one so desires to remain in the Jewish faith; Cowan, Neil M., and Ruth Schwartz Cowan, *Our Parents’ Lives: Jewish Assimilation and Everyday Life*. (New Brunswick: Rutgers University Press, 1996), 249-250. Discussing the labor formation within the Pale of Settlement, Eli Lederhendler explains that unlike a variety of occupations, many of which never developed systems of self-organization, artisan societies began to construct *khevreh* affiliations that purposely sought to separate themselves from their traditional Jewish communities in order protect the economic interests of their members from local councils and jurisdiction of the community’s religious leadership. While officially outside the domain of the local institution, giving the *khevreh* organization its “secular” status often preserved local economic interests by amassing its members through their shared occupation, social standing, and religious functions. See further Eli Lederhendler’s, *Jewish Immigration and American*, 32-33; Eli Lederhendler, *Jewish Immigrants and American*, 21-25, 30-32, 25-28.



Sabbath's ritual significance as the primary obligation within the tradition and, likewise, serving as a strict indicator of one's devotion to the Divine. However, what may initially appear to have been a deliberate contempt of traditional convention may, in fact, proved to have been the appropriate response to a problematic situation.<sup>14</sup>

As argued by a number of scholars, Jewish immigrants who compromised the Sabbath in order to work did so clearly out of a necessity to provide a living for their families. Writing on the matter, Jonathan D. Sarna explains that once engaged with their new environment, Jews fervently searched to find profitable employment and, in so doing, the objective of promoting and conserving Jewish life generally took second place to their immediate concerns. This religious compromise, at the expense of American "prosperity", left many in a state of remorse including young Max Baer who, in a letter sent to his native Poland, explained to his mother, "It is very difficult to make a good living in America for one who wants to keep the Jewish way of life." Relatedly, one Yiddish prayer written for women to recite while lighting the Sabbath candles conveys a comparable anguish testifying to God the sadness of "this diaspora land" where the "burden of making a living is so great" that resting upon the Sabbath has become hopelessly unattainable. Pleading for compassion, the prayer requests, "Grant a bountiful living to all Jewish children that they should not...have to desecrate your holy day." Though both lamentations express the sort of religious distress shared by many within the Jewish immigrant community, it is the language of the prayer that provides invaluable insight into the religious disposition of the Eastern European Jews. In fact, the ideology, decisively exhibited, resembles the ancient discussions of *pikuach nefesh* as debated by the sages whose cherished commentary comprises the oral traditions of the Talmud. What follows is a fascinating dialogue of Talmudic reasoning from which the core of my argument de-

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14 Neil M. Cowan and Ruth Schwartz Cowan, *Our Parents' Lives*, 274; This is not to suggest that keeping the Sabbath was altogether impossible though certainly not the standard. Ultra-pious Jews, many of whom worked outside of the numerous manufacturing and production occupations, were quite capable of preserving their Sabbath at all costs. See Jonathan D. Sarna's *American Judaism: A History*, 162-163; *Ibid.*, 161-162.

rives.<sup>15</sup>

According to Yoma 85b, Rabbah b. Bar Hana, after enlightening his audience of one's allowance to interrupt Temple services for the sake of safeguarding human life, concludes that it is therefore permissible to suspend the Sabbath in order to observe the greater duty of *pikuach nefesh*. Supporting Bar Hana, Rabbi Eleazar adds, "If circumcision, which attaches to one only of the two hundred and forty-eight members of the human body, suspends the Sabbath, how much more shall [the saving of] the whole body suspend the Sabbath!" Rabbi Jose son of Rabbi Judah further explains, "*Only ye shall keep My Sabbaths*; one might assume under all circumstances, therefore the text reads, 'Only', allowing for exceptions." Rabbi Jonathan ben Joseph continues noting, "*For it is holy unto you*; it [the Sabbath] is committed to your hands, not you to its hands." Rabbi Simeon ben Menassia then adds, "*And the children of Israel shall keep the Sabbath*. The Torah said: Profane for his sake one Sabbath, so that he may keep many Sabbaths." Nevertheless, it is of great significance to note that in addition to Rabbi Simeon's explanation in which *pikuach nefesh* is mandated to take precedence over one Sabbath, the desecration of consecutive Sabbaths is likewise permitted by rabbinic authority under the same lifesaving premise (84b).<sup>16</sup>

Strikingly, this rabbinic encouragement to desecrate the Sabbath in order to observe many impending Sabbaths is the very Talmudic reasoning found in the dispirited Yiddish prayer, suggesting, of course, that a working knowledge of this extraordinary command must have subsisted within the immigrating Eastern European Jewish population. This find should not come as a surprise especially considering the *mitzvah's* importance within Jewish law. It is only logical that this remarkable concept would remain in the reasoning of

15 Ibid., 163; Annie Polland, "*May a Freethinker Help*", 376. Jonathan D. Sarna, *American Judaism: A History*, 164-165.

16 Originating from dictation of Genesis 17:10-14 and Leviticus 12:3, traditionally the circumcision ceremony is required to take place on the eighth day following the birth of a child even if that day is the Sabbath; therefore, suspending the Sabbatical restrictions which, of course, prohibit the operation as well as the preparation leading to the procedure. For a more elaborate overview, see m. Shabbat 18:3-19:6; As noted by Rabbi Dr. Isidore Epstein, the word "rak," translated here "only," is interpreted as "only under certain, i.e., not all conditions." Isidore Epstein's *The Babylonian Talmud*, 421; See further m. Yoma 8:6F.

those who immigrated to foreign nations, specifically America, knowing well that America's non-Jewish culture would likely jeopardize their capability to fully observe their religious customs. What is more, after a deeper investigation, the significance of *pikuach nefesh* within nineteenth century Jewish thought becomes freely apparent.<sup>17</sup>

Annie Polland, in her work, *May a Freethinker Help a Pious Man?*, while investigating the variety of religious identities amongst the Jewish immigrant population during the turn of the twentieth century, confirms the migration's awareness of *pikuach nefesh*'s general premise as it related to lives of both "secular" Jews and the "religious" Jews of New York City. As demonstrated through her analysis of the "Sabbath question" debate found in Abraham Cahan's daily *Forverts* (*Jewish Daily Forward*), the loss of religious authority in America could not extinguish the religious concerns of the day. *Pikuach nefesh*, in fact, persisted to charge a fervent discussion subsequently verifying religion's impact as both a daily experience and a vital part of an inescapable cultural orientation shared by a diverse range of religiously conscious Jews. At the core of her work, Polland, aiming to solidify the intricate role religion played in the lives of Jewish immigrants, investigates a series of editorials Cahan wrote to capture a long-running collection of opinions – both "freethinking" and "religious" – regarding one "pious" man's write-in question: "May a freethinker do a favor for a religious man that would involve helping the religious man to observe his religion?" The question was asked by pious hat-maker, Elyohu Dovid Vaytsman, who, while working one Friday afternoon, inquired about the assistance of a freethinking co-worker (who, presumably was not concerned with the approaching Sabbath), asking the man to assist him with extra work in order that Vaystman would not desecrate the Sabbath through his work-

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17 Jonathan D. Sarna, *American Judaism: A History*, 164.

ing that particular Friday evening – a proposal the freethinker initially excepted and then later refused.<sup>18</sup>

Surprisingly, an overwhelming percentage of the respondents to Vaytsman’s Sabbath question were freethinkers – both male and female – who initially debated the limited capacity for religious tolerance within their socialist philosophy. Though the dismissal of religion was regularly an essential component of the free-thinking ideology, freethinkers often struggled with how one should interact with the religious community. The minority of responses, some twenty-seven percent and heavily anti-Vaytsman, celebrated the freethinkers’ rejection of Vaytsman’s proposal and, in turn, utilized the opportunity to further condemn religion and its advocates. According to Polland, one man, openly praising the freethinker’s resistance, upheld the freethinker as a hero who stood by his convictions and battled the oppressive nature of religion. Others chastised Vaytsman as an idolatrous man who worshiped not his God but feared his boss. Interestingly, one man wrote in explaining that if Vaytsman were truly a faithful Jew, he would have stubbornly championed his ideals and relied upon his “compassionate God” for protection and another job if he were fired for his remonstrance. Altogether, anti-Vaytsman respondents ridiculed religion as an exploitative tool employed by the weak to lord over others.<sup>19</sup>

By far the majority, sixty-seven percent of all respondents criticized the anti-Vaytsman stance arguing that the greater issue of the matter was not one’s regard for religion itself but, more importantly, how one should exercise tolerance toward a fellow human being. Polland, citing the letter of freethinker S. Barbash,

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18 Cahan’s *Forverts*, ascribed as New York’s foremost secular and socialist Yiddish newspaper of the period, overtly sought to establish a tolerant read acceptable to all Jewish immigrants regardless of the reader’s religious philosophy. The *Forverts*’ capacity to draw in a variety of perspectives provided a rich dialogue for the public inquiries he regularly headlined in the prominent inner pages of the paper. As noted by Polland, the manner in which Cahan presented Vaytsman’s question to the public and managed its ensuing debate – one that closely resembled the religious discussions of the *shtetl* – ultimately allowed Cahan to assume the role of adviser as was once fulfilled by local rabbis in traditional Eastern European Jewish communities. Essentially, Cahan produced a work that wholly represented the diverse political and religious character of his readers’ shared world. However, Cahan’s work would not be the definitive answer to Vaytsman’s Sabbath question. Such a responsibility was left to the interpretation of his audience’s informed responses which directed and shaped the debate’s development. See Annie Polland’s *May a Freethinker Help*, 375, 384, 382, 384; *Ibid.*, 375, 377-378, 381-383; Polland explains that within the context of the *Forevts*’ debate, a “freethinker” was characteristically an irreligious individual who, more than likely, had likewise adopted socialist ideologies. See further Annie Polland, “*May a Freethinker Help*”, 385.

19 *Ibid.*, 385-386, 385.

notes, “The principle of tolerance, together with the question of whether one will make someone breadless, should be stronger among freethinkers than the principles of not supporting religion.” This notion was later supported by freethinker Oskar Minin, explaining that, “a freethinking man should not make any distinction between a religious man and an irreligious man when it comes to supporting a man.”<sup>20</sup>

Perhaps most significant to the purpose of this essay, it was the manner in which both the freethinkers and the religious of either side drew upon *halakhah* (Jewish law) in forming their opinions that reveals the religious disposition of the Eastern European Jewish population. Highlighting the fact of the matter, Polland explains, “The pool of justifications and questions reflect a firm grounding in Jewish law and custom and also suggests that many of the freethinkers not only had grown up in a world shaped by religion, but also continued to use its tenets to make social decisions.” This religious inclination is very much apparent in the debate’s “pious man” motif utilized by both parties to further bolster the sense of hypocrisy shown by either man. For those arguing in favor of Vaytsman, the freethinker embodied the pomposity of the anti-religion attitude being that, in his self-righteous behavior, the freethinker refused to assist Vaytsman by holding to principle rather than practicing tolerance toward another’s belief. Others, namely Isador Epstein, remarked that it was Vaytsman who was guilty of foolishness proclaiming, “The pious fool is the [pious one] who places his family in danger by not working on the Sabbath.” Remarkably, it was the contributors’ application of *pikuach nefesh* that solidifies the migration’s working knowledge of religious concepts in that both groups, again regardless of religiosity, argued their perspectives through the concept’s stipulations. One woman wrote that on the basis of the *mitzvah*, the freethinker should have deviated from his initial resistance knowing that his efforts would save both Vaytsman and his entire family who greatly depended on him as the household’s primary source of income. Others insisted that Vaytsman’s request displayed his inadequate understanding of the tenet’s general

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<sup>20</sup> Ibid., 385, 387.

principle, and that, if he had properly acted, he would have willingly worked that Friday evening knowing that he was abiding by his religious duty of earning wages for the sake of his family's survival.<sup>21</sup>

It should be no surprise, of course, that *pikuach nefesh* also appears to have been equally present in the minds of the following generation of European Jewish immigrants who similarly applied the concept to a variety of other ritual activities. American labor historian, Herbert G. Gutman, described instances during the turn of the twentieth century in which the strenuous demands of America's "industrial time" conflicted with the religious customs of many of the country's immigrant workers. One occasion that came into conflict with the American work week was the customary circumcision ritual, which, according Jewish tradition, should take place on the eighth day following the birth of the child. However, as Jewish immigrants found, if the day of the celebration occurred during the work week, families, though saddened by the change in custom, simply adapted to the circumstances by performing the circumcision ritual the following Sunday, the national day of rest.<sup>22</sup>

Other voices attest to this "lifesaving" principle and its importance to Jewish business owners who depended on its enabling premise as the twentieth century further advanced. In fact, according to Polish immigrant, Jenni Grossman, resting on the Sabbath was unfortunately not an option for her husband who co-owned a grocery business during the first third of the twentieth century. Grossman explains that despite her husband's reverence for the Sabbath, his willingness to open his business was not a measure of assimilation, but rather an obligation to provide for his family's financial needs. Remaining closed on the Jewish Sabbath was simply not an option knowing that non-Jewish shoppers would expect a retail business to be open on Saturday.

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21 Ibid., 388-390.

22 Herbert G. Gutman, "Immigrants Adjust to Industrial Labor, 'Clock Time,' and Unionization in the Early Twentieth Century," in *Major Problems in American Immigration and Ethnic History*, ed. Jon Gjerde (Boston: Houghton Mifflin Company, 1998), 222.

Grossman shares, “My husband was in business, the grocery business. He had to work the Shabbos...But he had to do it; if you wanted to make a living you had to do it...It bothered him, but he couldn’t help it. He wanted to make a living. He wanted on account of me; he could make a living for me.”<sup>23</sup>

Relatedly, as discussed by Austrian immigrant, Dr. Max Hirsch, who maintained his own medical practice in New York, remaining dedicated to his patients was his primary concern and often took precedence over religious observances. Despite his desire to remain a “good Jew”, Hirsch explained that his devotion to his practice required taking house calls that often interfered with his observance of Jewish holidays, namely Rosh Hashanah and Yom Kippur. However, for Hirsch, his openness to perform necessary medical services regardless of the circumstances was simply a reflection of his aspirations for goodness, which ultimately became a major influence in his religious development that ultimately motivated him to be the Jew that he was. Hirsch explained, “When the Scottsboro boys case came up...I went around from door to door, ringing doorbells collecting money for the defense. That was the kind of Jewishness that I wanted. I wanted to be a Jew – feeling the sympathy, the responsibility for goodness, the desire to do goodness.”<sup>24</sup>

Altogether, this collection of voices attests to a common line of religious thought that undoubtedly originated in the Talmudic governance of the Pale of Settlement. Through Polland’s analysis, it becomes overwhelmingly evident that *pikuach nefesh* was of major ideological value within the religious orientation of the Pale as relatively observant Jewish immigrants would later incorporate its lifesaving premise directly into their everyday experience in response to the demanding work ethic particular to nineteenth century American industry. As a result, the explicit discussion of *pikuach nefesh* by freethinkers speaks volumes to the likelihood of the *mitzvah*’s relevance within the lives of the religiously observant, not to mention the Eastern European Jew-

23 Neil M. Cowan and Ruth Schwartz Cowan, *Our Parents’ Lives*, 274-275.

24 Neil M. Cowan and Ruth Schwartz Cowan, *Our Parents’ Lives*, 234-235; The Scottsboro boys case was a legal battle involving nine African American youths who, on insubstantial evidence, were charged with raping two caucasian women in Alabama in 1931. Though seven were originally sentenced to death, in 1938 four were set free and the remaining three had their sentences reduced to life in prison, 282.

ish populace as a whole. If Vaytsman's debate recorded in the Cahan's *Jewish Daily Forward* proves to be reflective of the era's religious thought, the command to guard human life would certainly have been embraced by the religiously committed as the motivation behind suspending various ritual observances in order to maintain their employment; and in so doing, successfully protect their religious identity. Therefore, I contended, that the many who sought to maintain their religious identity despite their inability to properly observe the Sabbath, did so through the greater obligation of *pikuach nefesh*. This conclusion should not at all seem improbable given Judaism's historical and traditional regard for the family as the central institution through which the tradition is passed and maintained. Together these cherished concepts lay at the core of one of the most misunderstood and overlooked religious developments in American history.

For many nineteenth century Eastern European Jews, immigrating to the United States provided a vital opportunity to escape the prevalent anti-Semitism endured in the Russian Pale of Settlement region and establish a new existence amidst America's growing industry and promises of economic advancement. Once arriving to the "Golden Land," these religiously oriented immigrants immediately encountered a host of external pressures aiming to eliminate their distinctive Jewish "otherness." Among the forces of Americanization, the economic demands of America's industry proved to be an invasive entity that frequently disrupted Jewish religiosity. Though often subject to the intolerant demands of their employers, Jews who intended to remain religiously observant in America found it difficult to fully practice the tenets and customs of their faith in the conventional manner as once performed in the Pale society. This was especially true in regard to Sabbatical observance as countless Jews found themselves hopelessly obligated to neglect the Sabbath and work the Jewish "day of rest" in order to preserve their employment. Though initially problematic, the dilemma of suspending such a critical *mitzvah* was resolved with the far more necessary duty of *pikuach nefesh* – the safeguarding of life. In the end, despite their inability to observe Shabbat, nineteenth century Eastern European Jews successfully struggled with American economic pressures through a religious orientation, and by religious means, were capable of maintaining their religious identity.



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## 9. Virginity as a Social Construct

By Emma Tuthill

Often social constructs become so engrained in a culture that they are considered universal and even biologically-determined by the members of that culture. Essentialists and biological determinists claim that virginity serves a biological purpose and somehow plays a role in selecting for the most fertile mates in reproduction; if this were true, one could assume that virginity would be universal, as it would contribute to reproductive fitness and, therefore, the continuity of the human species. However, this idea is not supported by research, as virginity's definition varies cross-culturally, and virginity itself does not even have value in some cultures (DeLamter & Hyde, 1998, p. 15). Of 141 societies examined over several years by social scientists Broude and Greene (1980), approximately half placed a value on virginity, and the other half did not (Schlegel, 1991, p. 721). If this sample study is representative of world cultures—of which then only half would value virginity—it cannot be considered some biological characteristic inherent to all humans. For virginity to exist as a biologically-based or reproductively-advantageous concept, it would need to be valued universally, as cultures without a focus on virginity would not be able to maintain adequate reproductive fitness.

Additionally, virginity cannot exist as universality simply for the fact that the definition of virginity is not agreed upon within one society alone. It is easy to suggest that virginity could be defined as the first time having sexual intercourse. However, what constitutes sex? For some, the first time having sexual intercourse refers to the loss of the hymen. The hymen is a membrane

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that surrounds the internal aspect of the vagina, and it is often not impacted by penetration since the vagina itself is elastic. Therefore, the majority of the time medical experts cannot actually tell whether or not a woman has had sexual intercourse. Experts disagree about the biological purpose of the hymen, but there is no overwhelming body of evidence that its purpose is in any way related to sexual intercourse (Christianson & Eriksson, 2011, p. 167). Additionally, the hymen can be lost in many ways, not involving any sexual acts, “and, in fact, some women are not born with a hymen” (Berger & Wenger, 1973, p. 668). Furthermore, the definition of virginitv as related to the loss of the hymen can only apply to cisgender women, or women who align with their gender identity assigned at birth, based on their sexual biology. This definition of virginitv cannot apply to transwomen, who identify as female but do not have what is considered female sexual biology, including the hymen. It also cannot apply to cisgender men—who neither have female sexual biology nor identify as female. Furthermore, this definition also excludes transmen—who do have what is considered to be female sexual biology but identify as being male—as the hymen is considered to be socially related to a female identity and female virginitv (Christianson & Eriksson, 2011, p. 168). Overall, this definition of virginitv is very specifically applied to one group of people.

For others, loss of virginitv is defined as penis-in-vagina penetration. The degree to which the penis must penetrate the vagina is never explicitly stated nor agreed upon in these instances, however (Berger & Wenger, 1973, p. 668). In this case, virginitv could be applied to heterosexual men in addition to heterosexual women because it involves male and female partners engaging in penis-in-vagina intercourse. Nevertheless, this definition still entirely excludes the Lesbian, Gay, Bisexual, Transgender, and Queer community. First, some members of the LGBTQ community may never have heterosexual penis-in-vagina intercourse. In addition, penis-in-vagina intercourse typically refers to the intercourse between cisgender men and women, which again excludes transgender, transsexual, intersex, asexual, and gender queer individuals. Are all members of the LGBTQ community perpetually virgins, then? There are many additional definitions of virginitv, but these two non-inclusive definitions alone prove that virginitv does not have a

universal or biological definition. These primary definitions of virginity are centered on very narrow concepts of human biology and sexuality.

Instead, virginity can be better understood as a social construct, or an idea created to reinforce certain social values and norms. As a social construct, virginity's perceived universality has even influenced the paradigms of scientists who conduct research on premarital sex and virginity. Typically, in scientific research, virginity is treated as a medical or biological term, rather than a construct created and learned through socialization. Likewise, virginity—typically that of cisgender women—is a topic that shows up quite consistently in scientific research *because* science deems it as having value, reflecting those larger cultural structures in which those scientists exist (Berger & Wenger, 1973, p. 667). For this reason, applied anthropologists can play a role in the larger discussion of virginity, as they can contribute their holistic research to informing society as a whole and the medical community about virginity's existence as a social construct.

To deconstruct the concept of virginity, its sociocultural purpose must be discussed. As stated by Schlegel's cross-cultural study (1991), virginity has value in a given society because it serves as an asset that can be used for a woman's family to improve in wealth and status; according to this definition, then, it exists for the purpose of property relations between families (pp. 719-727). Consequently, the only group to whom this concept of virginity need apply is women. (From this point on in the paper, the terms women and female will refer to cisgender women, and the terms men and male will refer to cisgender men.) Virgin women have value because virginity protects the paternity of their groom's child and creates alliances between higher-status men and lower-status women, thereby raising the status of that woman's family (Schlegel, 1991, p. 724-725). In addition, men who marry virgins may be seen as more respectable in that virgin women have value, which in turn enhances the value of the groom (Schlegel, 1991, p. 731). However, virginity could not exist as a concept if it were not endorsed by women as well as men. In societies that do not provide much economic or social mobility for women, virginity allows women to attract men who

value said virginity, providing them with some small measure of control over their lives and access to higher status for themselves and their families (Berger & Wenger, 1973, p. 668). This explanation can be extrapolated further to have implications for not only the monetary or social value of a virgin, but that individual's perceived intrinsic value as well, based on virginity status.

Furthermore, in the aforementioned study conducted by Berger and Wenger (1973), “neither race, religion, nor political attitudes are related to the support or rejection of concepts of female virginity” (p. 674). While these cultural elements most likely do play some role in individual views on virginity in many cultures, controlling for these factors and finding no change in perception about virginity's value supposes that there must be some other underlying social factor maintaining the existence of the concept in society as a whole. Berger and Wenger (1973) propose that this underlying reason is a gendered hierarchy that permeates all social classes, as women of lower social class still subscribe to the concept of virginity even though it is unlikely that they could use virginity to improve their status (p. 675). Schlegel (1991) also states that, “There is an association between the giving of property, particularly the bride's side, and control of the girl's sexuality” (p. 725). An association does not determine causation, but it does provide considerable evidence for the view of female sexuality as a commodity. Just the term “loss” of virginity refers to it as a commodity, rather than a relationship between individuals. Therefore, although Berger and Wenger's (1973) study was conducted a significantly-long time ago, its results are still relevant in that a sexual hierarchy of men and women—as well as a value on virginity—still exists in some cultures today. The following sections discuss the patterns of how virginity exists as a social construct today in Turkey, Sweden, and the United States. Any similarities or differences in these countries' perceptions of virginity are purely coincidental. These three countries were selected based on the diversity and extent of existing research as to provide a well-rounded, more specific literature review pertaining to each country, rather than a broad, but more general, review of several world cultures or countries. However, differences between these countries' views of virginity only further demonstrate the concept's lack of universality, reiter-

ating virginity's existence as a social construct. It should also be noted that the order in which the countries are discussed has no implication on which views of virginity are inherently "better," as they are all recognized as simply different from a culturally-relativistic standpoint.

### Virginity in Turkey

Schlegel (1991) suggests that most cultures that value female virginity do so as it relates to the status and wealth of the woman's family, as well as the social opinions of the groom and, subsequently, his family (pp. 723-727). This statement can be used to characterize the view of virginity in Turkish society. In Turkey, virginity not only represents the purity, dignity, and innocence of the woman in question, it is also considered as linking the "concepts of sexual purity with the honor of the woman, her family, community, and—ultimately—the state" (Ayotte, 2000, p. 89). A study done by Sakalh-Ugurlu and Glick (2003) showed that most respondents—both male and female—indicated that sexually-free men should be accepted and even encouraged, while only virgin women should be considered desirable marriage partners (p. 296). The same opinions were true of nursing students surveyed by Zeyneloglu et al. (2013). Both religious ideals and social pressures influenced their individual ideas about virginity (Zeyneloglu et al., 2013, p. 114). These attitudes stem from a larger belief in a gender hierarchy that exists in Turkey, which is maintained through benevolent and hostile sexism. The former of these kinds of sexism is one that views women as the "weaker sex" needing to be preserved and protected, referring to both the women themselves and their sexualities (Sakalh-Ugurlu & Glick, 2003, p. 296). The latter is the reprimanding of women who do not comply with the rules established through benevolent sexism (Sakalh-Ugurlu & Glick, 2003, p. 297). Failing to remain a virgin until marriage can result in "humiliation, ostracism, divorce, and violence—at the extreme, 'honor killing'" (Zeyneloglu et al., 2013, p. 110). Therefore, benevolently-sexist attitudes create a preference for virgins in Turkey, and these attitudes are accepted at equal rates by men and women, ensuring that they remain strong social forces (Sakalh-Ugurlu & Glick, 2003, p. 297-300).

One of the prevailing attitudes related to virginitv in Turkey is that the hymen—as well as its bleeding during first marital intercourse—is the primary indicator of female virginitv (Zeyneloglu et al., 2013, p. 110). Although virginitv, or hymen, exams are technically prohibited by international law, they are still conducted by nurses and physicians in Turkey. Women are technically able to refuse the exams by law. However, the exams are still encouraged by members of the government, who are failing to enforce the law (Zeyneloglu et al., 2013, p. 111). In fact, of the 5,901 hymen exams conducted in one year by forensic physicians surveyed, 1,856 exams were conducted for social, rather than medical, reasons (Ayotte, 2000, p. 89).

Typically, “women and girls rarely consent to such exams without coercion by third parties,” which technically breaks the law in that women need to voluntarily consent to the procedure (Ayotte, 2000, p. 90). The majority of the surveyed forensic physicians realized that forced virginitv exams can cause some sort of emotional or psychological trauma for the women who have to undergo them (Ayotte, 2000, p. 89). The same is true of the nursing students surveyed by Zeyneloglu et al. (2013), who recognized that forced virginitv exams can cause the following effects: decrease in self-esteem, depression, and psychological problems (p. 112). In addition to these effects, some women have also committed suicide as a result of their experiences with forced virginitv exams (Ayotte, 2000, p. 90). Despite these damaging effects for women, virginitv exams are still conducted, even by physicians who recognize that they should not be performed (Ayotte, 2000, p. 89). Additionally, at a rate of 91.8 percent, there are still nurses in Turkey that do not realize individuals can actually refuse to consent to virginitv exams (Zeyneloglu et al., 2013, p. 112). “An examination carried out against the will of the individual contradicts the human rights and medical ethics” (Zeyneloglu et al., 2013, p. 114). For this reason, it is extremely important for nurses and physicians to be open to education about virginitv as a social construct, as they can influence the ability for women to exercise autonomy over their own bodies.

### Virginity in Sweden

In Sweden, sexual education and beliefs regarding sexuality are quite liberal, as the youth are frequently engaged in sexual activity without extreme stigmas placed on this activity (Christianson & Eriksson, 2011, p. 167). This lack of stigma would suggest that virginity should not have much social value, thereby resulting in its lack of existence as a social construct. If the stigma associated with virginity loss no longer exists, one could also assume that virginity itself would cease to have value. However, a study conducted by Christianson and Eriksson (2011) reveals that this is not quite the case, as some traditional perspectives on virginity are still maintained, despite the lack of stigma attached to sexual activity.

Of 198 male and female high school students surveyed, most recognized the hymen as a part of the female reproductive anatomy. Half of women and 22 percent of men saw the hymen as related to female virginity, and others related it to being a tangible symbol of virginity or lack of virginity. Less than half of both men and women saw it as something that ruptures or causes pain. However, others actually questioned its existence (Christianson & Eriksson, 2011, p. 169).

This last point is extremely interesting because in mandatory sex education, Swedish students are taught that the hymen does exist and does break during sexual intercourse (Christianson & Eriksson, 2001, p. 170). Christianson and Eriksson (2011) suggested that this discrepancy between sex education and attitudes about the hymen exists because, as sexual activity is common among the Swedish youth, their own experiences prove to be the opposite of their sex education (p. 170). Another study cited by Christianson and Eriksson (2011) revealed that only 23 percent of Swedish youth that were interviewed experienced any vaginal bleeding during their first sexual experience (p. 170); the rest did not encounter any bleeding, suggesting that scientific research and education about the hymen's importance in virginity loss may be influenced by the larger cultural paradigm rather than purely grounded in biology.

If Swedish society is much more liberal in terms of accepting sexual activity and sexual education, why then do Swedes still assign the hymen meaning in terms of virginity? Christian and Eriksson (2011)



proposed that it may have less to do with sex education and more to do with the overall gendered stratification that still exists in the overall Swedish society (p. 166). The study suggested that “these interpretations influence the sexual double standard because understanding virginity as a gift harms women, understanding virginity as a stigma harms men” (Christian & Eriksson, 2011, p. 170). Therefore, as Berger and Wenger proposed in 1973, virginity still exists as a social construct in relation to a society’s gender hierarchy and gender roles, like in Turkey. It is likely that because a gender hierarchy and sexism still exist in Sweden, the construct of virginity still exists as well, regardless of the lack of sexual stigma that exists.

#### Virginity in the United States

Views on virginity in the United States are influenced by several factors, including religion and mass media. Individuals who live in locations that value religiosity, and therefore virginity, have higher populations of adolescents that internalize their religious beliefs to support self-control in sexual activity (Vazsonyi & Jenkins, 2010, pp. 561-566). However, in this case, virginity is still primarily viewed as penis-in-vagina intercourse and loss of the hymen, not oral or anal sex. In the study conducted by Vazsonyi and Jenkins (2010), adolescents were still likely to engage in oral sex even when abstaining from penis-in-vagina intercourse (p. 566). Research like this, again, draws into question both the definitions of sexual intercourse and virginity loss, as well as refutes the idea that there are universal definitions for either concept.

Additionally, the mass media influences how adolescents view sexual intercourse and virginity loss as well. Most of the adolescents interviewed by Carpenter (2009) indicated that, to some extent, they either emulated or at least considered the sexual scripts presented in movies in their own sexual expectations and experiences (pp. 807-825). Therefore, the overarching cultural ideas about gender and virginity that are disseminated through movies and other mass media do play some role in socializing adolescents and children. In addition, “people whose own experiences followed a more positive trajectory than the cultural sce-

nario with which they identified [from the movie] would be happier than people for whom the reverse was true” (Carpenter, 2009, p. 824). Therefore, these individuals did have agency in deciding which scripts to follow and which to reject, meaning that neither religion nor mass media constitute the entirety of adolescents’ sexual knowledge and education.

In the United States, the 1960s and 1970s were periods of significant social change. One of the primary aspects of this social upheaval was a change in gender roles, as they became more egalitarian than in the rest of the twentieth century and prior (Carpenter, 2002, pp. 345-346). Reinforcing the idea that gender roles and virginity are intertwined, a change in the definition and experiences of virginity accompanied changing gender roles and perceptions about gender identity. This change was not one that made a singular occurrence in the past, however; it is still occurring today.

Previously, in the United States, virginity has been viewed as something positive for women and negative for men. “Most young men felt empowered by virginity loss, whereas, young women reported exercising sexual agency only rarely, and then primarily through negative means, such as restraining their partners” (Carpenter, 2002, p. 347). In this scenario, virginity is considered a gift—or a tangible commodity that represents value and status—that women give to men, while virginity is considered a stigma for men. Viewing virginity as a gift disempowers women, and viewing virginity as a stigma disempowers men (Carpenter, 2002, p. 359). Sixty-one individuals from different backgrounds were interviewed about their experiences; in those situations with scripts that defined virginity as a thing that a woman can give a man or something that could tangibly be lost—perhaps through the loss of the hymen—women expressed that they lacked a sense of autonomy in their experiences. In the cases that the individuals involved viewed virginity as a stigma that needed to be lost, men stated that they lacked a sense of autonomy in their experiences (Carpenter, 2002, p. 360). In both cases, virginity is viewed as a tangible thing or a transaction at a set point in time. Not only does this mentality essentially commodify virginity, it also associates first sexual intercourse with a negatively-connoted word: loss. Furthermore, these disempowering experiences are

most evident in relationships between opposite genders, suggesting that these views of virginity are reflections of more hierarchal gender dichotomies (Carpenter, 2002, p. 360). As such, they negatively impact *both* men and women in the United States.

In Carpenter's (2002) research, individuals who typically had more egalitarian views of gender also viewed virginity as a process (p. 359). This process constitutes a rite of passage from childhood to adulthood, with no stigma placed on men or women. In this type of mindset, neither men nor women are inherently disempowered in their sexual experiences (Carpenter, 2002, p. 359). As gender roles become more egalitarian, the conceptualization of virginity does as well. Overall, in the United States, the concept of virginity is not changing in societal value, but rather being reframed to encourage the agency of both men and women in any variety of sexual experiences. While this suggests that virginity is still being maintained as a function of retaining a gender hierarchy, the definition of virginity itself is expanding to be more inclusive and focused on individual autonomy.

#### “Restoring” Virginity: Ethical Issues

The patterns that emerge in these three cultures related virginity loss both to the structure of gender in each respective culture and also biology, specifically the hymen. Although the biological purpose of the hymen is unknown, it is often viewed as incontrovertible proof of virginity. Therefore, surgical hymen restoration has become a solution to “restoring” female virginity. This procedure can involve re-creating the membrane and even inserting a gelatin capsule to simulate bleeding during the first sexual intercourse after marriage (Cook & Dickens, 2009, p. 266).

Some have argued that the procedure is oppressive to women and is indistinguishable from the definition of female genital modification: “procedures which remove or injure the female genitalia for cultural or non-therapeutic purposes” (O'Connor, 2008, p. 161). Since the hymen is repaired based on social and religious pressures to fit a certain gender ideal, some assert that this procedure is equally as detrimental as

female genital modification, which exists as a continuum of procedures including the alteration or removal of the clitoris and labia minora, or narrowing the opening of vagina (O'Connor, 2008, p. 161). These individuals would recommend that the hymen restoration surgery be considered female genital modification and therefore made illegal.

However, there is another side to this issue. The mentality that virginity restoration is wrong because it is synonymous with female genital modification ignores the fact that these reparative surgeries are often conducted at the request of non-virgin women. These women consent to the procedure to prevent negative social consequences, including death (O'Connor, 2008, p. 164). In this case, it could be considered the legal responsibility of doctors to virginity restoration for those who request it, as it indirectly saves human lives. Furthermore, female genital modification is defined by its lack of medical and health purposes. One could suggest, however, that the mental health of the women who receive this hymen reconstruction is actually benefitted, as they are better able to represent the female ideal in their societies and avoid the social consequences of being non-virgins (Cook & Dickens, 2009, p. 266). In addition, there has been no significant body of evidence suggesting that there are any negative health consequences of the surgery, although it is often a secret procedure and this information may be, therefore, difficult to find (O'Connor, 2008, p. 175). Overall, in cultures where virginity is valued, an argument could be made that hymen reconstruction benefits non-virgin women.

However, while hymen reconstruction does benefit individual women, it does nothing to deconstruct the virginity concept that poses potential harm to women in the first place. In fact, the procedure actually reinforces the importance of virginity by surgically reconstructing it. Women subvert their cultural norms by creating false virginity, while still accepting that the norms exist (Cook & Dickens, 2009, p. 268). Stated by O'Connor (2008), "True solutions await social change in norms and customs which promote greater gender equality," as virginity's existence is connected to gender roles and gendered hierarchies in society (p. 167). While hymen reconstruction may provide individuals with temporary relief from

the threats of failing to “preserve” one’s virginity, women—and society—as a whole are still affected by the virginity construct while it remains in existence.

#### Conclusion: Applied Anthropologists’ Role

While anthropologists are rightfully culturally relative, they cannot always be ethically relative when it comes to human rights. This paper recommends that the social construct of virginity be something that anthropologists should concern themselves with, at least in educating the general public as well as scientists. The underlying pattern of virginity’s existence in the three cultures examined is the parallel existence of gender hierarchies, with virginity as a supporting tenant of this hierarchy. Gender roles can and should vary by culture, but they become problematic when they promote structural violence. Furthermore, while patterns do exist in the similarities between virginity’s definitions among these three countries, there are still distinct differences that prevent virginity from existing as a universal construct, particularly in relation to *who* can be considered a virgin and the extent to which maintenance of virginity is enforced or valued. When women preserve and restore their virginity for fear of death, applied anthropologists should consider contributing their knowledge and research to inform cultures about virginity’s existence as something rooted in social values and norms, not biology (Zeyneloglu et al., 2013, p. 111).

The idea alone that virginity is something that can be restored through hymen repair is cause enough for applied anthropologists to intervene. First and foremost, this ideology that virginity is either a gift for women to lose or a stigma for men that must also be lost is rooted in hierarchal gender roles and can remove a sense of individual autonomy in sexual experiences (Carpenter, 2002, p. 359). Often these ideas are promoted in schools through sex education, the media, or socialization in general. Therefore, applied anthropologists can play a role in affecting general knowledge on the topic by working to either deconstruct this view of virginity or encouraging it to be thought of as a process by which children become adults. From a culturally-relative perspective, cultures have a right to maintain virginity as a social con-

struct if they so choose. However, applied anthropologists can, at the very least, inform people that virginity *is* a social construct and encourage that it be considered a rite of passage, rather than a thing that can be lost—and potentially “restored.” Research has shown that not only does viewing virginity as a process correspond with more egalitarian gender roles, it also reflects the mindsets of individuals who had autonomy in their sexual experience (Carpenter, 2002, p. 359).

Furthermore, applied anthropologists can encourage scientists to reassess their assumptions when considering virginity. Often, scientists don’t realize that they are conducting research through a social lens, and the term virginity is not defined under the assumption that there is one recognized definition. This not only leads to imprecise, exclusive definitions—like penis-in-vagina intercourse—but it also prevents the questioning of accepted perceptions about biology. Research has shown that the purpose of the hymen is essentially unknown, but there is little evidence to suggest that its purpose is incontrovertibly related to sexual intercourse (Christianson & Eriksson, 2011, p. 167). Personal experiences of sexually-active individuals also demonstrate that the expected breakage and bleeding of the hymen is actually rare, rather than the norm (Christianson & Eriksson, 2011, p. 170). Nonetheless, in cultures that give virginity at least some social value, the hymen is seen as being related to virginity. Hymen restoration surgeries only reinforce cultural norms by placing such high value on the hymen in relation to virginity that it becomes—albeit, covertly—acceptable to replace the membrane. When a bodily structure that has no known biological purpose represents loss of social value—and even death—for some women in the world, education about the issue becomes key.

There are some social constructs that can persist without harming anyone and others that cannot. As anthropologists are trained to be holistic and culturally-relative, they can easily become the best judges of which social constructs are detrimental to the societies in which they exist. Virginity exists most prominently in societies where gender roles have high power differentials, and it has less value in societies with more egalitarian gender roles (Schlegel, 1991, p. 721). That knowledge in and of itself is indicative of

virginity's potential psychological and emotional harm for those to whom the concept is applied. This harm can become physical when virginity is synonymous with the value of a woman and a determinant of whether she lives or dies. In conclusion, it is not the role of applied anthropologists to dictate or change world cultures. Nonetheless, as professionals who study people and culture, anthropologists can potentially serve as some of the best educators about social problems and their possible solutions.

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# CHSBS Special Topics Course SPOTLIGHT:

## 10. Memoirs Rippling Through the Ocean

By Andre

### Editor's note —

This new section of the journal serves to identify and honor one unique essay from a special topics course currently taught at CMU that *Humanorum* feels offers more than the average class. The Department of Sociology, Anthropology, and Social Work offered a course titled “SOC 399M: Social Issues through Prison” in which Dr. Justin Smith teaches 15 CMU students alongside 15 incarcerated men at Central Michigan Correctional Facility in St. Louis, MI. One of the “Inside” students in the Inside-Out Prison Exchange Program, Andre, submitted the following creative piece, which is largely a memoir of his time spent in the segregation unit. While creative submissions are not typically considered for publication, the nature of both Andre’s content and the class itself embodies the spirit of *Humanorum*, representing the educational opportunities within the CHSBS and the humanity that is at the heart of CMU itself. For these reasons, Andre’s essay is being honored with the inaugural “CHSBS SPOTLIGHT.” The original integrity of the piece has been preserved in its entirety, including Andre’s typewritten manuscript and formatting.

## MEMOIRS RIPPLING THROUGH THE OCEAN

THE CELL'S METAL DOOR OPENED ITS MOUTH AND PUKED OUT A BED-ROLL THAT FELL TO THE FLOOR. I LEFT IT THERE. WHY ME? WHY NOW? I CRIED ALOUD. EVERYTHING HAD BEEN GOING RIGHT UP UNTIL THE REGRETABLE MOMENT. MY CUSTODY LEVEL HAD DROPPED FROM A LEVEL FOUR TO A LEVEL TWO. I HAD A COOL CELL-MATE. HE'D WATCH HIS TV ALL DAY LONG AND SAID FEW WORDS...WE GOT ALONG OOKAY. MY MOTHER WAS COMING UP THAT DAY. I COULD SEE HER HEART BREAK IN PIECES OVER, YET, ANOTHER ONE OF MY FUCK-UPS. I TOOK MY ANGER OUT ON THE DEFENSELESS BARE MAT THAT I SAT ON FOR HOURS, AND I REPLAYED THE INCIDENT OVER AND AGAIN. MY MOTHER WAS LOOKING FORWARD TO THAT VISIT. THEY WERE FEW AND FAR BETWEEN EVER SINCE THE GAS PRICES WENT UP TO PAY FOR THE WAR. MAYBE THE GUARDS WOULD STILL ANNOUNCE OVER THE PA, "MAURICE WHITNEY, YOU HAVE A VISIT." THEY KNOW I HAVEN'T HAD A VISIT IN EIGHT MONTHS, DON'T THEY? MY DELUSION WAS COMFORTING UNTIL REALITY HAD HIT ME LIKE A WRECKING-BALL. THEY DIDN'T KNOW AND WOULDN'T HAD GIVEN A RAT'S ASS ANYWAY. THEY'D TURN MY MOTHER AROUND FASTER THAN A BABY COMING OUT FEET FIRST.

IT ALSO WAS STORE DAY THAT DAY. THE CELEBRATED DAY WHERE A BAG OF PRISON COMMISSARY SHOWED OUR WORTH. I WAS WORTH ABOUT \$25.00 DOLLARS THAT DAY. IT WAS MY FIRST MONTH'S PAY FROM WORKING IN THE PRISON'S TEXTILE FACTORY. SWEAT SHOPS NEED NOT TO WORRY, I WOULDN'T EVEN HAD EXCEEDED THE \$600.00 DOLLAR PRISON TAX BRACKET. THE BEAR-CLAWS I ORDERED, AND CRAVED FOR MONTHS, WAS PUT ON HOLD. IT WOULD BECOME MY GOAL TO TREAT MYSELF TO THE SUGAR RUSH ONCE I GOT OUT THE BOX.

HOW DID I GET CAUGHT ANYWAY? NO ONE HAD EVEN SEEN THE INCIDENT. HE TRIED TO BULLY THE WRONG GUY AND FOUND OUT HE HAD A GLASS JAW. I'D LOOKED TO BEAT THE FIGHTING CHARGE AT THE DISCIPLINARY HEARING. PLUS IT WAS MY FIRST TIME IN SEGREGATION...AT THIS FACILITY. I BELIEVED I HAD THAT GOING FOR ME. I FELT I HAD A GOOD CHANCE TO AT LEAST RECEIVE A LESSER SANCTION THAN DETENTION, AND HOPED FOR 30 DAYS LOSS OF PRIVILEGES.

THE DAY OF MY DISCIPLINARY HEARING HAD CAME AND WENT. I'D FOUND IN PRISON TO PRISON ALTERCATIONS THE PRISONER CLAIMING TO BE THE VICTIM HAS MORE CREDIBILITY. I RECEIVED 30 DAYS DETENTION, THE MAXIMUM DAYS ALLOWED, AND I WASN'T EVEN CREDITED FOR THE 4 DAYS I'D ALREADY DONE.

FROM DAY ONE THE SWEAT BOX HAD ME ROASTING LIKE A PIG IN A LUGAL THAT HAD BEEN LEFT AND FORGOTTEN UNDER THE HOT SAND. LAYING VERY STILL DIDN'T EASE MY SUFFERING FROM THE SLAB OF BRIMSTONE I SLEPT OVER. AND MORE WATER COULD BE SIPHONED FROM A CACTUS PLANT THAN THE TIN GARBAGE CAN I HAD FOR A SINK AND TOILET WHERE THE WATER FOUNTAIN AT FULL PRESSURE ONLY SQUIRTED OUT LIKE BABY'S PEE.

MY FIRST AND ONLY LETTER SPAT OUT THE DOOR'S SLOT. IT WAS FROM MY MOTHER. SHE HAD CAME UP BUT WAS DENIED VISITATION. SHE SAID THEY TOLD HER SEGREGATION'S VISITING DAYS WERE DIFFERENT FROM GENERAL POPULATION'S, AND THAT SHE WOULD MAKE ANOTHER TRIP BACK TO SEE ME. I COULDN'T LET HER SEE ME FROM BEHIND A PLEXIGLASS, WRAPPED IN CHAINS LIKE I JUST GOT OFF THE AMISTAD SLAVE SHIP. I HAD NOTHING TO BRUSH THE NAPS OUT MY HAIR WITH, AND MY BEARD HAD GROWN TO A CERTAIN LENGTH THAT WOULD MAKE ANY AIRPLANE PASSENGER NERVOUS. I WROTE AND TOLD HER NOT TO COME. SHE'D ALSO SENT PICTURES OF MY SISTER AND NIECE. TO MY SURPRISE SIS WASN'T 8 YEARS OLD ANYMORE. SHE WAS 18 AND HAD A DAUGHTER, THE LITTLE ONE WRAPPED LIKE A BURRITO IN THE BLANKET. MY SISTER WAS A BABY WHEN I LAST SAW HER IN THE REAL WORLD. I GUESS UNTIL I'M FAST FORWARDED AND CAUGHT UP WITH THE TIMES, I'LL ALWAYS PICTURE THINGS AS THEY ONCE WERE.

DAY 1 OF SERVING DETENTION I WROTE OUT MY EXERCISE PLAN, A CALISTHENIC PROGRAM THAT CONSISTED OF PUSH-UPS, SIT-UPS, SQUATS AND JUMPING JACKS. I FINISHED DRAFTING MY WORKOUT CHART BEFORE LUNCH WAS SHOVED THROUGH THE SLOT. IT WAS BREADED GRAY MUSH AND MATCHING POTATOES TO GO WITH THE FISH. I COULDN'T EAT THAT SHIT!

DAY 2 AND THE START OF MY EXERCISE ROUTINE, 15 MINUTES INTO IT I CALLED IT QUITS. I WASN'T BEING FED ENOUGH AND HADN'T THE ENERGY TO CONTINUE. BY DAY 5 I STOPPED MARKING THE CALENDAR I'D MADE. TIME HAD WENT BY TOO SLOW WHEN I WATCHED IT. LIKE THE HOUR GLASS HAD BEEN FILLED WITH QUICK DRYING CEMENT. I EVENTUALLY HAD NO SENSE OF TIME. THE WINDOW SHUTTER ON THE METAL DOOR WAS ALWAYS CLOSED, AND THE INDUSTRIAL SIZE FAN HOWLED NOSILY OUTSIDE THE CELLS DAY IN AND DAY OUT. I COULDN'T HEAR ANYTHING ELSE, NOT EVEN SCREAMS I WAS SURE COMING OUT THE OTHER CELLS.

FACES APPEARED ON THE GLASS EVERY NOW AND THEN AS GUARDS HAD MADE THEIR ROUNDS TO MONITOR THE LEVEL OF INSANITY I'D REACHED. WHEN I BEGAN TALKING TO MYSELF THE SHUTTER OPENED LESS FREQUENTLY. THE WALLS HAD CLOSED IN ON ME. I WAS TRUELY INSIDE A BOX THAT HAD BEEN DUMPED INTO A PIT OF VOID AND DESPAIR. MY SENSES HAD NOTHING TO FEED OFF ON; NOT A BIBLE INCONSPICUOUSLY PLACED ON THE DESK THAT'S EVEN FOUND IN CHEAP MOTEL ROOMS, OR PROFANE GRAFFITI ON THE SURFACE FROM GANG BANGERS DISSING ONE ANOTHER. THE DEPRIVATION SUSPENDED EVERY EXTERNAL STIMULI PROVING MY EXISTENCE. ALTHOUGH I WAS CONSCIOUS THAT I WAS ALIVE, I DIDN'T FEEL ALIVE; DAYS COMING AND GOING WENT BY UNNOTICED. I NO LONGER EXPERIENCED. I CAN ONLY DECRIBE MY TIME IN THE BOX AS A BLANK ETERNAL DAY THAT I FILLED WITH MY IMAGINATION.

THE HOLE AT THE CENTER OF THE CELL'S BACK WALL WAS MY STARGATE THROUGH THE UNIVERSE. DESPITE HAVING BARS ON THE WINDOW, MIND-TRAVELING WASN'T RESTRICTED. I'D MOON WALKED WITH BUZZ, DISCOVERED WOMEN ARE FROM VENUS, AND MEN, MARS; HAD FRED FLINTSTONE AND BURNEY RUBBLE OVER TO MY MAN-CAVE; I WAS CLEOPATRA'S BLACK MARK ANTONY; AND SOCRATES VOICE OF UNREASON, HE DRANK THE HEMLOCK ANYWAY; I DROVE MARTY "BACK TO THE FUTURE" IN A CAPRICE CLASSIC ON 26 INCH RIMS; AND SAVED THE MUSIC INDUSTRY



FROM ALIEN INVADERS COMING TO CONVERT EARTHLINGS FROM THE USE OF THEIR POTTY MOUTHS TO TELEPATHY. I WAS NO LONGER A CAGED BIRD, BUT AN EAGLE SOARING BEYOND THE SKY'S LIMIT.

ONCE A WEEK I WAS SHACKLED IN BELLY CHAINS JUST TO GO AND TAKE A 5 MINUTE SHOWER. THE SHORT WALK ALONE WAS WORTH IT. I WAS ABLE TO GET SOME FRESH AIR, AND BEAT THE HEAT. ONCE FREE INSIDE THE CAGED SHOWER I'D CLOSE MY EYES AND LET THE WATER STREAM DOWN MY HEAD AND I WAS ALIVE AGAIN.

I HAD RETURNED FROM THE SHOWER ONE DAY AND IMMEDIATELY SMELT SOMEONE HAD BEEN INSIDE MY BOX. THE OLD SPICE COLOGNE AND STALE AIR WAS SUFFOCATING. MY BED HAD BEEN RUFFLED, AND MY STATE ISSUED CLOTHS WERE LEFT IN A SHAMBLE INSIDE THE CELL'S METAL FOOTLOCKER. I RAN TO MY STASH SPOT. THEY'D FOUND MY NIGHT TIME SNACKS! EVERYDAY I'D SAVED A FOOD ITEM FROM EACH OF MY MEALS. MY BREAKFAST CAKE, CARROTS, AND HALF OF A TURKEY SANDWICH, ALL WERE GONE! A FURIOUS WHIRLWIND TWIRLED MY STOMACH AROUND AND SUCKED IT UP INTO MY CHEST. I FELT LIKE I HAD BEEN SODOMIZED. THEY'D TAKEN MY SHIT! MY LATE NIGHT SNACKS DIDN'T ONLY SATISFY MY HUNGER PAINS, BUT SOOTHED MY DISCOMFORT DURING THOSE DARK HOURS. I'D BEEN STRIPPED OF EVERYTHING; EVEN MY SELF-RESPECT AFTER HAVING HAD ATE THE NUTRILOAF.

I WAS PLACED ON NUTRILOAF SANCTION FOR 7 DAYS BECAUSE I HAD ATE BETWEEN REGULAR MEALS. THE NUTRILOAF WAS EVERYTHING ON THE REGULAR TRAY BLENDED TOGETHER AND SERVED IN THE FORM OF A TURD: BANANA CAKE, BRUSSELS SPROUTS, FOUL GRAY FISH AND POTATOES. I WAS TOO UPSET TO STRAIGHTEN UP THE MESS THEY'D MADE AND WENT TO BED WITH MY STOMACH TOUCHING MY BACK. I NEVER LEFT THE CELL AGAIN AND TOOK BIRD BATHS IN MY SINK.

WHILE CLEANING UP THE NEXT MOURNING, I FOUND SOME BRAIN FOOD UNDER THE BED MAT. IT WAS AN EPIC POEM BY MAURICE WHITNEY. HE'D SERVED TIME IN PRISON AND WAS IN THE SAME BOX I HAD BEEN INSIDE. THEY WERE PAGES FROM MY LIFE. HE'D WALKED A MILE THROUGH SHIT IN MY SHOES. HIS POEM WAS ABOUT NOT ABANDONING FAITH IN HUMANITY AND TO EMBRACE STRUGGLE AND ADVERSITY, FOR IT MAKES US STRONGER, BOTH OF MIND AND CHARACTER.

AFTER MANY UNCOUNTED SUNS AND MOONS RISE AND FALL, THE FAN HAD STOPPED HOWLING. I MADE MY WAY TO THE CELL'S DOOR AND LISTENED TO THE CONVERSATIONS OF OTHER PRISONERS BREWING. I COULDN'T BELIEVE WHAT I WAS HEARING, VOICES - FROM PEOPLE AND THEY WOULDN'T SHUT UP! I COULDN'T GET ENOUGH OF LISTENING. IT WASN'T LONG BEFORE I GOT INVOLVED IN THE FRIVOLOUS, THOUGH, CONTROVERSIAL DISCUSSIONS. ALL WERE TAKEN AS MATTERS OF IMPORTANCE THAT OFTEN TURNED INTO DEBATES. EVERY SUBJECT MERITED A FAIR AMOUNT OF REASONING AND PERSUASION; OTHERS WERE FYI TRIVIA'S: ARE ELIZABETH BERKLEY, MARIAH CAREY, AND VIN DIESEL BI-RACIAL? WHO HAS THE MOST SEXUALLY EXPLICIT LYRICS, MICHAEL JACKSON OR PRINCE? WAS THE FOX NEWS COVERAGE OF THE IRAQ WAR THE SAME WAR ACTUALLY FOUGHT? SUCH CONVERSATIONS WAS OPEN FOR EVERYONE'S INPUT. ORDER ALWAYS WOULD BE FOLLOWED BY CHAOS

OUTSIDE THE CELLS ONTO THE HALLWAY. AND I'D RUN, MOK IN MY BOX POSSESSED BY THE SPIRIT OF HARRIET TUBMAN. BEING TRAPPED INSIDE THE BOX MADE ME YELL THINGS LIKE: "FREE MANDELA, FREE MANDELE" AND I ACTUALLY DID ONCE.

THE SLOT OPENED AND A PIECE OF PAPER GLIDED TO THE FLOOR. IT WAS INSTITUTIONAL MAIL INFORMING ME THAT FOLLOWING MY COMPLETION OF DETENTION THAT I WAS GOING TO BE PLACED IN ADMINISTRATIVE SEGREGATION PENDING REVIEW FROM THE ADMINISTRATION COMMITTEE. I WAS TO REMAIN IN THE BOX INDEFINITELY. I WAS CRUSHED.

I'M NOT SURE HOW FAR INTO ADMINISTRATIVE SEGREGATION I'D SERVED BEFORE MY WILL SNAPPED AND THE ABSURDITY I'D RATIONALIZED TO COPE WITH THE UNNATURAL ENVIRONMENT HAD COME DOWN LIKE LEVEES, FLOODING MY HEAD WITH FEAR AND FRUSTRATION. HOW MUCH LONGER? I THOUGHT, AND SIGHED. I WAS OUT OF PUNCH AND WAS READY TO THROW IN THE TOWEL. THE UNSEEN HANDS DRIVING ME TO THE MED-LINE WAS TAKING ME THERE ONE HUNDRED MILES PER HOUR. I SAID TO MYSELF, JOHNNY BOY. YOU WON'T LAST ANOTHER MINUTE WITHOUT PURPLE PILLS.

MY EYES BEGAN TO BLISTER FROM THE BRIGHT RAYS COMING THROUGH THE BACK WINDOW MOCKING ME WITH ITS SUMMER AND MERRIMENT THAT I HADN'T ENJOYED IN YEARS. I COVERED THE EVIL EYE WITH MY BLANKET TO REFLECT MY REALITY, THE COLOR OF GLOOM. I DWELLED IN MANIFESTED DARKNESS; THE PLACE WHERE MY FRIENDS AND FAMILY, AND EVEN GOD, LEFT ME AT. I SLIPPED OFF THEIR PRIORITY LIST.

SHUT UP! I REMEMBER SHOUTING AT THE STUPID VOICES OUTSIDE MY CELL AND THEIR GIBBER JABBER. I STARTED YELLING AT THE STUPID SINK AND STUPID TOILET AND STUPID FOOTLOCKER. I'D CURSED THE WHOLE DAMN CELL. I FELT ABANDON, LOST AND FORGOTTEN. I WAS ALL ALONE IN A CLAUSTROPHOBIC WORLD, TRAPPED IN MONOTONY. RELIVING COMING TO THE BOX, AGAIN AND AGAIN. MY IMAGINATION TURNED AGAINST ME: SUNNY DAYS BECAME MOONLESS NIGHTS, SMILES INTO GRIMACES, DEMI MOORE TRANSFORMED INTO A SHE-WOLF MAN EATER, AND MY CAVE HAD TURNED INTO A HELL HOLE. I SHRIEKED, BUT NO ONE HEARD ME. THE VOICES OUTSIDE MY CELL WEREN'T REAL ANYMORE. THEY WERE TORMENTED GHOSTS AFRAID TO GO IN THE REAL WORLD, AND TOO STUPID TO CROSS OVER TO THE LAND OF THE DEAD. I DIDN'T WANT TO BE LIKE THEM. AND I KICKED AND BEAT THE FOOTLOCKER AND WALLS, I'M ALIVE, YOU HEAR ME! I YELLED FOR ANY LIVING SOUL THAT MAY HAVE HAD BEEN OUT THERE. THE RACKET I MADE WAS MUSIC TO MY EARS AND SUNG: PAIN IS LOVE. IT WAS MY CHORUS. WHY ELSE DOES LOVE HURT? I WAS SPEAKING NON-SENSE, THOUGH, THE MORE NOISE I MADE GAVE ME A FALSE SENSE OF CAMARADERIE WITH THE CLANKING AND POUNDING. I STOMPED AND HAD BEATEN ON THINGS UNTIL MY TANTRUM NEGOTIATED A RESPONSE, "KILL YOURSELF." IT WAS SAID GENTLE AS A BREEZE THROUGH THE WALL. I LEANED MY EAR TO THE SUGGESTION. AND FOR A MOMENT, AND ONLY A MOMENT, I CONSIDERED IT. "KILL YOUR SELF, FOOL." MORE VOICES OUTSIDE MY CELL JOINED. SOMEONE OFFERED THEIR SHEETS. ANOTHER GAVE INSTRUCTIONS ON HOW TO TIE A NOOSE. IT WASN'T THE ATTENTION I'D LOOKED FOR BUT IT FELT GOOD ALL THE SAME. I SHOUTED BACK WITH ALL MY MIGHT, CURSING EVERY

VOICE I'D HEARD. I HOLLERED LONG AND HARD. MY THROAT HAD TURNED TO SAND PAPER, AND I WORKED MY INSIDES TO A BOIL. I OVERHEATED AND FELL TO THE FLOOR, EXHAUSTED. I THOUGHT ABOUT TAPPING TOGETHER THE HEELS OF MY BLUE AND WHITE KARATE SLIPPERS AND SAY: "I WISH I WAS HOME." I ACTUALLY SAID IT. REPEATING IT OVER AND OVER AS THE WORDS ECHOED AND FADED TO THE FAR CORNER OF MY MIND, TO OZ.

I WOKE UP AND BECAME SICK INSTANTLY. I WAS STILL THERE -- IN THE BOX -- AND HADN'T BURNED DAYLIGHT. AS I ROLLED OVER TO GET UP OFF THE FLOOR I SAW A FOLDER UNDERNEATH THE FOOTLOCKER. IT WAS JOHNNY TYLER'S MEMOIR. I READ IT. IT WAS THE STORY OF MY LIFE.

I HAD BEEN REVAMPED, READING IT DAILY, SOMEWHAT RELIGIOUSLY. IT WAS A TESTAMENT TO MY LIFE, AND INSPIRED ME TO SHARE MY STORY. JOHNNY TYLER'S MEMOIR LEFT ME WITH A NEW FOUND HOPE. I NO LONGER FEEL HOPE IS A HOLLOW LAST RESORT OR SHELL OF AN EFFORT. I KNOW NOW HOPE IS A REASON TO BELIEVE BETTER DAYS LIES AHEAD AND TO CARRY ON, DESPITE THE OBSTACLES ON THE ROAD. THAT IT INSPIRES OTHERS TO KEEP THEIR HEADS UP AND LOOKING FORWARD EVEN WHEN TIMES GET HARD, OUR REASSURING GUIDE IS THE PERSEVERANCE OF ANOTHER THAT PULLS US THROUGH TO THE BRIGHTER DAYS. WHENEVER BLACK CLOUDS SHADE MY SUNSHINE, I DON'T PANIC, FOR I KNOW SUNLIGHT IS NEVER TOO FAR BEHIND: WHERE THERE'S A FLOWER, THERE'S ALSO THE SUN AND RAIN. JOHNNY TYLER'S EXPERIENCE TAUGHT ME THAT NOTHING IS SEPARATED OR INDEPENDENT, AND WE ALL SHARE THE SAME FIRE, WATER, AIR AND EARTH.

I REALIZE, MAURICE'S STRUGGLE WAS JOHNNY'S LESSON, AND JOHNNY'S LESSON IS MY TEST, AND MY TEST SHOULD BE YOURS TO OVERCOME.

MEMOIR OF ANDRE





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