

MADAME EST AU CERCLE!



# Swarthmore Undergraduate History Journal

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LE THÉÂTRE LIBRE

L'Amant de sa Femme

Scène VIII

SAINT-RIEUL

Je voulais vous prier d'excuser le dérangement que je vais vous causer...

VALENTINE

Quel dérangement?

SAINT-RIEUL

On va renouveler le mobilier de l'hôtel.

VALENTINE

Comme il vous plaira.

LE DOCTEUR, *saluant.*

Madame!

Scène IX

LAFARGE, SAINT-RIEUL

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### Cover image:

Albert Guillaume, *Madame est au Cercle!*, in *Gil Blas Illustré*, February 14, 1892, in *Lesbian Decadence: Representations in Art and Literature of Fin-de-siecle France*, by Nicole G. Albert, Figure 3.6, New York: Harrington Park Press, 2016. (See pp. 69)

## **About the Journal**

*Swarthmore Undergraduate History Journal* is a peer-reviewed, faculty-approved, student run research publication that seeks to encourage undergraduate scholarship on diverse subjects. We uphold publishing ethics and are committed to the integrity of academic research. This journal is also specifically inclusive of historical narratives often overlooked in mainstream scholarship and allows for the submission of interdisciplinary articles so long as the focus remains historical.

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Our review process is a double-blind peer-review by our trained group of student editors. After a submission is approved, individual editors complete their reviews which they then bring to the larger group of editors for approval. After the submission and edits are cleared by the staff and the author, the article is sent to a senior faculty advisor who offers comments and suggestions. Then, the final product is published to our site, and will be included in our cohesive publication at the end of the academic year.

## Meet the Editors

### **Gwendolyn Rak** (She/Her)

*Editor-in-Chief*

Gwendolyn is a junior from northern Virginia studying history and astrophysics. Combining the two, she is particularly interested in the history of science, and she eagerly awaits the day both fields are advanced by the advent of time travel.

### **Emma Gabriel** (She/Her)

Emma is a first year from Mattapoisett, MA studying History and Spanish (prospectively). In her free time, she loves to play the violin in the Swarthmore orchestra and do ballet.

### **Daniel Pantini** (He/Him)

Dan is a senior from Newport, Rhode Island studying History at Swarthmore. On campus, he works as an RA and usually bounces back and forth between Mertz and Underhill so look there if you're ever trying to find him.

### **Ben Schaeffer** (He/Him)

Ben is a senior from Lexington, Kentucky studying history at Swarthmore. Ben enjoys outdoor activities such as hiking and fishing, and he loves dogs.

### **Vir Shetty** (He/Him)

Vir is a senior from Haverford, PA studying Physics and Statistics. In his free time, you can often find him playing Crusader Kings II and insisting that the Fourth Crusade was the dumbest war anyone started, ever.

### **Helen Tumolo** (She/Her)

Helen is a senior from Staten Island, New York majoring in History and minoring in Educational Studies. Beyond academics, Helen loves to read, knit, and crochet.

**José E. Valdivia** (They/Them)

José is a junior from Sonoma, CA studying Latin American/Latinx studies and Religion. They are also a RIA and work in the Friends Historical Library as an archival intern.

**Spencer Watts** (She/Her)

Spencer is a sophomore from Princeton, NJ studying Political Science and History. She is also a member of the women's tennis team and works for the Swarthmore Peace Collection as an intern.

# **Social Production of an Internal Colony: Urban Space in Black Chicago, 1945-1970**

Connor M. Barnes

University of Illinois, Urbana-Champaign

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## **Introduction**

The Great Migration is one of the most defining points of American urban history. Driven away from the South by horrendous Jim Crow laws, millions of Black Americans migrated northwards, congregating in urban areas in the Northeast and Midwest. The migration radically altered the demographic and spatial makeup of these regions' urban centers, from Minneapolis to New York City. Unsurprisingly, Chicago, the pre-eminent Midwestern metropolis during this period, was immeasurably altered by this racial re-configuration. In 1940, Chicago's Black population numbered 278,000. By 1960, it had increased to 813,000, and it continued to climb into the 1970s.<sup>1</sup>

Histories of Chicago's development during this Second Great Migration have focused on white flight, urban divestment, and the creation of racial ghettos in the inner city.<sup>2</sup> In this paper, I seek to expand on this research by analyzing the Second City's post-war development through models of internal colonialism and social production of space. In doing so, I will demonstrate how urban space in Chicago from 1945-1970 was meticulously constructed in a colonial fashion, intentionally cultivated to maximize control of Black economy in order to maintain an exploitative relationship. I will begin by explaining precisely what these theoretical concepts are and how they can be applied to Black Chicagoans. After this is established, I will explore how housing was used to shape Black space within the Windy City. Finally, I will examine how police were used as an instrument of colonial enforcement to maintain rigid control and separation of Black space.

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<sup>1</sup> Roger Biles, "Race and Housing in Post WWII Chicago," *Journal of the Illinois State Historical Society* (1998-) 94, no. 1 (2001): 32.

<sup>2</sup> Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960* (Chicago: The University of Chicago Press, 1983); Dominic A. Pacyga, *Chicago: A Biography* (Chicago, IL: University of Chicago Press, 2011).

## Establishing Context: Internal Colonialism and the Social Production of Urban Space

Analyzing the Black American experience through an internal colonial model has a long and rich history. Developed in the 1960s by Chicano/a and Black academics such as Harold Cruse, Kwame Ture, Robert Blauner, Mario Barrera, Robert L. Allen, and Joan Moore, the model of internal colonialism seeks to understand, explain, and analyze the experience of a “subordinated... racial or ethnic group in its own homeland within the boundaries of a larger state dominated by a different people.”<sup>3</sup> This principle can be readily applied to Black Americans. Although Black Americans are native to the United States, white American hegemony has alienated them from their country of origin through sophisticated orientalism. By creating a conception of idealized America as white, American hegemony has implicitly otherized non-white people in the United States, whether they were born there or not. Alongside this image of white America is an equally malicious idea of what Black Americans are. Hegemonic thinking in the US regards Black Americans as “lazy,” “stupid,” “aggressive,” and dangerous.<sup>4</sup> By dehumanizing Black people and associating them with these negative characteristics and stereotypes, white, American Hegemony has succeeded in alienating them from both their humanity and their status as Americans. This characterization allows Black Americans to remain a colonized people, even in their nation of birth. Once this orientalized status is understood, the remaining pieces of colonial analysis fall into place.<sup>5</sup> In the United States, Black people are a minority racial group that have endured grossly unequal social conditions compared to white Americans. These socio-economic and cultural inequalities create a colonial relationship based on the “greed, cruelty, insensitivity, guilt and fear” of their white colonizers.<sup>6</sup>

The nature of this colonial relationship is driven primarily by material interests, the driving force behind any colonial enterprise. Although colonial relationships are strongly linked with race, colonialism is ultimately driven by the material interests of the hegemonic classes. The intersectional nature of class and race in the United States thus renders any analysis of race-based, colonial hierarchies incomplete without a concurrent class analysis.<sup>7</sup> But the oppression of colonial environments is not limited to these areas. A multitude of intersecting structures work to exploit and exclude the colonized based on factors of race, class, gender, and sexuality as efficiently as possible. Although all these areas are important to fully understanding

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<sup>3</sup> John R. Chávez, “Aliens in Their Native Lands: The Persistence of Internal Colonial Theory,” *Journal of World History* 22, no. 4 (December 2011): 786. <http://doi.org/10.1353/jwh.2011.0123>.

<sup>4</sup> Samuel L. Gaertner and John P. McLaughlin, “Racial Stereotypes: Associations and Ascriptions of Positive and Negative Characteristics,” *Social Psychology Quarterly* 46, no. 1 (March 1983): 23-30, <https://doi.org/10.2307/3033657>.

<sup>5</sup> Edward W. Said, *Orientalism* (New York, NY: Penguin Classics, 2003), 31-72.

<sup>6</sup> Robert Staples, “Race and Colonialism: The Domestic Case in Theory and Practice,” *The Black Scholar* 7, no. 9 (June 1976): 38, <http://doi.org/10.1080/00064246.1976.11413836>.

<sup>7</sup> Mario Barrera, *Race and Class in the Southwest: A Theory of Racial Inequality* (Notre Dame, IN: University of Notre Dame Press, 2002), 193-194, 212; Kimberlé Crenshaw, *On Intersectionality: Essential Writings* (New York, NY: The New Press, 2017).

colonialism and urban space, the scope of this paper is limited to examining issues of race and class.

This analysis further utilizes the foundational urban studies work of Henri Lefebvre, specifically his work on the social production of urban space.<sup>8</sup> Lefebvre argued that space must be fully understood as a social construct, not an objective creation. There are aspects of space, such as volume or natural resources, that can be measured objectively, akin to a scientific experiment. However, proper understanding of space in an urban environment must incorporate how space has been constructed, who has done the construction, and who is affected by it. Critical analysis of space must include not only the objective aspect of space, but the contents – the users of the space – as well.<sup>9</sup> This paper combines this social understanding of space with a colonial understanding of African American history to analyze how urban space was constructed to optimize colonial control over the lives and economic power of Black Chicagoans. The internal colonial model allows us to conceptualize Black history in the United States, while Lefebvre’s work on understanding how space is socially constructed allows us to comprehend the full intentionality and exploitation behind the colonial nature of Black Chicago. Specifically, this paper examines how housing in Chicago was used to shape Black urban space. After this is established, the way police controlled and maintained this colonial relationship with urban space will be explored.

### **Housing During and After the Great Migration: Construction of Separate Spaces**

Race is inextricably tied to colonialism. Although material interests are the primary driver of colonial ventures, race is critical to establishing successful colonial hegemony because it creates clear and rigid distinctions between the colonizer and the colonized. The immediate visual difference of skin color is used by colonizing forces to otherize and dehumanize the oppressed, making it easier to justify their continued exploitation. Because of this otherization, race becomes an essential part of maintaining the colonizer’s hegemony.<sup>10</sup> This racial demarcation has been essential to maintaining the wealthy, white, male, cisgender American hegemony for decades; in Chicago this race-based differentiation was of particular importance. Before World War II, the Windy City’s population had remained predominately white. However, the Second Great Migration radically altered the city’s demographic makeup. In 1940, 8% of Chicago’s population was Black. By 1970, that number had skyrocketed to 32%.<sup>11</sup> This racial

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<sup>8</sup> Henri Lefebvre, *The Production of Space*, Blackwell, 2016.

<sup>9</sup> Henri Lefebvre, “Reflections on the Politics of Space,” *State, Space, World: Selected Essays*, edited by Neil Brenner and Stuart Elden, (Minneapolis, MN: University of Minnesota Press, 2009), 170-172.

<sup>10</sup> Linda Bryder, “Sex, Race, and Colonialism: An Historiographical Review.” *The International History Review* 20, no.4 (December 1998): 807-808. <http://doi.org/10.1080/07075332.1998.9640841>; E. Franklin Frazier, *Race and Culture Contacts in the Modern World* (Boston: Beacon Press, 1965), 177-188; Robert Staples, “Race and Colonialism: The Domestic Case in Theory and Practice.”

<sup>11</sup> Christopher Manning, “African Americans,” *The Electronic Encyclopedia of Chicago*, 2005. <http://encycolpedia.chicagohistory.org/pages/27.html>; Patrick Reardon, “City About Equal in Terms of Race.” *Chicago Tribune*, 23 September 1986.



recomposition altered many of the barriers that had been created to separate Black and white neighborhoods in Chicago. To maintain the unequal separation of spaces that helped enable the exploitation of Black Chicagoans, hegemonic institutions in the city reinforced and reformed existing structures of economic, social, and spatial control.<sup>12</sup>

While reconstructing these rigid colonial structures, the intersectional relationship between race and class became essential. Adjusted for inflation, the median income of Black people in Chicago by the conclusion of the Great Migration was \$34,000, well below the estimated \$43,715 it cost to live in Chicago at the time.<sup>13</sup> According to census data, approximately 33% of Black people in Chicago were below the poverty line in 1970, and 76% of Black Chicagoans lived in predominately low-income areas.<sup>14</sup> These figures remained similar through the second period of Great Migration. Thus, the economically disadvantaged position of Black Chicagoans amplified the exclusionary power of race-based hierarchy. The disparity of wealth and income between Black Chicagoans and white Chicagoans allowed hegemonic, white institutions to control Black people under the guise of empirical, economic policies, policies which in actuality conspired to further exploit and control Black space.

Capitalizing on this intersectional position, hegemonic institutions utilized housing to shape Black space. When analyzing constructed space, understanding the role of housing is essential. Housing is a unique and critically important part of maintaining independence. Not only does it provide working and middle-class people a crucial avenue to wealth accumulation, it is also a fundamental human need. Without shelter, people cannot survive. This inelastic demand makes the housing sector an immensely powerful tool for enacting socio-economic change, one that hegemonic institutions weaponized to ensure their continued dominance. There were two primary methods in which hegemonic institutions worked to control the housing of Black Chicagoans: redlining, which occurred through private institutions via regulations set forth by the federal government, and urban planning by the local government. Earning its name from color-coded maps produced by both the Federal Housing Administration (FHA) and the Home Owners Loan Corporation (HOLC), redlining is a process of systemic exclusion from institutional support, particularly in the realm of real estate and home ownership. Using “high-risk” geographic designation as a justification, redlining drastically reduces the amount of structural support a neighborhood receives. Banks are less likely to approve home improvement loans or mortgages in these areas, leading to a sharp decline in the quantity and quality of housing development. This high-risk designation, however, was highly racialized.<sup>15</sup> The FHA not only increased the risk designation of an area if it contained non-white residents, but in many cases outright refused to offer mortgage insurance to non-white buyers, even if they were willing

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<sup>12</sup> Biles, “Race and Housing in Post WWII Chicago,” 31-38.

<sup>13</sup> Alex Q. Arbuckle, ed. “John H. White’s Chicago, 1973-1974,” Mashable, accessed May 2, 2021; Jean C. Brackett, *Three Standards of Living for an Urban Family of Four Persons, Spring 1967*, (Washington, D.C.: U.S. G.P.O., 1969). Inflation adjusted using the Federal CPI Tool through the Bureau of Labor Statistics to fit 2021.

<sup>14</sup> US Census Bureau, 1970. Summary of Social and Housing Characteristics for the 50 Largest Cities by Residence in Census Tracts with a Poverty Rate of 20 Percent or More.

<sup>15</sup> Bruce Mitchell and Juan Franco, “HOLC ‘Redlining’ Maps: The Persistent Structure of Segregation and Income Inequality,” Report, National Community Reinvestment Coalition, 2018.

and able to purchase a home that fit the criteria of a low-risk investment.<sup>16</sup> From 1934-1962, white borrowers received 98% of all FHA loans.<sup>17</sup>

The difficult financial situation that most African Americans found themselves in was inextricably tied to a systemic effort to disenfranchise them from property ownership. White banks across the United States refused to work with Black people, which left credit sources dry. This decline in housing caused wealthier white residents to flee redlined areas, concentrating people with low-income and people of color in these dilapidated neighborhoods.<sup>18</sup> Public services, most of which were funded directly by the tax dollars of those living these neighborhoods, declined precipitously as demographic changes correlated directly to drops in education quality, employment opportunities, and institutional support. Combined with the lack of access to traditional mortgages from banks, many Black families were forced to buy houses with installment land contracts (ILC). ILCs were notoriously risky engagements that forced the buyer to pay several times a property's actual worth, without the security or financial backing of a traditional mortgage. Unlike a traditional mortgage, homes purchased with ILCs were not put in the resident's name until the last payment had been fulfilled, allowing real estate companies to evict people for as little as one late payment. These practices worked to stifle any attempt at Black homeownership. In 1970, 65% of white Americans owned their home, while only 42% of Black Americans could say the same.<sup>19</sup> Traditionally, home ownership remains one of the few ways in which working-class individuals can obtain financial assets. However, the conditions in Chicago were so brutal for Black residents that home ownership changed from a positive asset acquisition into one that "undermined the ability to accumulate wealth."<sup>20</sup>

Redlining at the institutional level also led to further private exclusion at the individual and community levels. White homeowners, terrified that even a single non-white resident in their neighborhood would send their home values plummeting downwards, set up race-based housing covenants that prevented Black people from living in traditionally white neighborhoods. Although these covenants were declared illegal in 1948, the white residents of Chicago found that reactionary violence was a suitable alternative to enforcing segregated neighborhoods. During a period between 1949 to 1951, there were "three bombings, ten incidents of arson, eleven incidents of attempted arson, and at least eighty-one other incidents of terrorism or intimidation" related to housing in Chicago.<sup>21</sup> This climate of racial violence led to even larger outbreaks of violence by white people against Black people. In 1951, over 4,000 white

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<sup>16</sup> James L. Greer, "Historic Home Mortgage Redlining in Chicago," *Journal of the Illinois State Historical Society* (1998-) 107, no. 2 (2014): 227. <http://doi.org/10.5406/jillistathistsoc.107.2.0204>.

<sup>17</sup> Nikole Hannah-Jones, "Living Apart: How the Government Betrayed a Landmark Civil Rights Law," ProPublica, Pro Publica Inc., June 25, 2015. <http://www.propublica.org/article/living-apart-how-the-government-betrayed-a-landmark-civil-rights-law>.

<sup>18</sup> Richard Rothstein, "White Flight," *The Color of Law: A Forgotten History of Our Government Segregated America* (New York, NY: Liveright Publishing Corporation, 2018).

<sup>19</sup> F. John Devaney, *Tracking the American Dream, Current Housing Reports, Series H121/94-1*, U.S. Government Printing Office, Washington, DC 1994.

<sup>20</sup> Greer, "Historic Home Mortgage Redlining in Chicago," 204-233.

<sup>21</sup> Grant Meyer, *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (Oxford: Rowman and Littlefield, 2001), 118.

Chicagoans rioted against the Clarks, a Black family that had moved into the all-white Cicero district. These rioters ransacked the Clark residence, breaking into the apartment and destroying furniture, personal items, and clothing. Even the Clark's marriage certificate was dug up and burned.<sup>22</sup> A similar episode of racial violence occurred in the Trumbull Park homes, near the southeast side of the city. Traditionally a white housing project, in July 1953 the Howard family became the first Black residents. They were immediately besieged by white demonstrators. Marching on the street day and night outside the Howard home, incensed white Chicagoans fired guns, threw blunt objects, and even launched homemade fireworks at the windows in an attempt to drive the Howards away. Though pressure from the NAACP forced city institutions to control the demonstrators in May of 1954, the harassment proved too much for the Howards to handle. They relocated in Spring of that year.<sup>23</sup> This type of mob-led, white-on-Black racial violence occurred throughout the Second Great Migration, and it contributed to the maintenance and strengthening of racial boundaries.

The combined effects of these practices on the Black community were devastating. Housing covenants and redlining forced Black people to buy or rent their homes on the South and West Sides of the city, the two most institutionally unsupported areas of Chicago. The spatial limitations imposed on Black Chicagoans further worked to undermine their financial independence. Capitalizing on race-based housing covenants and redlined districts, so-called "block-busters" made massive profits off the backs of Black Chicagoans by exploiting their limited options. These block-busters would target white areas on the periphery of Black space and use the threat of the Black community's expansion to terrify white Chicagoans. Once this fear of Black expansion was stoked, block-busters would purchase their properties at dirt-cheap rates, having artificially lowered the value of the neighborhood by preying on racial prejudice. After this property was acquired at a significant markdown, they would turn around and sell or rent them out to Black people at a massive mark-up.<sup>24</sup> Black Chicagoans were forced to accept these prices. Their limited financial flexibility and the lack of space they were afforded left them little choice. Following the Great Migration, these block-busting companies annually returned profit margins of over 70%, directly at the expense of people of color in Chicago.<sup>25</sup>

Not satisfied with the substantial profits they made from real estate speculation, these block-busters utilized predatory landlord practices to further dominate Black economy. Surprise evictions were common, and often came in waves. During August of 1953, over two thousand Chicago tenants were evicted in a two-week span.<sup>26</sup> Black Chicagoans would often return home to changed locks and piles of their belongings on the street. Elizabeth Nelson, a single mother of nine, was the victim of one such eviction. On December 11, 1969, she returned home only to find

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<sup>22</sup> Meyer, *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods*, 118-119.

<sup>23</sup> Arnold R. Hirsch, "Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953-1966," *The Journal of American History* 82, no. 2 (1995): 526-30. <http://doi.org/10.2307/2082185>.

<sup>24</sup> Race and Housing in Post WWII Chicago 33-34; Rothstein, *The Color of Law*, "White Flight."

<sup>25</sup> Alphine Jefferson, "Housing Discrimination and Community Response in North Lawndale (Chicago), Illinois 1948-1968" (Ph.D. Diss., Duke University, 1979), 72, 80-84.

<sup>26</sup> "Eviction Suits Are Keeping Four Chicago Courts Busy," *Chicago Defender*, 29 August 1953, Page 4.

her possessions on the sidewalk and her house boarded up. Had members of Ms. Nelson's tenant union not put her back into the vacated residence by force, she and her children would have spent a cold winter's night on the street.<sup>27</sup> Elizabeth Nelson's case was not the exception. Whether through the threat of physical violence or financial ruin, control of both Black spaces and Black economy was embedded in the housing market. By preventing Black people from controlling their own housing or establishing stable residency, white institutions successfully safeguarded their ability to carry out future economic exploitation while enriching themselves in the process. Through control of Black housing, the ability of the colonizer classes to control Black Chicagoans was ensured.

### **Local Reinforcement of Separation**

This extreme residential segregation was not only reinforced by private economic institutions, it was also meticulously cultivated by public institutions. The Great Migration had drastically changed the demographics and size of the city, and local officials were troubled. Prior to the Migration, they had worked rigorously to establish racial segregation throughout Chicago, and this radical shift in housing and population distributions threatened that. In response, the city launched a renewed public housing initiative.<sup>28</sup> While this project was presented as an opportunity to improve the city, in actuality it was a deliberate attempt by Chicago institutions to create a segregated, exploitative, colonial landscape. Intent on restoring the rigid barriers between white spaces and spaces of color, the city government meticulously crafted a public housing agenda to do just that.

Beginning under Mayor Martin Kennelly and continuing through the twenty years of Richard J. Daley's mayorship, the Chicago government utilized sweeping new powers granted to them by the state of Illinois to segregate and control urban space under the guise of "public interest."<sup>29</sup> New public housing developed under these powers was one of the city's most important methods of separation. Initially, the plan was to build public housing in "scattered-sites", distributing the projects throughout various neighborhoods of the city, where land was cheaper and race-based ghettos could be avoided. However, this scattered-site method would have required the placement of public housing projects, disproportionately filled with Black people, in primarily white neighborhoods. As they demonstrated with the Cicero and Trumbull Park Riots, white people would not tolerate this. With the scattered-site proposal dead in the water, city planners resorted to tightly packed, underdeveloped housing projects concentrated in Black areas of the city. While the city government had catered to white concerns about public housing, they openly disregarded Black ones. Chicago housing projects were placed in the heart of already established Black communities, demolishing what little Black homeownership and community had been allowed to exist in the city. Of the fifty-one housing projects approved or

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<sup>27</sup> Ted Lacey, "Evict Mother, Nine Children," *Chicago Defender*, 16 December 1969, Page 8.

<sup>28</sup> Rothstein, *The Color of Law*, "IRS Support and Complaint Legislators."

<sup>29</sup> Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960*, 213, 223.

constructed between 1955-1966, forty-nine were in overwhelmingly Black areas of the city.<sup>30</sup> Together the Chicago Housing Administration, city council, mayors Kennelly and Daley, and the Illinois Commerce Commission colluded to keep Black spaces separate from white ones, weaponizing federal aid from the Urban Renewal Act and the construction of public housing to control where and how Black people could live.<sup>31</sup> This intentional control of Black housing was officially recognized for the racist, segregationist practice it was 1972 with the *Hills v. Gautreaux* Supreme Court decision, but by then it was too late. The residential policies had finished their work.

By 1970, Chicago was one of the most segregated cities in the United States, and the most segregated it had ever been.<sup>32</sup> This separation of space allowed white hegemony to loot the Black community, utilizing malicious means to economically exploit a community that had no way to escape. The intentional restriction of Black space ensured they would remain subjugated. By dominating housing, colonial institutions gained immense power over Black Chicagoans – power that would be maintained through any means necessary.

### **The Chicago Police Department: Enforcers of Spatial Barriers and Colonial Hegemony**

Housing had allowed white, hegemonic forces in Chicago to craft an internal colony in the city, but they still needed to be able to control it. Without careful oversight, there was always a risk that Black Chicagoans would find a way out of the shackles that had been placed on them. The hegemonic order needed something that would defend the rigid barriers it had erected at all costs. It needed the police. Fundamentally, a police force exists to maintain order. They enforce boundaries and ensure that people remain where they are supposed to be. This role implies a sort of impartiality and fairness, but in practical terms it turns police into enforcers of hegemony. They enforce the status quo at all costs, reinforcing old confines and preventing spatial changes. In colonial environments, this turns police into an occupying force, one that ensures the colonized are aware of, and remain in, their subjugated position.

The overwhelming violence associated with this position cannot be overstated. In colonial environments, the “language of force” is the primary method of enforcing hegemony, no matter the human cost it brings with it.<sup>33</sup> Chicago was no different. The Chicago Police Department (CPD) specialized in the use of aggressive physical violence. Black Chicagoans lived in constant fear of police violence, afraid that any activity could be criminalized by a hostile, invasive force. Although Black spaces had been rendered separate from white ones, this separation was a one-way relationship. Black people may have been excluded from white space, but the overwhelmingly white police violated Black space at every opportunity. This can be seen clearly in police reaction to Black social unrest. In 1966, riots on the West Side broke out after

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<sup>30</sup> Biles, “Race and Housing in Post WWII Chicago,” 36-37.

<sup>31</sup> Biles, “Race and Housing in Post WWII Chicago,” 35.

<sup>32</sup> Tyrone Forman and Maria Krysan, “Racial Segregation in Metropolitan Chicago Housing.” *Institute of Government and Public Affairs* 20, no. 3 (February 2008): 2.

<sup>33</sup> Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 2004), 42-43.

two white police officers tried to arrest a Black man at a liquor store. While he evaded capture, rumor spread that officers were trying to kill the man. This sparked outbreak of violence that lasted for three days. In retaliation for the unrest, officers from the CPD drove through Black neighborhoods like Humboldt Park and South Lawndale to shoot at homes long after the violence had ended.<sup>34</sup> Similar patterns followed any sort of disagreement between Black Chicagoans and oppressive public institutions. In 1968, Dr. Martin Luther King Jr. was assassinated. This sparked an outbreak of violence as many Black Chicagoans, overcome with grief and anger, began rioting and demonstrating throughout the West and South sides of the city.<sup>35</sup> The reaction to the King assassination threatened the carefully maintained and constructed separation of Black and white spaces the city had worked so long to create. Mayor Daley worked swiftly to end it. The National Guard was called in to assist the CPD, employing the use of armored combat vehicles and tear gas in an effort to regain control.<sup>36</sup> In addition to these traditional tactics of police brutality, Mayor Richard Daley authorized police to “shoot to kill” anyone participating in “looting or vandalism,” resulting in nine deaths at the hands of officers.<sup>37</sup>

This same violence was not extended to militant demonstrations of white anger. In the Cicero and Trumbull Park riots police were remarkably restrained, handling violent mobs with care and often refusing to defend Black victims altogether. The discrepancy between police reaction to episodes of white and Black violence is telling, and important to recognize. While these examples of violence by police against the very people they were supposed to protect and serve are unnecessarily cruel, it is important to understand that police officers did not see it that way. The violent marauders who murdered and assaulted Black people were not exceptional in their department. They were doing their job as they understood it, and their job was “to keep Black people in their place by any means necessary.”<sup>38</sup>

This discrepancy in systemic violence was not limited to times of civil unrest. A CPD team known as the Gang Intelligence Unit was supposedly created to combat gang activity, but instead used its far-reaching powers to racially profile and harass Black Chicagoans. While the GIU did succeed in stopping gang violence from the Blackstone P. Rangers, they did so at the cost of constant civil liberties violations, not only of gang members but of countless innocent

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<sup>34</sup> Tera Agyepong, “In the Belly of the Beast: Black Policemen Combat Police Brutality in Chicago, 1968-1983,” *The Journal of African American History* 98, no. 2 (2013): 253-76.

<sup>35</sup> Donald Mosby, “Despite Guard, Cops, Federal Troops, More Looting Hits Ghetto” *Chicago Defender*, 8 April 1968, Page 1.

<sup>36</sup> Donald Janson, “More Soldiers Sent to Control Washington and Chicago Riots; 5,000 Troops Are Flown to Chicago for Riot Duty 5,000 U.S. Troops Sent as Chicago Riots Spread; Death Toll Is 9, and 300 Are Hurt A YOUTH CURFEW ORDERED BY DALEY 7,500 Guard Troops Help to Patrol the City ~800 Persons Seized.” *New York Times*, 7 April 1968, Page 1.

<sup>37</sup> Jeanne Theoharis, Komozi Woodard, Matthew Countryman, and Jon Rice. “The World of the Illinois Black Panthers,” *Freedom North: Black Freedom Struggles Outside the South*, (New York, New York: Palgrave Macmillan, 2003), 41-59.

<sup>38</sup> Tom Picou, “Cops Hope to Restore Faith in the Uniform,” *Chicago Defender*, 4 November 1968, Page 4.

people of color.<sup>39</sup> In late 1969, white police officers belonging to the GIU raided a youth group meeting at Olivet Presbyterian Church. Claiming that the church was harboring “vicious gangs,” the officers harassed the Black teenagers meeting inside, forcing them up against the walls and pointing shotguns at them. None of the teenagers were convicted of a crime.<sup>40</sup> This violation of Black space speaks to the colonial nature of the CPD and the GIU. Private spaces that existed for white people did not exist for Black people. Fundamental rights to assemble and practice religion were not afforded to them, either. Their own existence was strictly monitored and limited by the whims of an invasive, dehumanizing, and hostile police force.

Rank-and-file police officers committed similar acts of violence. One patrolman bothered Isaiah Pittman, a Black resident of Morgan Park, for starting his car early in winter. When Pittman returned to his running car in order to go to work, a police officer harassed and arrested him for no reason. Caught in the dispute was Pittman’s neighbor, Marion Rogers. She was arrested for “helping a criminal avoid arrest,” and her children were forced to accompany her to a holding cell. While Rogers and her children were on their way to the police station, one of the officers could not resist reminding her of her relationship with the police. “We pigs are wrong aren’t we?” he snarled, “You n\*ggers are always right. But one thing you people might as well know: *we are going to win* [emphasis my own].”<sup>41</sup> The ferocity and clarity of this rank-and-file officer speaks volumes. In Chicago, the police existed in complete opposition to Black residents. The openly hostile, adversarial exchanges between Black people and the police clearly illustrate the colonial relationship they shared. In colonized space, law enforcement does not exist to protect the oppressed. They exist to subjugate and control them. By criminalizing Black existence and controlling their limited space, the CPD enabled the continued economic exploitation and marginalization of Black Chicagoans.

## Conclusion

During the Great Migration, Chicago’s urban cityscape was intentionally constructed in order to ensure the continued colonial exploitation of Black Chicagoans. Through control of Black spaces, hegemonic classes were able to advance their material interests at the expense of a colonized people, while simultaneously maintaining a rigid, race-based hierarchy. The weaponization of housing and police institutions to achieve this goal is clear. Housing restrictions forced Black Chicagoans into easily controllable ghettos, ghettos which were watched over by an armed, occupying force of police officers. These intentionally worsened material conditions made it easier for, and directly contributed to, the continued economic exploitation of Black people. The parallels with traditional overseas colonies are clear and undeniable, although a more thorough analysis of the social space within black Chicago must be

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<sup>39</sup> Pierre Guilant, “Buckney May Face Lawsuit,” *Chicago Defender*, 5 July 1969, Page 1; Bonne Nesbit, “Charges GIU in ‘Torture,’” *Chicago Defender*, 21 November 1970, Page 1.

<sup>40</sup> John D. Vasilopoulos, “Presbyterians Blast GIU,” *Chicago Defender*, 31 December 1969, Page 3.

<sup>41</sup> Ted Lacy, “Hit Cops on ‘Bum Raps’: Morgan Park 2 File Complaint,” *Chicago Defender*, 27 December 1969, Page 1.

conducted to fully understand how this colonial construction affected issues such as healthcare and food insecurity. Without this research, we are still able to utilize Henri Lefevre's work and the internal colonial model to understand the intentionality of how Chicago's urban space was crafted. This intentionality is essential to understanding the full weight of exploitation it brings, and any research on Chicago and its institutions must acknowledge it.



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# **Reevaluating the Pension System: The Struggles of Black Widows Following the Civil War c. 1861-1910**

Samantha Carney  
Carnegie Mellon University

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In 1893 in Carlisle, Pennsylvania, the Black activist Frederick Douglass gave the speech “Self-Made Man,” highlighting the essence of individual success. When Douglass discussed the situations of Black men and women in the country, he entreated society to “‘Give the negro fair play and let him alone.’...It is not fair play to start the negro out in life, from nothing and with nothing, while others start with the advantage of a thousand years behind them.”<sup>1</sup> He advocated for education for his people: a chance for them to start with the same opportunities as white Americans. Douglass’ intuition regarding Black rights came while the country deliberated on the role its new citizens would play. Rather than choosing to empower the Black populace through political and monetary rights, federal and state legislatures limited Black access to government aid and guaranteed few of the rights and protections due them as citizens. The military service of the United States Colored Troops (USCT) provides a clear example of the limited citizenship that African Americans could claim. Even though they fought to preserve the Union of the United States, Black soldiers and their widows were marginalized by white government agencies. That the white population enjoyed educational and racial advantages is apparent in both Black and white people’s interactions with government agencies following the Civil War.

The aftermath of the Civil War in 1865 brought a massive increase in federal aid to American veterans in the form of monetary compensation. Despite the abolition of slavery, the United States government remained an inherently racist system. Founded in 1833, the U.S. Pension Bureau instituted racial bias in its system as it dispensed pensions to newly emancipated

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<sup>1</sup> Frederick Douglass, “Self-Made Men: An Address Delivered in Carlisle, Pennsylvania, in March 1893,” *The Frederick Douglass Papers, Series One: Speeches, Debates, and Interviews, Vol. 5:1881-95*, ed. John W. Blassingame and John R. McKivigan (London: Yale University Press, 1992), 557.

African American soldiers.<sup>2</sup> Many Black veterans struggled to attain the pensions that they qualified for, but the widows of their fallen comrades were at an even greater disadvantage in several regards. Black war widows faced challenges particular to both their race and gender, among which were the lack of critical official documents from former slaveholders, the general illiteracy of both the widows and their communities, and the racist and sexist assumptions of pension special examiners. This combination of factors led the U.S. Government to both passively and overtly discriminate against its own veterans and their bereaved wives for decades after the Civil War.

## Review of Literature

There have been a limited number of studies regarding Black pensions following the Civil War. Donald Shaffer's *Voices of Emancipation: Understanding Slavery, the Civil War, and Reconstruction through the U.S. Pension Bureau Files* is the most comprehensive and widely acclaimed text on the study. Examining many different claimants, his text gives a broad scope that distills pension files down into an easily comprehensible reference to the lives of Black pensioners following the Civil War. His text is mostly primary source excerpts, with brief and individual remarks stringing disparate cases together, rather than a concise argument demonstrating Black disadvantage, however. It only deals extensively with widows in one of its four parts, which seems limiting, as he himself states that widows were the second-largest group of applicants for pension after the soldiers themselves.<sup>3</sup> Larry M. Logue and Peter Blanck's work in their paper "'Benefit of the Doubt': African-American Civil War Veterans and Pensions" disputes a long-held notion that the Pension Bureau was colorblind. They do so using many statistics that paint a clear picture of discrimination, but fail to humanize the sufferers behind the equations. Brandi C. Brimmer's "Black Women's Politics, Narratives of Sexual Immorality, and Pension Bureaucracy in Mary Lee's North Carolina Neighborhood" presents a sharp criticism of the pension system and specifically its abuses against one particular Black woman. While her study is an interesting case, describing Mary Lee's advocacy for herself against the system, the success with which Mary Lee defends herself is atypical with regards to the general Black populace. Many, if not most Black widows faced outright rejection from the Pension Bureau even under less extreme situations than those described by Brimmer. Her text is more of a curiosity than an honest survey of the realities of life for such widows at the time. The scholarship regarding Black war widows themselves is undeveloped in comparison to the study of Black veteran pensioners, either becoming a small chapter within a larger text, the topic of a

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<sup>2</sup> Claire Prechtel-Klusgens, "Special Examiners: Records of the Bureau of Pensions' Efforts to Combat Waste, Fraud, and Abuse, 1862-1933," *Federal History Journal*, no. 8, 2016, 110, [http://www.shfg.org/resources/Documents/FH%208%20\(2016\)%20Prechtel-Klusgens.pdf](http://www.shfg.org/resources/Documents/FH%208%20(2016)%20Prechtel-Klusgens.pdf), (Accessed 18 October 2020).

<sup>3</sup> Donald Robert Shaffer and Elizabeth Ann Regosin, *Voices of Emancipation: Understanding Slavery, the Civil War, and Reconstruction through the U.S. Pension Bureau Files*, (New York: New York University Press, 2008), 113.

short article, or discarded entirely. This is an unfortunate oversight given the considerably greater lengths such widows underwent in pursuit of their claims. These difficulties can be likened directly to the aftereffects of their bondage and represent evidence of Black disadvantage that persisted even after freedom. Through this text, I intend to distinguish the array of complications suffered by Black women in their interactions with the government in broader terms than Brimmer, encompassing individual stories while drawing a meaningful interpretation overall.

## Historical Background

Following the Civil War, more disabled veterans remained to be cared for than ever before owing to advances in medicine technology.<sup>4</sup> Many of these veterans, while still alive, were unable to support themselves. The government endeavored to remedy this urgent issue through four critical expansions of pension law between 1862 and 1890 that increased veteran aid. In 1862, Congress decreed that any service member proven to have been injured in the line of duty would receive a pension proportionate to his rank, and that, in the event of death, his widow or underage child would receive the pension.<sup>5</sup> This clause covered widows until their remarriage, and children until they came of age, as well as dependent elderly mothers of the soldiers. The Forty-Second Congress in 1873 passed an act allowing soldiers to consolidate the injuries inflicted on them during their service in their applications. The resulting sum of their disabilities would provide them with larger pensions. This act also increased the pension granted to war widows and their children.<sup>6</sup> The 1879 Arrears Act retroactively paid out pensions to approved applicants from the time of disability as a lump sum, an attractive nest egg that encouraged a surge in applications.<sup>7</sup> The Fifty-First Congress in 1890 removed wartime causality, so that any veteran could receive a pension provided he gave sufficient evidence of disability.<sup>8</sup> This meant that aging veterans could receive pensions for the wear and tear of old age alone. It is critical to understand when these acts happened, because they contextualize when and

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<sup>4</sup> Interview over Zoom conference with Professor Timothy Haggerty, 1 October 2020.

<sup>5</sup> United States Congress, “Chap. 166—An Act to Grant Pensions,” *Thirty-Seventh Congress*, Session II, 1862, 567, <https://www.loc.gov/law/help/statutes-at-large/37th-congress/session-2/c37s2ch166.pdf> (Accessed 11 October 2020).

<sup>6</sup> United States Congress, “Chap. 234—An Act to Revise, Consolidate, and Amend the Laws relating to Pensions,” *Forty-Second Congress*, Session III, 1873, 568-570, <https://www.loc.gov/law/help/statutes-at-large/42nd-congress/session-3/c42s3ch234.pdf> (Accessed 11 October 2020).

<sup>7</sup> United States Congress, “Chap. 23—An act to provide that all pensions on account of death...shall commence from the date of death or discharge from the service of the United States for the payment of arrears of pensions.” *Forty-Fifth Congress*, Session III, 1879, 265, <https://www.loc.gov/law/help/statutes-at-large/45th-congress/session-3/c45s3ch23.pdf> (Accessed 11 October 2020).

<sup>8</sup> United States Congress, “Chap. 634—An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents.” *Fifty-First Congress*, Session I, 1890, <https://www.loc.gov/law/help/statutes-at-large/51st-congress/session-1/c51s1ch634.pdf> (Accessed 17 September 2020).

how the pension documents examined here were filed, and why the government might have been inclined to be so generous.

An early historian of the pension system, Donald L. McMurry, contended that among the forces responsible for the development of the pension system were “the soldier vote,” “the soldier press,” and “the pension politicians.”<sup>9</sup> Politicians, many of them Civil War veterans themselves, would promote the pension system to gain the soldier vote that formed a significant portion of the voting populace. The subset of soldiers examined here, the South Carolina USCT, suffered this kind of political mistreatment, which hardly gave politicians hoping to win extra votes the ammunition to fight for their rights, and even less so for their widows, given that no women had the right to vote at that time.

### **Dearth of Official Documentation**

The first barrier confronting Black war widows who hoped to win their husbands pensions was often set in place while they were still in bondage. Their owners prior to freedom did not see the humanity of their slaves and did not bother documenting their life events. Because of this, it was very difficult for Black applicants to supply the requisite paperwork to file for their pensions. Recorded Black marriages almost invariably took place following the emancipation of the participants and not before. All such certificates mentioned herein follow that timeline. Any widow had a higher bar of entry than an applicant soldier, because she was required to prove not only the condition of her husband that led to his death, but also her birth, marriage, and any eligible children she had by her husband. In contrast, a wounded soldier would primarily be expected to supply evidence to his disabled condition, which was much easier to confirm while he was still living. While white women had to supply the same supplementary paperwork that was required for Black women, their circumstances were more often documented. Even if they did not possess the paperwork themselves, white marriages were often a matter of “public record,” as their pension files claim, meaning that the states or counties they resided in kept files pertaining to their situations.<sup>10</sup>

Shaffer notes that almost half of the African American pension files feature Special Examinations, instituted when the commissioners of the bureau felt a particular case lacked information essential to the claim. In comparison, only a quarter of the files from white Southern Unionists underwent the same scrutiny.<sup>11</sup> Often, in cases where white women’s relationships were not documented, they were not subjected to the same rigorous burden of proof that Black women experienced. In the case of one white North Carolina widow, Mary A. Middleton, her file

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<sup>9</sup> Donald L. McMurry, “The Political Significance of the Pension Question, 1885-1897,” *The Mississippi Valley Historical Review*, 9, no. 1 (1 June 1922), 20.

<sup>10</sup> Brief describing the claim for widow’s pension of Jane C. Brantley, wife of John Moore Brantley, United States Pension Bureau, “John Moore Brantley – No. 126. 513,” *Case Files of Approved Pension Applications of Widows and Other Dependents of Civil War Veterans, c.1861-1910*, (Washington, D.C.: The National Archives (TNA), 1866), 3, <https://www.fold3.com/image/287578291> (Accessed 11 December 2020).

<sup>11</sup> Shaffer and Regosin, *Voices of Emancipation*, 15.

is scarcely a dozen pages long, and includes only one affidavit with two of her friends testifying to her marriage, but no marriage certificate. In comparison, the Black widow Phoebe Frazier's case featured five affidavits and two certificates confirming the widow's marriages, while spanning over 100 pages of documentation.<sup>12</sup> Another white NC widow, Martha A. Stubbs' marriage was never recorded, and her officiant had since passed on. Yet, her claim was approved with the affidavits of her marital witnesses being relegated to a mere footnote, rather than the fully fleshed-out pieces of documentation that decorate Black claims.<sup>13</sup> While these are only two cases, the trend of sparse white applications which avoid the intrusive examination featured in complete Black claims seems consistent with the aggregate of data I have reviewed in pursuit of my argument.

Phoebe Frazier, the widow of Robert Frazier of the South Carolina USCT 34G, is an interesting example of this undocumented phenomenon. Phoebe applied for her pension mostly before the Act of June 27, 1890, which extended pensions to veterans who were disabled by causes unrelated to their service.<sup>14</sup> The Pension Bureau called for more precise information regarding Phoebe's past and potential marriage and cohabitation, the birth and death of her children, and the physical condition of her late husband, as well as the date and immediate cause of his death.<sup>15</sup> Phoebe's own testimony was practically invalid because her reputation was "doubtful," according to the Special Examiner who reviewed her case.<sup>16</sup> Her situation removed her agency, given that her words meant nothing and she had very few documents with which to prove herself. Because of this, her application came to rest primarily on the affidavits of others.

A significant concern that Black widows faced was the legitimacy of their marriages. Plantation marriages rarely included paperwork and were often officiated by members of the Black community or the slave owners themselves, rather than a rightly ordained minister. Most marriages from slavery time were verified through neighbor affidavits, in which friends stated that the couple lived as in marriage and that the community recognized them as such, rather than through any sort of formal certificate. The illegitimacy with which these slave marriages were branded is particularly evident in the case of the soldiers in the South Carolina 34<sup>th</sup> Reg. USCT.

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<sup>12</sup> Comparison of two claims, Affidavit from Lucy and Missouri Cooper in file, United States Pension Bureau, "Hardy Middleton – No. 169.826," *Case Files of Approved Pension Applications of Widows and Other Dependents of Civil War Veterans, c.1861-1910*, (Washington, D.C.: TNA, 1869) 7-9, <https://www.fold3.com/image/313914154> (Accessed 7 December 2020); also a reapplication for widow's pension, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, c.1890).

<sup>13</sup> United States Pension Bureau, "William C. Stubbs – No. 133.594," *Case Files of Approved Pension Applications of Widows and Other Dependents of Civil War Veterans, c.1861-1910*, (Washington, D.C.: TNA, 1869), 11, <https://www.fold3.com/image/313211408>, (Accessed 11 December 2020).

<sup>14</sup> The work supplied here is one of duality; as widows can by definition only become such through means of a man, I have elected to address the widows I reference by their first names rather than the names acquired by their deceased husbands in an effort to differentiate the two, but also to allow the women noted here to maintain their personal identities distinct from their men.

<sup>15</sup> Letter to the United States Pension Bureau from Supervising Examiner James H. Clements with regards to Phoebe Frazier's application for widow's pension, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>16</sup> *Ibid.*



Many of the soldiers of the regiment were promptly remarried to the same women they had previously married during enslavement upon their enlistment by the regiment's chaplain, Rev. Moore.<sup>17</sup> Pension officials likely perceived this as a more legitimate ceremony because of the white reverend's officiation. It may have also been an effort on the part of the regiment's officers to protect the marital rights and pension benefits of the families of men under their command, as the Moore ceremonies involved legitimate certificates, some of which are featured in their claims. The Special Examiner, William Harper, inquired after the perceived legality of Phoebe's marriage in the community, to which she replied that it was seen as binding, "until we came here to Beaufort when Robert wanted to join the army: then Col. Montgomery and the chaplain said we should be married again, and we were married under the flag and all the soldiers were present."<sup>18</sup> This evidence suggests that government officials, military and bureaucratic, considered Black marital rights to be inferior or less binding than white marriage ceremonies. Special Examiners likely took the lesser legality of Black marriages to mean that widows maintained correspondingly less legal right to the pensions they sought.

In her article, "Women's Income and Marriage Markets in the United States: Evidence from the Civil War Pension," economics professor Laura Salisbury discusses the financial ramifications of pensions on war widow remarriage. While her text does not deal specifically with Black widows, it can be extrapolated out to develop interesting ideas about the legitimacy of Black marriage. War widows with pensions remarried at a significantly lower rate than widows without, even though the value of a typical pension was a pittance: "less than half the monthly income of a typical farm laborer in 1870."<sup>19</sup> Salisbury contends that this low rate of remarriage stems from the pool of potential suitors having income of less value than the pensions themselves, something especially likely among uneducated and often unskilled former slaves.

The transient nature of Black marriage customs complicates this argument by often making it much more difficult to ascertain who a legitimate widow was in each situation to the satisfaction of the white Victorian standards of the time. Many slaves maintained the "old ways" in their marriages, upholding an informal arrangement that forwent the expense and bureaucratic procedure of a formal marriage.<sup>20</sup> Slave marriages were less structured because of the power dynamics of slavery—the separation of couples through death, sale, or merely the whims of slaveholders were common occurrences. The potential for traumatic separation of families that participants underwent meant that the marriages of slaves were fundamentally different—instead of lifelong vows, participants would often consider their marriages null upon such separation, which likely would have been for life. These differing marital values and beliefs were not universal among the Black community either before or after the war, and some Black couples maintained monogamous and lifelong marriages in the traditional fashion. Nonetheless, the

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<sup>17</sup> Interview titled "Exhibit A, Case of Phoebe Frazer (sic)," from pension application, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>18</sup> Ibid.

<sup>19</sup> Laura Salisbury, "Women's Income and Marriage Markets in the United States: Evidence from the Civil War Pension," *The Journal of Economic History*, 77, no. 1 (March 2017), 3.

<sup>20</sup> Shaffer and Regosin, *Voices of Emancipation*, 148.

marriages and subsequent remarriages that occurred under the slave system often confused white officials, who attempted to classify the Black community's unique system of intimate relationships by their own rules, often to the detriment of Black widows who had little control over their marital situations. It is important to note that this custom is one born of bondage itself, and it is in no way representative of a moral corruption on the part of former slaves, who had grown accustomed to temporary unions in the face of forced separation or premature death. The custom was a holdover from slavery time, and as such was incomprehensible to whites who were foreign to such methods of intervention on the family unit.

One USCT SC 34G soldier, Balaam Burnett, had three wives throughout his life. The second and third wives he "took up with" for a period of time after his first wife had died, until he was forced to marry them by the minister of their church.<sup>21</sup> Balaam married the second wife, left her without the proceedings of divorce, and then proceeded to marry the third. Because of his adherence to former traditions sustaining temporary unions, it was unclear which of his wives was truly deserving of his pension. Balaam's wives contested the widow's pension, each decrying the other in an effort to earn a pension that would have supported them beyond their meager means and those of their potential suitors. As Balaam maintained the informal, if not undocumented order in their relationships, both women were disqualified from pensions. Phoebe Frazier's case faces a relatable marriage complication. After having failed to prove her husband's qualification for pension under the Arrears act of 1879, Phoebe married a Mr. John Jenkins on 20 December 1890.<sup>22</sup> Having learned from her earlier legal difficulties, Phoebe received a church certificate for her second marriage. John Jenkins' marriage to her was ultimately considered null and void, however, as he was already married to another woman, Julia Blue.<sup>23</sup> Upon discovering the illicit nature of their union, Phoebe quit her second marriage and resumed her pension application. It is unclear whether Phoebe was considered eligible for her former husband's pension with her reapplication, given that she had been with another man in what would have been construed as an illicit affair. White widows had comparatively less difficulty in pursuing their claims than many such Black widows, because the social customs they, but more importantly their husbands, aligned with presented marriage as a binding and interminable contract.

## **Literacy of the Individual and the Community**

The lack of education and illiteracy of former slaves also complicated their cases by making it very difficult for them to supply consistent information. The most universal representation of this is apparent at the very beginning of many affidavits that cite the uncertain

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<sup>21</sup> Deposition of Sally Burnett, describing her life and marriages, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1901).

<sup>22</sup> Marriage Certificate of Phoebe Frazier and John Jenkins, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1890).

<sup>23</sup> General Affidavit from Maria Green about illegitimacy of Frazier-Jenkins marriage, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1908).

age of the affiant. One of Balaam Burnett's wives, Sally, noted that "I could not tell my age, but I had 7 children before the war..." meaning that she was likely in or near her twenties before the Civil War.<sup>24</sup> Otherwise she, and many other former slaves, had very little evidence accounting their age. A telling quote that Shaffer pulls from abolitionist Fredrick Douglass reads:

I never met a slave who could tell me how old he was. Few slave mothers know anything of the months of the year, nor the days of the month. They keep no family records, with marriages, births, and deaths. They measure the ages of their children by spring time, winter time, harvest time, planting time, and the like, but these soon become undistinguishable and forgotten. Like other slaves, I cannot tell how old I am. This destitution was among my earliest troubles. I learned that when I grew up, that my master—and this was the case with masters generally, allowed no questions to be put by him, by which a slave might learn his age. Such questions are deemed evidence of his impatience, and even of impudent curiosity.<sup>25</sup>

The inability to pinpoint their age was only the beginning of such difficulties when it came to the lack of Black affiants personal identifying information.

Phoebe Frazier was somewhat vaguely married to Robert "About 3 [sic] years before he went to the war."<sup>26</sup> Her friend, Elsy Jones, testified to the marriage as well, and said that Phoebe and Robert "were married in my father's house before the late war by Rev. William Higgins, at Combahee Beaufort Co. SC."<sup>27</sup> In the transcription of Phoebe's deposition, there are some clear discrepancies with Elsy's statement. Elsy remained far more ambiguous than Phoebe in her description of the date, without including an estimate at all, but she also mentioned a preacher that ran counter to Phoebe's testimony, which stated that she was married by "Old Jimmy Mackey, an old colored preacher; now dead."<sup>28</sup> Several important concepts are apparent in this discrepancy. Firstly, Phoebe had no way to date her marriage, and gave her best guess. Secondly, her friend had an even less clear idea of when she was married, and that at least one of them was incorrect about the officiant of said marriage. Such discrepancies were relatively commonplace: Balaam's wife, Diana, had three different ministers mentioned in her application that may have married them. The discrepancy is nonetheless of critical importance because, in cases where there was no marriage certificate available, pension examiners often required that the officiant produced an affidavit confirming the ceremony. Depending on who is to be believed, the examination could demand an affidavit from the wrong preacher, who would testify that they had not married the Fraziers at all. The last, and most insidious notion attached to this idea is the

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<sup>24</sup> Deposition A from case of Sally Burnett, dated 4 December 1901, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1901).

<sup>25</sup> Frederick Douglass, *My Bondage and My Freedom* (New York: Miller, Orton, and Mulligan, 1855; repr., New York: Dover, 1969), 35, within Shaffer and Regosin, *Voices of Emancipation*, 10.

<sup>26</sup> Deposition from Phoebe Frazier about her circumstances, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1908).

<sup>27</sup> General Affidavit from Elsy Jones confirming Frazier marriage, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1891).

<sup>28</sup> Interview titled "Exhibit A, Case of Phoebe Frazer," 1884.

pension examiner's expression of Phoebe's reputation, which was, as he recorded "doubtful."<sup>29</sup> Elsy's reputation is not listed in the Frazier file, but is listed as "fair" under her own pension claim.<sup>30</sup> It is possible that Elsy was perceived as "one of the better class of negroes," a category distinguished by a Pension Bureau report noted in Larry Logue and Peter Blanck's article, and Phoebe's testimony could be washed away in favor of her or another more reputable neighbor's remembrances regardless of his or her actual knowledge.<sup>31</sup> In truth, all of their testimony was suspect because none of it had been written down and Phoebe's claim is drawn out through multiple decades.

The final divisive trial that Phoebe faced in her quest for her husband's pension was proving the circumstances surrounding his death. There is no official record of Robert Frazier's death or burial, only the conflicting reports of what happened to him as recorded by the interviews of the Pension Bureau. Special Examiners determined that Robert died in a smallpox hospital in Charleston, SC during the week of Christmas in 1872, and yet the varied responses of the affiants leading to this discovery are intriguing because of their lack of consensus.<sup>32</sup> Phoebe's case is indicative of another critical obstacle with regards to Black pension claims, which was personal illiteracy *in combination* with that of the supporting community of the applicants. Special Examiner William Harper's records from 1884 show that half of the respondents indicated that Robert died from complications with a hip or leg wound received during the war. The other half stated that he died of smallpox.<sup>33</sup> Much of Phoebe's personal testimony conveniently plays into her husband's war wounds, which was the only way she could receive a pension before the Act of June 27, 1890. Her case was referred for special examination because much of her testimony did not align with the affidavits of her friends and neighbors.

One of Phoebe's neighbors, Wally Ford, plainly stated that Phoebe herself told him Robert had died of smallpox, and yet in Phoebe's interviews and affidavits, she insisted that he died of the wound in his hip, which he received during service.<sup>34</sup> Phoebe appears to have actually *used* the lack of documentation both existent and presumed for poor newly-freed Blacks in the pursuit of her claim: her husband does not see a doctor because they are too poor, and "there were no records now in existence of the hospitals of [years] '72, '73, + '74; That the small-pox hospital is a temporary affair here and is only open when a contagious disease prevails; further that negroes never would give their real name when they were taken to the smallpox hospital."<sup>35</sup>

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<sup>29</sup> James H. Clements letter with regards to Phoebe Frazier's application, 1884.

<sup>30</sup> Index to Special Examiner's Report, United States Pension Bureau, "Elsy Jones – No. 680.131," (Washington, D.C.: TNA, 1908).

<sup>31</sup> Larry Logue and Peter Blanck "Benefit of the Doubt: African American Civil War Veterans and Pensions," *Journal of Interdisciplinary History*, XXXVIII:3 (Winter 2008), 379.

<sup>32</sup> Letter accompanying the return of papers from Special Examiner Wm. Harper regarding his investigations of the Frazier case, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>33</sup> *Ibid.*

<sup>34</sup> Deposition from Wally Ford on the circumstances of the Frazier marriage and the death of Robert, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>35</sup> Letter accompanying the return of papers from Special Examiner Wm. Harper regarding his investigations of the Frazier case, 1884.

Phoebe used the record-keeping limitations that usually disadvantaged Blacks to cloak her husband's final illness, and made his case seem more palatable on the surface to the pension laws at the time of her application. Phoebe's lies—and they are undoubtedly lies—are understandable. The system was restrictive at the time of her application, and she was without other means of support. If both the Black community as well as her late husband's employers had played into her suggestions of wartime causality, Phoebe may well have received her pension. While Phoebe's dishonesty is inconvenient in ascertaining the facts of her narrative, they benefit a thorough reading. As the Pension Bureau held doubts about Phoebe's claim, it sent special examiners to record her case in greater detail than many cases which presented fewer issues. The window provided by the files into Phoebe's life and goals is thus wider and more comprehensive than would be otherwise.

The division of the Black community in Phoebe's case bears a likeness to Brimmer's case study regarding Mary Lee of North Carolina. In Mary Lee's case, the claimant argued "These colored people [her neighbors] have it against me that I am getting a pension."<sup>36</sup> Phoebe Frazier was less of an advocate for herself than Mary was, so there is no such statement to confirm their connection. Perhaps the only indication is Phoebe's "doubtful" reputation. It is conceivable that Phoebe's potential gains as a union widow might have similarly complicated her reputation within the Black community and turned them against her. It was not uncommon for members of the community, upon being angered by the claimant, to offer up false or negative testimony in an effort to deny the claimants their pensions. In fact, this situation is illustrated below in the case of Moriah Bartley, where her neighbor Mingo Van Dross accused her of having an illicit affair with him following her husband's decease, which led to the denial of her pension. This indicates a situation where widows' pensions, in lieu of official evidence, were beholden to the whims of their friends and neighbors, even at their malicious worst.

Further, the fallacy of memory is clear in Phoebe's claim because of the great timespan over which it persisted. After initially failing to receive her pension, as noted above, Phoebe remarried. However, as her new marriage was invalid, she returned to the pursuit of her original claim in the beginning of the 20<sup>th</sup> century, over thirty years after her husband Robert had died. Robert died on or about the 25 December 1872. The later Declaration for Widow's Pension Phoebe filed in 1908 listed Robert Frazier's death in February 1880.<sup>37</sup> While it is difficult to fault the 74-year-old Phoebe for her discrepancy, it certainly makes clear the issue of illiteracy over time. Had Phoebe been able to keep a diary, or simply read the dates listed in the previous paperwork she had filed for the Bureau, her case would bely a more believable consistency.

Comparatively, white widows, while still being largely illiterate, found themselves in a superior position, as they were backed by a more literate male community which both supported and was supported by the government system that handed out pensions. This difference is

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<sup>36</sup> Brandi C. Brimmer, "Black Women's Politics, Narratives of Sexual Immorality, and Pension Bureaucracy in Mary Lee's North Carolina Neighborhood," *The Journal of Southern History*, Vol. 80, no. 4, 1 (November 2014), 853.

<sup>37</sup> Declaration for widow's pension from Phoebe Frazier, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1908).

evidenced through the greater amount of signing, rather than mark-making witnesses in the files of white women. The men surrounding them were able to record their critical identifying information in far greater detail than the Black community could hope to do. As a result, white widow's pension claims were inherently less flawed, and thus more likely to find approval from the Pension Bureau.

### **Special Examiner Abuse of Power**

A substantial portion of difficulties confronting Black widows in pursuit of their pension claims came from the abuse of power on the part of government officials working on their claims rather than any personal deficiency of the claimants themselves. This corruption was compounded by their disadvantaged circumstances, having few official documents to evidence themselves with, and being unable to read and thus unable to point out inaccuracies, while still being perpetuated wholly by the unethical behavior of notary publics and special examiners at every turn. In his research, Shafer points to an overarching Victorian sentiment, whereby whites in power, whether slaveowners or officers presiding over USCT units, felt compelled to impart some degree of morality among their slaves, and pension officers likewise felt the same compulsion. Often, "a woman deemed immoral was often also deemed undeserving of a pension."<sup>38</sup> The 7 August 1882 congressional act passed by Congress established sexual immorality as a means of removing or barring Union widows from the pension rolls.<sup>39</sup> Brimmer calls out the lack of standard documentary evidence as the door which allowed officers the leeway to invade upon the private lives of Black widows, "making narratives about criminality, immorality, and cultural difference commonplace in their case files."<sup>40</sup>

Pension special examiners frequently accused Black widows of licentious behavior which disqualified them from aid they desperately needed to survive. Again, Phoebe Frazier's special examination serves as an example that covers the difficulties apparent in Black widows' claims. The dogged questioning Phoebe was subjected to was exhaustive, with Special Examiner Harper relentlessly drilling the same points about her sexuality and marital fidelity, with the seeming intent to trip her up. A few short questions from her interrogation particularly expose the underlying expectations of the pension examiners with regards to former slaves:

Q: Did your Master Wm. Hayward always allow you to live together as man and wife before the war?

A: Yes, sir.

Q: Did you live with no one else but Robert Frazier?

A: No one else. I always lived with him as his wife before he went to the war and ever since he was discharged till he died...

Q: Have you had no other children but these?

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<sup>38</sup> Shaffer and Regosin, *Voices of Emancipation*, 135.

<sup>39</sup> Brandi C. Brimmer, "Black Women's Politics," 830.

<sup>40</sup> *Ibid*, 832.

A: None at all. I never lived with any man but Robert and never let any man breed with me but Robert.<sup>41</sup>

Through his questions, Harper implied the potential for violent separation that the institution of slavery presented with regards to marriage. The approval of the Black community with regards to Robert and Phoebe's marriage would have amounted to little if their owner, Hayward, decided not to "allow" them to live together. Harper's quandary was a tactful way of asking if Phoebe or her husband had ever been sold away from each other, or if they had been made to live and breed with other slaves outside of their marriage, as slaveholders sometimes enforced. However indecorous Harper's questions towards Phoebe might have been in this circumstance, the more problematic aspect is that, had any Black widow answered by explaining that these involuntary events occurred—perhaps that her husband had been sold, and she had been made to live with another man, or that she had been raped while in the confines of slavery—she not only would have had to relive some of the more traumatic experiences of her life, but also would likely have been denied pension under the Act of 7 August 1882.

Phoebe's treatment noted here seems to have been generally in practice for most Black widows who underwent Special Examination. Possibly owing to the to the significantly reduced amount of white widows who experienced such additional questioning as noted in Shaffer, I have had great difficulty in finding a similar level of impropriety directed to white Civil War widows, and am unable to supply a single example to the effect.<sup>42</sup> This discrepancy in the burden of proof required by Black versus white widows belies both the effect of the white gaze, looking down upon and passing judgement on the standards of Black marriage both before, during, and after the war, as well as exposing the pension examiners' personal double standards, evidenced in their unwillingness to violate their Victorian standards within their own culture.

Not a special examiner, but a notary public (a literate clerk who worked locally with pensioners *regardless of race* to properly organize and format their paperwork), C.G. Henderson of Colleton County, SC disrupted the pension process for Black widows in a completely different way: by creating forged affidavits that testified to critical information in the claims he filed. Government investigations from the Law Division of the Pension Bureau in the file of Edward Brown of the SC USCT 34G provide a troubling account of Henderson's blunders. Henderson falsified small details, such as the witnesses present at the marriage and burial of Edward Brown, but also *invented* witnesses who never testified for the pension of Peggy, Edward's wife.

A witness able to sign was of greater value in filing pension claims than one who could only mark an "X," and the collection of local files suggests that most applicants were in connection with their Black neighbors who were able to sign their names, if not necessarily write. Thus, the names of these witnesses reoccur in many files. Likely, a clerk of the Southern Division of the Pension Bureau that was familiar with the handwriting of the affiants in question discovered the deception in Peggy's case because of the obvious discrepancies apparent in commonly recorded signatures. Rather than draw from the identities of the fully illiterate

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<sup>41</sup> Interview titled "Exhibit A, Case of Phoebe Frazer," 1884.

<sup>42</sup> Shaffer and Regosin, *Voices of Emancipation*, 3.

community to provide a name to attach to his manufactured testimony, Henderson used the names of men who could sign, and instead signed their names by mark. A quote from one of these witnesses, a fellow pensioner, Friday Hamilton's testimony regarding the matter is rather telling: "Neither Col. Henderson or C.H. Farmer ever asked me anything about Edw. Brown or Peggy Brown. I always sign my name. I never signed by mark".<sup>43</sup>

The Pension Bureau sent special examiners, not to examine the claimant of the Brown case, but rather Henderson himself. Generously described as simple laziness in the Law Division's correspondence, Henderson's motives were at best unclear in this case. The reputation of Henderson and those in his employ is conveyed through such descriptors as "not popular," dishonest, insincere, "drunkard," and "ignorant," indicating that the errors Henderson propagated were likely the consequences of incompetency rather than maliciousness.<sup>44</sup> Regardless of reason, Peggy's case was distended by his work, and she needed to redo all the affidavits and depositions she had submitted for her claim. She also offered testimony alongside her affiants with regards to the federal prosecution of Henderson. Henderson's misdeeds were not restricted merely to the Brown claim—the Special Examiner R.K. Doe who pursued the above concerns recommended that "the papers be referred to the Chief of Law Division for his consideration in connection with other cases against C.G. Henderson of Walterboro, SC."<sup>45</sup>

At least one other widow of the soldiers in the SC USCT 34G suffered similar complications. Sally Burnett's case also showcased Henderson's dishonesty. The same tricks featured in the Brown claim are in evidence, but possess a more sinister quality. He forged the Widow's Declaration of Pension, writing that Sally was married to her husband Balaam in 1865, rather than in May of 1877, which is a massive discrepancy.<sup>46</sup> He did this so that his client's claim would supersede that of the soldier's second wife, Diana Burnett, who married him shortly after the war. They separated without divorce before the marriage of Sally and Balaam, which would have made Diana the rightful claimant. The success of his clients' cases likely had implications on Henderson's future finances, as notary publics were often paid from the pensions earned, which likely encouraged his manipulation of the facts.

The ignorance of the freed population in legal matters compounded the issue of forgery. As part of his testimony in the Burnett dispute, Sally's nephew, Daniel Mack, admitted that "I can write my name, but I suppose that if anyone would ask me to touch the pen to a mark, that I would do so."<sup>47</sup> Legally speaking, a person who is able to sign his name would never make a mark in its place. Daniel's testimony is problematic because a corrupt special examiner or notary

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<sup>43</sup> Deposition from Friday Hamilton with regards to the use of his name in Henderson forgery, United States Pension Bureau, "Edward Brown – No. 734.680," (Washington, D.C.: TNA, 1901).

<sup>44</sup> Letter from Special Examiner R.K. Doe to the Honorable Commissioner of Pensions with a summary of the reputations of the actors in the Brown claim, United States Pension Bureau, "Edward Brown – No. 734.680," (Washington, D.C.: TNA, 1902).

<sup>45</sup> Ibid.

<sup>46</sup> Letter from the Pension Bureau to the Secretary of the Interior with regards to the various complications in the Burnett claim, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1902).

<sup>47</sup> Deposition with from Daniel Mack with regards to the forgery in the Burnett claim, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1902).



public could argue for such an error on the part of a witness, through which they could have sidestepped culpability while opening doors to further forgery. Such testimony also reinforced the stereotype of Black political impotency for literate people working on the behalf of Black applicants and potentially promoted the disrespectful treatment of their clients. Fortunately for many beleaguered heroines, letters between the various divisions of the Pension Bureau indicate that Henderson was brought up on criminal charges for his pension fraud by 1902.<sup>48</sup>

Whether because of a deep-seated belief in the immorality of Black widows or because of an economically practical attitude, another special examiner, Read Hanna, bullied female pensioners into confessing adulterous affairs in which they never partook. Moriah Bartley, the widow of Anthony Bartley of the SC USCT 34G, was approximately 65 years old at the time she allegedly testified to having sexual intercourse with a Mingo Vandross. They “would go out in the woods for this purpose,” for a liaison that seems far too sordid and adventurous for an elderly woman.<sup>49</sup> The adulterous act she attested to violated the Act of 7 August 1882, and as a result Moriah her pension. Tecumseh, her son, as well as several of her neighbors submitted affidavits to the Pension Bureau contesting this notorious intercourse of which Hanna accused Moriah. It is admittedly possible, given the variance in Cumsey’s signatures in each document above mentioned, that Moriah’s “confession” is an instance of forgery on the part of Hanna, much like that of Henderson in the Brown case, although Hanna’s crime seems to have gone unnoticed by the Pension Bureau. This is an indicator that the formerly mentioned issue of forgery may have been somewhat wider spread than initially apparent.

According to “Cumsey” (his name is variously spelled throughout the file), Hanna threatened his mother, who said he would send Moriah to the penitentiary if she did not confess to the licentious actions that he already had proof for.<sup>50</sup> He also stated that his mother “is not the only widow Pensioner he [Hanna] has bull-dozed, threatened and scared into making confessions, but [I] am informed he does it wherever he goes.”<sup>51</sup> It seems that Hanna had a distaste for widow pensioners, although Tecumseh does not elaborate on whether these incidents were among all female pensioners, or only Black widows like Moriah. Hanna may have had a financial motive for his actions. In addition to his threats, he was trying to fool Moriah into confession by implying that her words would not impact her financial situation, saying “Look here. You may as well say yes, because I have the evidence that you do, and there is no harm in

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<sup>48</sup> Letter from the Pension Bureau to the Chief of the Southeastern Division with regards to the various complications in the Burnett claim, United States Pension Bureau, “Balaam Burnett – No. 589.978,” (Washington, D.C.: TNA, 1902).

<sup>49</sup> Alleged deposition from Moriah Bartley taken down by Special Examiner Read Hanna, United States Pension Bureau, “Anthony Bartley – No. 470.738,” (Washington, D.C.: TNA, 1901).

<sup>50</sup> Affidavit from Moriah Bartley’s son, Tecumseh, defending his mother from the charges of “...open and notorious adulterous cohabitation,” Interview from United States Pension Bureau, “Anthony Bartley – No. 470.738,” (TNA, Washington, D.C., 1901).

<sup>51</sup> Ibid.

it if you do live with a man, that will keep you from drawing your pension.”<sup>52</sup> This was obviously untrue, given the extensive issues Black widows experienced with the 1882 Act. Hanna seems to have malicious intent, perhaps imagining that the Black widows he interviewed were morally unworthy of their pensions. Unfortunately, there is no existent catalog sorting cases by the involvement of particular special examiners, so it is difficult to ascertain the truth of Cumsey’s accusations towards Hanna, which would be useful in establishing his intent. However, even if it was believable that Hanna had reasonable evidence to suggest the illicit affairs of the middle-aged Moriah, his comportment—lying to and threatening a claimant—was unbecoming of an agent of the law. Brimmer notes a similar treatment in her case study of Mary Lee. Special Examiner Emmitt D. Gallion came to Lee’s door and publicly interrogated her, asking “I want to know how long your Husband been Dead that you had Child and Buried him.”<sup>53</sup> Gallion took this child, given to Mary as a foster child, as evidence that she had engaged in an illicit affair following her husband’s decease. Brimmer’s case study is perpetrated by a different examiner in a different state, suggesting that such accusatory treatment of Black widows was a widespread issue.

I would like to conclude this section about the intent of pension officials by noting specifically that their racial interpretations of the cases they managed were multifaceted. Some of the responses, like Hanna in the Burnett claim, can hardly be interpreted in a way other than malicious but more often small unnoticed abuses put female pensioners at risk as well. Pension examiners were not just trying to hurt Black people who applied for pensions. Many biased white reviewers truly believed that these applicants were capable of depravity and their discovery of it rested as a moral obligation the Pension Examiners undertook. Misguided as they generally were, it is important to note the complexity of viewpoints that went into the racial interactions of the pension system.

## Conclusion

The modern impact of the pension system on Black communities is derived largely from what it *did not* do for them. Provided that African Americans were held to the same standards as whites, pensions could have served as an equalizer, as a means to “Give the negro fair play,” as Douglass described, and provide a means of building a better future for Black recipients in post-slavery America. Instead of being given such opportunity, however, Black widows struggled under the weight of their race and gender more than their white peers in pursuit of their pensions. The lack of official documentation and discrimination on the part of the Pension Bureau’s special examiners put Black widows in a more challenging position when they submitted their claims.

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<sup>52</sup> Affidavit from Moriah Bartley’s son, Tecumseh, defending his mother from the charges of “...open and notorious adulterous cohabitation,” Interview from United States Pension Bureau, “Anthony Bartley – No. 470.738,” (TNA, Washington, D.C., 1901).

<sup>53</sup> Excerpt from the legal case file of Frederick C. Douglass (Mary Lee’s Attorney), filed in Mary Lee’s defense, within Brandi C. Brimmer, “Black Women’s Politics,” 827.

The disadvantage of personal illiteracy was to some extent shared by both parties, but the challenge with regards to the white widows was somewhat mitigated because of the literate community supporting them and the more sympathetic attitude of the examiners towards them. The conferring of pensions is ultimately an indicator of the prejudicial impact of educational and racial disparity in American political life. These two disadvantages remained distinct difficulties pensioners contended with, while also exacerbating the injustices on Black widows by pension officials themselves, who took advantage of their lack of records and personal illiteracy. The inconsiderate behavior Black widows experienced was indicative of the unchanged racist nature of American society post-Emancipation. Black soldiers and their widows sacrificed more for the United States than the country was willing to acknowledge, and the inequity in pension approval provides a clear metric for this disparity between whites and Blacks as perpetuated by the government itself.

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*Cinquante Cinq Millions de Français?:*  
**French Propaganda During the Algerian Revolution**

Amaya Escandon  
Lafayette College

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In the late 1950's to early 1960's, the visual landscape of Algerian communities would have included walls plastered with various posters and pamphlets in both French and Arabic urging them to "talk," or to enlist in the French Army, or to "say yes to France and Algeria," or to say "Yes to Peace." During the Algerian Revolution, a conflict of urban warfare, terrorism, torture, and no detectable enemy for the French to target, both sides recognized that the war would be won through political control of the population. One of the ways they fought for this control was through visual propaganda. In this paper, I analyze and compare pro-French and pro-independence propaganda produced by French organizations. I argue that over 100 years of justification of French colonial rule in Algeria resulted in both pro-French and pro-independence French people appealing to the civilizing mission and colonial ideas about Algerians in order to make their arguments.

In the late 1950's to early 1960's, the visual landscape of Algerian communities would have included walls plastered with various posters and pamphlets in both French and Arabic urging them to "talk," or to enlist in the French Army, or to "say yes to France and Algeria," or to say "Yes to Peace." These images would have depicted their fellow Algerians either as villainous combatants or good Francophile citizens. All of these images asked indigenous Algerians to do what was best for Algeria. As the Algerian Front de Libération Nationale fought to end French colonial presence in Algeria, the French, pro-French or pro-independence, needed to convince their audience that they knew what was best for Algeria. In a conflict of urban warfare, terrorism, torture, and no detectable enemy for the French to target, both sides recognized that the war would be won through political control of the population. One of the ways they fought for this control was through visual propaganda.

French propaganda during the Algerian Revolution actively challenged long-standing myths regarding the Frenchness of Algerians. In her book *Imperial Identities*, Patricia Lorcin studies the mechanics of marginalization and racism as a justification of imperialism by studying

the case of Algeria. She argues that from the early days of colonization, the French colonizers created a narrative about Muslim Algerians in which Muslims could never be truly French. The French saw Islam and Muslim society as incompatible with French society; this view created a level of hostility and suspicion towards indigenous Algerians throughout the colonial period.<sup>1</sup> But as France began to see that it was at risk of losing its colony, pro-French propaganda created an image of Algerians as French so as to convince both French and Algerian people that Algeria should remain under French rule.

I am examining propaganda created by French organizations during the Algerian Revolution, both pro-French and pro-independence. I am analyzing three general topics and themes as they appear in propaganda created by the French Army, the French Communist Party, and a handful of other French organizations. I am primarily concerned with analyzing and comparing pro-French and pro-independence propaganda produced by French organizations. I will analyze my sources thematically based on these categories: anti-Front de Libération Nationale, unity and defining France, and women and youth. French colonial policy often reveals the contradictions present in conceptions of French nationalism, republicanism, and universalism. These three categories of analysis reveal how it was difficult for the French, both pro-French and pro-independence, to convince both their Algerian and French audiences of a shared goal and shared values without appealing to colonial conceptions of Algerian race and culture. In analyzing visual propaganda of the Algerian Revolution, those contradictions in French values become visible in the imagery employed by both pro-French and pro-independence entities so long as those entities were French.

Current scholarship examines those contradictions in other contexts. Todd Shepard examines the Algerian identity in opposition to Frenchness in the context of the Revolution and argues that the Algerian Revolution required France to examine French identity and republican universalism.<sup>2</sup> I add to this discourse by examining pro-French and pro-independence propaganda together in order to understand how both pro-French and pro-independence entities conceptualized French and Algerian national identity in a similar framework. I also approach these questions differently than the current scholarship by focusing on visual propaganda, as current scholarship typically finds these debates in other forms or in literary propaganda. Nacéra Aggoun, for example, examines psychological propaganda in French Army pamphlets.<sup>3</sup> Visual propaganda reaches a much larger audience than other forms of propaganda, so it can tell us a lot about public opinion and the ideas and values most important to those who produced it.

Unfortunately, this paper is lacking the Algerian/Front de Libération Nationale (FLN) perspective on this debate of French and Algerian nationalism. The FLN and Algerian

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<sup>1</sup> Patricia M. Lorcin, "Security and reconnaissance part 2: Islam and society" *Imperial Identities: Stereotyping, Prejudice, and Race in Colonial Algeria*, New Edition (Lincoln: University of Nebraska Press, 2014), 53-55.

<sup>2</sup> Todd Shepard, "Muslim French Citizens from Algeria: A Short History," in *The Invention of Decolonization: The Algerian War and the Remaking of France* (Cornell University Press, 2006), 19-54.

<sup>3</sup> Nacéra Aggoun, "Psychological Propaganda during the Algerian War- Based on a Study of French Army Pamphlets," *The Algerian War and the French Army, 1954-62, Experiences, Images, Testimonies*, ed. Martin S. Alexander and Martin Evans (New York City: Palgrave Macmillan, 2002), 193-199.



Communist Party did not have the same access to mass media and other resources as the French government, French Army, and French Communist Party, and therefore may not have produced propaganda on the same scale, if at all. It may also have to do with the clandestine nature of the FLN and the fact that operations were kept so secret so as to prevent the French from discovering who was involved. Any sort of production or site of production may have compromised the security of the FLN structure. It may also be a matter of preservation of sources, and FLN propaganda may not have been archived.

While I have been able to find sources diverse in themes and imagery, I am limited in some of the claims I can make about these sources due to a lack of information. For some posters, I do not have information about who produced them, which sometimes makes it difficult to determine if that poster is pro-French or pro-independence. In those cases, I compare the taglines or imagery to other posters in order to make an inference regarding the intention of the propaganda. Some of my sources are not dated, and therefore I cannot make definite claims about how the themes of those posters relate to the development of the Revolution. The themes of some posters may allow me to make educated guesses as to when they were produced; this is especially true of propaganda related to the 1962 referendum for Algerian independence. I would also like to highlight the heavier focus on anti-FLN propaganda. I have found it interesting to look at the way this category of propaganda aims to make appeals to indigenous Algerians while also painting another category of Algerians, that being the FLN, as a natural enemy.

### **Anti-Front de Libération Nationale**

The Algerian Revolution began in November of 1954 and ended when the Front de Libération Nationale (FLN) declared independence in July of 1962.<sup>4</sup> The war left hundreds of thousands of Algerians and thousands of French dead.<sup>5</sup> The FLN was the main nationalist organization which declared the intent of Algerian Liberation in 1954, marking the beginning of the Algerian Revolution. The French considered Algeria to be an integral part of the French state, largely due to the large settler population and generations of French who had been born there. It was inconceivable that France would lose Algeria, and thus there was a “fundamental sense of crisis in France.”<sup>6</sup> Still, the French Army did not anticipate much difficulty in defeating a group of untrained guerilla fighters. They quickly learned otherwise.

Lacking the resources of a national army, the FLN used urban guerilla warfare to fight the French. Undercover FLN members carried concealed weapons and bombs into restricted French quarters in order to target French civilians.<sup>7</sup> Much of French Army propaganda aimed at Algerians focused on discrediting the FLN in order to weaken their support base among Algerian civilians because the FLN recruited from Algerian civilians and was dependent upon their

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<sup>4</sup> "Algerian War," Oxford Reference, Accessed May 6, 2021.

<sup>5</sup> Marian Aguiar, "Front de Libération Nationale," *Encyclopedia of Africa* (Oxford University Press, 2010).

<sup>6</sup> Aguiar, "Front de Libération Nationale."

<sup>7</sup> Ibid.

support. Significantly, propaganda of this theme is all pro-French. Early on in the war, the French Army was fairly confident in the fact that they had the upper hand when facing the FLN which did not have the same access to manpower or resources. Though none of these posters or pamphlets are dated, it is likely that the French Army produced them in or after 1958 as they came to realize the balance of power between themselves and the FLN was becoming more and more even.<sup>8</sup> As the French Army realized that the FLN was succeeding through the support of common Algerians and untrained fighters, they aimed to convince the indigenous Algerian public that the FLN was a dangerous enterprise.



Figure 1. Pierre Vallaud, *La guerre d'Algérie: de la conquête à l'indépendance, 1830-1962*, (Paris: Acropole, 2006), 209.

Corruption of the FLN was a central theme in much of French Army propaganda. In Figure 1, a propaganda poster by the French Army, two FLN soldiers are depicted stealing money from an Algerian man and sending it to a table where a French man, French woman, and Algerian man sit toasting with glasses of champagne. The poster reads in both French and Arabic: “The *fellagha* assassin steals your savings. Abroad, the rebellion leaders have fun with your money.” *Fellagha* is an Arabic word meaning “bandit;” it was used to describe Arab guerillas of the FLN and to symbolize the enemy in French army propaganda.<sup>9</sup> This poster aims to discourage Algerians from providing financial support to the FLN by claiming that FLN leaders were scamming them and using the money for their own personal benefit. As the FLN was an underground guerrilla organization, they derived their resources and support from other indigenous Algerians. Aggoun discusses how this image of the *fellagha* Arab guerrilla fighter was used to symbolize the enemy and the FLN as a whole in anti-FLN propaganda.<sup>10</sup> The

<sup>8</sup> Aggoun, “Psychological Propaganda during the Algerian War- Based on a Study of French Army Pamphlets,” 196-197.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid, 196.

*fellagha* became a symbol in this type of propaganda signifying corruption and barbarity of the FLN as we will see in other figures.<sup>11</sup> Figure 1 demonstrates the barbarity of the *fellagha* as they threaten the common Algerian man into compliance and force him to do their dirty work; the *fellagha* do not touch the money, they only direct someone else. The message is that the FLN is coercive, manipulative, and exploitative of Algerians.



Figure 2. Vallaud, *La guerre d'Algérie: de la conquête à l'indépendance, 1830-1962*, 131.

The French Army produced several propaganda posters featuring Algerian civilians with the goal of manufacturing a distrust of the FLN among Algeria's rural population as the FLN often relied on that population for support.<sup>12</sup> This category of propaganda painted the FLN as corrupt and ill-intentioned while portraying the French Army as trustworthy. In Figure 2, which reads in both French and Arabic, "The Jackals Eat Each Other," two FLN soldiers stand over the bodies of two Algerians while pointing guns at each other. Not only did the French Army aim to portray the FLN as corrupt, deceitful, and exploitative of other Algerians, they portrayed them as an internally divided organization in which members betrayed each other. The goal was to demonstrate to current or potential FLN members that being a part of that organization would essentially be a dangerous act of self-destruction. Joining or remaining a member of the FLN would get you killed by your own. Through this message, the French Army hoped to prevent more Algerians from joining the ranks of the FLN.

Again, we see the trope of the barbaric *fellagha* who senselessly kills. This trope of the untrustworthy Muslim Algerian was part of a larger history of French conceptions of Muslim Algerians in general. Patricia Lorcin argues that because the French saw Muslim society as incompatible with French society, they felt a level of suspicion and hostility towards indigenous Algerians throughout colonization. The French ultimately viewed the Muslim Algerian as licentious, deceitful, and indolent in opposition to traditional French values.<sup>13</sup> As a result, pro-

<sup>11</sup> Aggoun, "Psychological Propaganda during the Algerian War- Based on a Study of French Army Pamphlets."

<sup>12</sup> Ibid.

<sup>13</sup> Lorcin, "Security and reconnaissance part 2: Islam and society," 53-55.

French entities portrayed the FLN soldier as the embodiment of that incompatibility of Algerian and French society in pro-French propaganda. Through this representation, the French Army asked Algerians to reject that which represents Algerian society in favor of the preservation of French society in Algeria. These posters assume that the latter is preferable to their Algerian audience.



Figure 3A-B. Laurent Gervereau, Jean-Pierre Rioux, and Benjamin Stora, eds, *La France en guerre d'Algérie: Novembre 1954-Juillet 1962*, (Nanterre: Bibliothèque de documentation internationale contemporaine, 1992) 93.

Creating distrust of the FLN among Algerians was only the first step in weakening the FLN's support base. Another category of French Army propaganda focused on fostering loyalty to and trust of the French Army among Algerians. The structure of the FLN was designed so that members would not be able to incriminate one another should they be caught by the French.<sup>14</sup> As a result, the French Army sought informants from the local population in order to combat the FLN. The first poster in Figure 3A is a French Army poster which shows an illustrated scene of Algerian civilians, including a woman and child, turning in FLN soldiers to a French soldier. It is captioned in both Arabic and French "Talk to defend our life." Many of these types of posters are written in both Arabic and French in order to reach the target audience while asserting French superiority at the same time. While the French Army acknowledged that some Algerians did not speak or read French, it was expected that at least some did. Other posters by the French Army also urge Algerians to "Talk," or turn in FLN members as a sort of service to the French Army. One even displays an illustration of Algerian farmers chasing FLN soldiers, presumably seeking refuge at their farm, off their property with guns.

This category of French Army propaganda suggests a sense of the responsibility of the civilizing mission and a paternalism towards Algeria. The French Army asserts that they know what is best for the indigenous Algerians while also implying that their audience of indigenous

<sup>14</sup> Martin S. Alexander, Martin Evans, and J.F.V. Keiger, "The 'War Without a Name', the French Army and the Algerians: Recovering Experiences, Images, and Testimonies," in *The Algerian War and the French Army, 1954-62, Experiences, Images, Testimonies*, (New York City: Palgrave Macmillan, 2002), 19-21.

Algerians also believe that the French know what is best for them. These posters also suggest that turning in FLN members or assisting the French Army was a way Algerians could earn or prove Frenchness. However, the contradictions of universalism and colonialism are present in these posters. By suggesting that there is a “Notre Vie” to defend, the propaganda asserts that the way of life for the French in Algeria and for indigenous Algerians is something shared. In creating these posters, the French army assumes that their audience will agree that it is in their best interest to remain under colonial rule. Unlike some other French propaganda, these posters do not suggest an embrace of a multicultural French Algeria; instead, they ask for loyalty to the French empire in exchange for protection.

I would also like to address one particular character in Figure 3A: the veiled Algerian woman. This was the only place where I found any women present in anti-FLN propaganda despite the fact that women played a central role in FLN guerilla tactics due to their ability to infiltrate French spaces without suspicion.<sup>15</sup> They are never portrayed as the enemy in the way their male counterparts are. The woman in Figure 3A is veiled and holding an infant indicating how the French perceived her role in Algerian society: as submissive and as a mother. Her presence here and the absence of women elsewhere in anti-FLN propaganda demonstrates how the French Army failed to understand their enemy, Algerian society, and its audience. The French conceptualized war as masculine, therefore they conceptualized their enemy, the FLN, strictly as men in these images. I will show later on in this paper how the French did use women in propaganda for different reasons and why men are absent from those images.



*Muslims my brothers. Yes it's me, Mokran Moulooud "Sota" speaking to you: I decided to come to the French side. You see, the French didn't hurt me. Do as I have! They won't hurt you either. Leave the mountains or you will suffer for nothing. Come with confidence. Report to the French posts with your weapons and show this card. You will be treated well and you will finally be able to resume a calm and peaceful life.*

Figure 4. Gervereau, Rioux, and Stora, *La France en guerre d'Algérie: Novembre 1954-Juillet 1962*, 93.

<sup>15</sup> Aguiar, "Front de Libération Nationale."

Some pro-French, and specifically anti-FLN propaganda, created an image of loyal, trustworthy, and patriotic Algerian combatants. In an attempt to weaken the FLN and strengthen their own ranks, the French Army produced propaganda encouraging Algerian men to enlist in the French Army and reject the pull of the FLN. Figure 4 is a leaflet produced by the French Army which targeted FLN fighters hiding out in the Aurès Mountains, though it is unclear how this was distributed or displayed. The rugged terrain of the Aurès made it a refuge for the guerrilla fighters of the FLN.<sup>16</sup> This leaflet was part of an effort to convince FLN fighters hiding in the mountains not only to defect from the FLN but also to enlist in the French Army. However, it is unlikely that FLN defectors would have been greeted so kindly as this leaflet suggests; the French Army's primary strategy against the FLN was to capture and torture combatants in order to obtain information about the clandestine organization and its leadership.<sup>17</sup> Propaganda promoting enlistment with the French Army was likely an attempt to collect information more so than to add to their own ranks.

Although it is difficult to know if any of the information on this leaflet is true, it is nonetheless important to examine the construction of this piece of propaganda. The portrait of "Mokrani" shows a young Algerian in a beret and scarf, showing that he has adopted French dress, and this clothing may have been provided to him by the French Army. His portrait looks professional, and he looks relaxed. This leaflet invites FLN fighters to become French as "Mokrani" has; all they have to do is give up the cause of independence. Their own conception of an independent Algerian identity separate from the French is the only thing holding them back from full integration and legal and social equality in French Algerian society.

It is also important to note the way this leaflet chooses to address its audience: *Musulmans*, or Muslims. Throughout French colonial rule of Algeria and the Algerian Revolution, the French saw Islam as a significant identity marker of Algerians.<sup>18</sup> As is evident in other categories of propaganda, race and ethnicity were meaningful markers in determining who was French in Algeria during the Revolution. Islam served as one of these markers which, for the French, defined Algerian identity and made it incompatible with French identity and ideals. Thus, this leaflet shows some of the contradictions present in how the French tried to convince Algerians to abandon ideas of independence. They invited Algerians to adopt and embrace Frenchness while still highlighting a feature of Algerian identity which they had long held to be incompatible with French identity.

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<sup>16</sup> Alexander, Evans, and Keiger, "The 'War Without a Name', the French Army and the Algerians: Recovering Experiences, Images, and Testimonies," 3.

<sup>17</sup> *Ibid*, 5.

<sup>18</sup> Lorcin, "Security and reconnaissance part 2: Islam and society," 53-55.

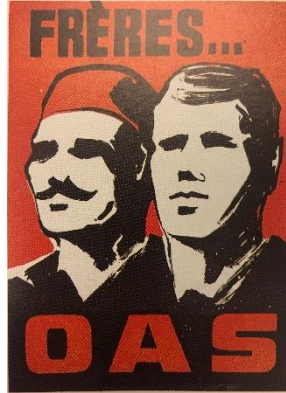


Figure 5. Gervereau, Rioux, and Stora, *La France en guerre d'Algérie: Novembre 1954-Juillet 1962*, 181.

Towards the end of the Algerian Revolution, as independence appeared a likely outcome, right-wing French colonists formed the Organisation Armée Secrète (OAS), a paramilitary group which sought to kill suspected FLN supporters with the goal of preventing Algerian independence after the Evian Accords of 1960 granted Algeria political autonomy while preserving rights for French settlers.<sup>19</sup> Figure 5, produced by the OAS, shows an Algerian and a French man side by side with the caption: “Brothers... OAS.” While both figures are colored white, the figure on the left wears a red fez and a mustache which identify him as Algerian. The clean-shaven man on the right wears no analogous markers of French identity, yet his lack of identity markers next to the identity markers of the Algerian imply that he is French. In this way, the artist has racialized the Algerian figure through these cultural markers even though both figures are of the same skin color.

While this poster is not overtly anti-FLN, it implies anti-FLN motivation given the ideology of the organization which produced it and the image overall. Like the French Army posters above, this poster aims to suggest that loyalty to the French is in the best interest of the Algerians. The use of the word “Brothers” invokes a sense of familial loyalty between these two figures despite their obvious cultural and racial differences. It also creates an appeal to the French ideal of *fraternité*. It implies a bond that cannot be broken, and it also challenges the image of the *fellagha* as a “bandit” or as someone untrustworthy. Here, he stands with a sense of dignity next to the French man. Despite the fact that the Algerian figure is orientalized in this image, he is placed at the same level of equality as/on the same footing as the French figure. He is not represented as barbaric like the Algerians in French Army propaganda, but he stands dignified next to his “brother.” They stand next to each other looking in the same direction as if they were both looking towards the same goals. Here the OAS is trying to convince Algerians that they should stand with the French and honor that brotherhood instead of supporting independence and the FLN.

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<sup>19</sup> Aguiar, “Front de Libération Nationale.”

These images show a belief among pro-French organizations that indigenous Algerians could be convinced that the French cause was also their own. They demonstrate either a hope or a belief that the Algerians had come to adopt the French's myth of the civilizing mission as true. As evident in posters centered on themes of unity and definitions of French identity, pro-French entities also found it necessary to convince French people in the metropole and Algeria of the importance of Algeria to the integrity of French national identity.

### Unity: Defining France

Unlike anti-FLN propaganda, both pro-French and pro-independence entities produced images in this category. This category of propaganda demonstrates a desire to identify Algeria as French while at the same time highlighting and embracing a multiculturalism which was not acceptable before France encountered the Algerian conflict. Both pro-French and pro-independence entities demonstrate an appeal to French ideals of universalism and republicanism in their propaganda. As a result, some pro-independence propaganda produced by French entities suggest values of the civilizing mission despite their advocacy for independence.



Figure 6A-C. Gervereau, Rioux, and Stora, *La France en guerre d'Algérie: Novembre 1954-Juillet 1962*, 35, 102, 287.

One way in which French propaganda portrayed French and Algerian unity was through geographic representations. Figure 6A depicts a Cross of Lorraine with the words “55 MILLIONS DE FRANÇAIS” and “FRANCE” overlaying a photo of a dense crowd composed of French and Algerians; a French flag flies in the top right-hand corner. During World War II, the Cross of Lorraine became the symbol of Free France and the Free French Forces led by Charles de Gaulle as an opposition symbol to the swastika. Here, the cross overlays outlines of France at the top of the poster and Algeria at the bottom, displaying the town names of Dunkerque and Tamanrasset. The utilization of the Cross of Lorraine as a symbol of unity during the Algerian Revolution was a deliberate choice to combat anti-colonial narratives



coming out of the opposition movement. As Todd Shepard argues, the Algerian Revolution required France to critically examine French identity and republican universalism.<sup>20</sup> During the Algerian Revolution, race and ethnicity were meaningful markers in determining who was French in Algeria. As the pro-independence movement was arguing that racial and religious differences allowed the French to deny Algerians full acceptance as French, pro-French propaganda utilized the Cross of Lorraine as a symbol of unity and acceptance of the multiculturalism of Algeria.

The basic concept of this poster, imagery representing France and Algeria seemingly linked by the Cross of Lorraine, was fairly common of French propaganda posters during the war. The “*55 millions de français*” refers to a combined population of France’s 45 million and Algeria’s 10 million in the 1950’s. The overlaid Cross of Lorraine visually acts as a connector between the two landmasses almost as if to show that the two are connected by the French ideals represented by the Cross of Lorraine. The Cross connecting the two points of Dunkerque and Tamanrasset suggests an image of one nation in which Dunkerque is the northernmost city in France and Tamanrasset the southernmost; all points between those two are French. As the maps and Cross overlay a crowd of Algerians and French, the message translates to the people as well; all people between those points are French.

Figure 6B, produced by the Union Pour Le Salut et Le Renouveau de L’Algérie Française, or the Union for the Salvation of French Algeria, in 1957, also depicts an aerial map of France and Algeria. It depicts the metropole and the colony both splintering and breaking as a grenade explodes over Algeria. In the Mediterranean, between the two landmasses, the poster reads “No More French Algeria, No More France.” Produced only a year into the Revolution, this poster reflects the anxieties of the proponents of a French Algeria. It highlights the unique relationship which the French perceived to exist between Algeria and French in that the French conceptualized Algeria as a part of the metropole while other colonies were not given the same treatment in the French consciousness.<sup>21</sup>

This poster takes French colonial rule in Algeria for granted. Though several generations of French people had been born in Algeria and even identified as Algerian rather than French, Algeria was not always French. These *pieds noirs* did not need convincing of supporting French rule in Algeria, historian Lauren Taylor argues that the waning interest of the people in the metropole regarding the events in the colonies required France to revise the public’s understanding of colonialism’s purpose.<sup>22</sup> The Union aims to show French people in the metropole that the fate of Algeria should matter to them because they should consider Algeria to be a part of France as much as the metropole just as the Algerian born French settlers did.

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<sup>20</sup> Shepard, “Muslim French Citizens from Algeria: A Short History,” 45.

<sup>21</sup> Philip Dine, “*A la recherche du soldat perdu: Myth, Metaphor and Memory in the French Cinema of the Algerian War*,” in *France at war in the twentieth century: propaganda, myth, and metaphor*, (New York: Berghahn Books, 2000), 142-144.

<sup>22</sup> Lauren Taylor, “On Posters and Postures: Colonial Enlistment Posters and the Nationalist Imagination in France,” in *Visualizing Empire: Africa, Europe, and the Politics of Representation*, (Los Angeles: Getty Publications, 2021) 151.

Figure 6C utilizes many of the same themes and symbols as 6A and 6B, except it uses buildings to represent France and Algeria. This pro-French propaganda poster reads “One Heart, One Flag / 53 million French.” The Cross of Lorraine takes the center of the poster, similarly acting as that north-south connector as it does in Figure 6A. The Eiffel Tower sits above a mosque, representing the geographic positioning of France and Algeria. Different trees stand next to each structure to indicate the difference in landscape, yet the two structures seem to occupy the same space because of the Cross connecting them. The French flag flown atop the Eiffel Tower sits above everything else in the image, asserting the idea that the metropole and Algeria are both under the French flag.

The representation of France as the Eiffel Tower and Algeria as a mosque demonstrates French attitudes about French superiority and French and Algerian culture. When the Eiffel Tower was built, it was first celebrated at the World’s Fair as an example of France’s position as a modern nation. The French celebrated the Tower as a feat of French engineering and industry; it was to serve as an example of France’s greatness. Coupled with the representation of Algeria as a mosque, the Eiffel Tower in this poster represents French superiority and modernity. In this context, the Eiffel Tower represents a secular, scientific, and modern France while the mosque represents France’s view of Algeria as a backwards, religious society.<sup>23</sup> In this attempt to claim that France has “one heart, one soul,” this poster still highlights French colonial attitudes towards Algeria.



Figure 7. Gervereau, Rioux, and Stora, *La France en guerre d'Algérie: Novembre 1954-Juillet 1962*, 180.

Other types of propaganda in this category rely on images of people combined with traditional symbols of French nationalism. Figure 7 is a poster created by French graphic designer Pierre Paul Darrigo for the 1962 referendum concerning the independence of Algeria. The poster advocates for an independent Algeria, displaying the words “Yes to Peace.” As the referendum was held in Algeria, Darrigo’s target audience appears to be *pieds noirs* living in Algeria given the imagery he employs. The poster portrays the profile of two children facing

<sup>23</sup> Lorcin, “Security and reconnaissance part 2: Islam and society,” 53-55.

towards the right with a stalk of wheat and flowers in the tri colors of France in the bottom right corner. This image invokes themes of prosperity, growth, and the future. The image of these children looking towards the right gives the impression that they are looking forward, towards the future. The stalk of wheat indicates prosperity and growth. As the wheat sits among the tri-colored flowers, it indicates that peace in Algeria will bring prosperity and growth to France.

One of the most interesting features of that poster is the uniformity of the two figures; color is the only distinguishing feature between them. The difference in color is the only feature which suggests that one figure is French and the other is Algerian. The facial features of both figures are more stereotypically French than North African. Skin color serving as the only racializing feature of these figures suggests that Darigo aimed to convey that France and Algeria were nearly one and the same. Depictions of Algerians by the French during colonization typically highlighted racial and cultural differences of Algerian society. A major factor in determining the way the French conceptualized Algerians was orientalism. Western conceptions of Islam, the “Orient,” and modernity all worked to create an image of the Algerian as the other.<sup>24</sup>

A common way for French artists to convey the racial and cultural differences of Algerians was through their clothing. The French portrayed Algerian women as covered and veiled and men wearing a fez or other headcovering and mustache as in Figure 5. These articles of clothing serve not just to highlight cultural differences, but even more importantly, religious differences. Algerian culture was incompatible with French society more so because of France's secularism than its Christian culture. The French saw Islam as deeply engrained into Algerian society whereas the French prided themselves on their secular society. Secularism was also associated with modernity; therefore, Islam was associated with a lack of progress and demonstrated a need for French presence and the civilizing mission. Darigo eliminated that opportunity for racializing in his poster as neither figure wears clothes; their chest and shoulders display what appears to be like a brick pattern.

By minimizing the differences between representations of each nation, and by making both “French,” Darigo asks the audience to disregard, or perhaps just does not aim to draw attention to, racial and cultural stereotypes commonly assigned to Algerians. While Darigo does not call upon stereotypes which the French used to alienate Algerians from Frenchness, his choice to give European features to the Algerian figure asserts an idea about the potential Frenchness of Algeria and Algerians. In this way, much of French pro-independence propaganda still, consciously or not, utilized colonial ideas in advocating for independence. The white, French child also stands in front of the Algerian child, as if shielding them. Whether or not this was a conscious choice by Darigo, it conveys a sense of protection; France is protecting Algeria by granting independence.

This poster seeks to appeal to ideas of unity and patriotism while still advocating for an independent Algeria. At first glance those ideas may seem contradictory, but the Algerian nationalist movement often relied upon these types of appeals to French values in order to

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<sup>24</sup> Lorein, “Security and reconnaissance part 2: Islam and society,” 53-55.

convince their opponents of their cause. Many Algerian nationalists aimed to show that colonialism was at odds with French universalism and republicanism in order to convince the French that Algerian independence was both an acceptable and respectable political stance in France. By not including any indication of cultural differences, Darigo may aim to convey that those cultural differences are not so relevant in that the Algerians have become similar enough to the French that the civilizing mission has been achieved. The civilizing mission was meant to end at a point, and this is what many pro-independence entities believed the debate to be: Were the Algerians still in need of the civilizing mission or not? Was it too early to end French presence or had the Algerians earned their independence through cultural assimilation?<sup>25</sup>

The propaganda in this category shows that both the pro-French and pro-independence entities in France were able to make appeals to unity in order to make their arguments. Through their words, they aim to suggest that France and Algeria are one entity, yet through their imagery they often highlight, either consciously or unconsciously, those characteristics which had made Algerian society incompatible with French society.

### **Youth and Women for Unity**

Though this type of propaganda seeks to achieve many of the same goals as the propaganda I analyzed in the previous section, this category is unique in that it is the only category in which women and children appear as the central subjects in the images. Men are absent with the exception of Charles de Gaulle in Figure 9. As I addressed earlier, I only encountered one depiction of a woman in the anti-FLN propaganda, in Figure 3A. The absence of women in anti-FLN propaganda coupled with their presence in more unity focused propaganda demonstrates French misconceptions about Muslim Algerian women and their role in Algerian society. French-made propaganda actually personified peace as women despite the role Algerian women were playing in the fight for independence.<sup>26</sup> The French also saw women as producers of children, and thus producers of new French citizens. Thus, women and children come to represent the future of France and French Algeria. Men, however, represent war, as I discussed previously, and therefore they are absent from these representations of peace, the future, and unity.

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<sup>25</sup> Todd Shepard, "Introduction," in *The Invention of Decolonization: The Algerian war and the Remaking of France*, (Cornell University Press, 2006), 6.

<sup>26</sup> Aggoun, "Psychological Propaganda during the Algerian War-Based on a Study of French Army Pamphlets," 196-197.



Figure 8. Vallaud, *La guerre d'Algérie: de la conquête à l'indépendance, 1830-1962*, 252.

In 1958, as the Revolution began to turn in favor of the FLN, French Army propaganda began to turn to an image of a modernized, progressive France. The vision for the future was associated with the value of youth, and thus youth became the subjects of propaganda.<sup>27</sup> Figure 8, captioned “For our children/ Peace in Algeria,” shows a candid photo of two smiling children: a dark skinned Algerian girl in Western clothing and a white, blond French boy with his arm around her. Though this image is not dated, it was likely produced around the time of the 1962 referendum for Algerian independence. It is also unclear who produced this image; while it is not explicitly stated to be pro-independence, posters advocating for “peace” rather than, say, a “New Algeria” or “France and Algeria,” tend to be pro-independence. The French boy’s arm around the Algerian girl shows a protective and almost paternalistic relationship of France and Algeria. The civilizing mission had an aspect of paternalism to it in which Western powers/France believed they were responsible for almost “raising” their colonies by bringing progress to them and overseeing their growth. Aside from making an easy appeal to emotion, this image invokes a sense of *fraternité* or *amitié* between the two children despite their differences.



Figure 9. Vallaud, *La guerre d'Algérie: de la conquête à l'indépendance, 1830-1962*, 220.

<sup>27</sup> Aggoun, “Psychological Propaganda during the Algerian War-Based on a Study of French Army Pamphlets.”

In September of 1959, French President Charles de Gaulle announced his support for Algerian “self-determination” and opened up negotiations with the FLN.<sup>28</sup> At this point, pro-French entities were confronted with the real possibility of losing Algeria through a vote for self-determination. Figure 9, produced in December of 1960, shows General de Gaulle shaking hands with two young boys, one French and one Algerian, French women, and veiled Algerian women. The large text reads: “Yes to France and Algeria.” The bottom right-hand corner reads: “Their future is in union and in peace. Only General de Gaulle can reconcile them and unite them in the new Algeria.”

The cropped French flag across the top of the image evokes this idea of the people in the photo as being unified under the French flag, literally in this image and figuratively in the sense that they are all citizens of France. The target audience appears to be both French *pieds noirs* and Algerians given the mixed demographic of the image. The women and children all wear red, white, blue, or some combination of the three. Unified under the French flag, these women and children celebrate and welcome French rule in Algeria. The prevailing theme of this image is that of the civilizing mission, or this idea that the French are saviors of the Algerians. De Gaulle, in effect, is the representation of France in this image, and the Algerian women and children enthusiastically welcome him and appear eager to express their gratitude.

Here, the trope of clothing used to indicate racial and cultural differences between Algerians and French coupled with the idea of children as beacons of progress and modernity. All the Algerian women in this photograph wear uniform, and white, full body coverings with only their faces and hands exposed. The two white French women, the French child, and the Algerian children all wear Western or modern clothing. Just like in Figure 5, clothing was an effective means for creators of French propaganda to highlight the religious identity of Algerian subjects. As Lorcin highlights, the French often used the status of women under Islam as a justification for colonialism.<sup>29</sup> Pro-French entities proclaimed that Algerian women wanted emancipation and integration into French society.<sup>30</sup> They viewed polygamy and veiling as backwards and incompatible with Frenchness; they launched several political initiatives to discourage veiling.<sup>31</sup> This is why it is important that the Algerian women in this photo appear grateful. The photograph showing veiled women eager to greet de Gaulle sends a message that Muslim Algerian women are eager to accept French rule and looking to be saved from what the French perceive to be the oppression from their religion and culture.

It is also important that the Algerian children wear “modern” Western clothing like the French child. While the adult Algerian women all wear Algerian clothing, the Algerian children are dressed in the same fashion as the French child and French women. If the Algerian children are representative of the future of Algeria, then the message here is that their future is a modern

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<sup>28</sup> Todd Shepard, “Inventing Decolonization,” in *The Invention of Decolonization: The Algerian war and the Remaking of France*, (Cornell University Press, 2006), 75.

<sup>29</sup> Lorcin, “Security and reconnaissance part 2: Islam and society,” 64-67.

<sup>30</sup> Aggoun, “Psychological Propaganda during the Algerian War- Based on a Study of French Army Pamphlets,” 197.

<sup>31</sup> Ibid.

one as represented by their modern style of dress. Even though the Algerian women are still stuck in the past as signified by their clothing, there is hope for the future of the Algerian children and therefore Algeria. It would be irresponsible for France to abandon Algeria at that point without seeing it through that those children reach their full potential as modern citizens.



Figure 10. Vallaud, *La guerre d'Algérie: de la conquête à l'indépendance, 1830-1962*, 132.

Figure 10 is an example of peace represented as women, both French and Algerian. This is a poster produced by the French Communist Party in 1962 following the referendum for independence. It reads: “12 million French Voted on January 2 for Peace in Algeria/ Their Will Must be Respected.” A white hand, presumably a man’s hand given the suit and shirt sleeve on the arm, drops the ballot which reads “La Paix en Algérie” into the ballot box. The ballot box displays an image of Marianne with an Algerian woman. Marianne shakes the Algerian woman’s hand while placing her other hand on the other woman’s shoulder as if to comfort and reassure her. The poster sports the French tri-colors through the red background, the red cap of the Marianne, the white dress of the Marianne, the blue dress of the Algerian woman, and the blue background of the ballot box. The relationship between the Marianne and the Algerian woman is emblematic of the colonial relationship between France and Algeria. The Marianne appears to be assuring the Algerian woman that she will see to it that her will would be respected. Therefore it becomes France’s responsibility to see that Algeria’s fate is secure. The women also represent French attitudes about French women as opposed to Algerian women. The Marianne is less covered in her sleeveless dress and hat than the Algerian woman in her robe and veil showing that both France and French women were freer than Algeria and Algerian women. Even though the Marianne is regarding the Algerian woman with respect, she is still placed above her because she is portrayed as more liberated through her clothing. These were either subconscious choices, or the French Communist Party knew its audience would be responsive to appeals to colonial ideas.

Women and children made useful subjects for unity focused propaganda because they invoked the idea of future, growth, and peace. At the same time, Algerian women were used as

subjects for the French to make claims about the nature of Algerian and Muslim society. Despite Algerian women's active role in the fight for independence, the French used them as symbols of peace, portrayed them primarily as mothers, and believed them to be in need of saving.

## Conclusion

The Algerian Revolution shook French society and challenged the superiority of the French empire. Algeria is larger than the metropole itself, and the French considered it to be just as much a part of France. For 130 years, the French exploited Algeria's resources and Algerian labor, all while insisting that Algeria was France, but Algerians were not French. After over a century of insisting that Algerians were not fit for full integration in French society, pro-French entities now had to convince the public that Algeria was an integral part of France. Pro-independence entities faced the challenge of convincing their audience that Algeria was deserving of independence. Over 100 years of justification of French colonial rule in Algeria resulted in both pro-French and pro-independence French people appealing to the civilizing mission and colonial ideas about Algerians in order to make their arguments.

On March 18, 1962, the FLN signed a peace agreement with France signaling a new, independent Algeria, an end to the seven-year Revolution, and an end to 130 years of French colonial rule there. To this day, the memory of French Algeria and the Algerian Revolution impacts French politics and the lives of North African immigrants in France. The debate surrounding Islam and French nationalism continues to intensify as French legislators create Islamophobic laws in the name of secularism.<sup>32</sup> The descendants of colonial subjects fight for their rights in French society in the face of these laws and through the *sans papier* movement. These debates are as old as French colonial rule in North Africa.

In this paper, I was not able to address the perspective of Algerians in this debate to the extent that I would have liked to. Today, it is much easier to access the voices of the victims of the French colonial legacy, and therefore easier to see what their perspectives are on their place and identity in French society. While it appears it may be difficult to find visual representations of the Algerian/FLN perspective on this debate of French and Algerian national identity, it would be interesting to find their perspective through other means. Finding their voice on the matter and putting it in conversation with the French would provide a richer understanding of this debate and the impact it had on the Algerian public.

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<sup>32</sup> Haadiya Ahmed, "French Secularism: A Veil for Islamophobia," *Foreign Affairs Review: A Johns Hopkins International Studies Publication* (January 12, 2021), <https://jhufar.com/2021/01/12/french-secularism-a-veil-for-islamophobia/>.



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# Portrait of Same-Sex Desire: Lesbian (Mis)Representations in Nineteenth-Century French Art

Jessica N. Mummert

Lafayette College

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In *On Prostitution in the City of Paris*, Alexander Parent-Duchatelet stated that “one cannot distinguish tribades from their exteriors.”<sup>1</sup> However, lesbians were soon to become hypervisible through the work of many male artists who took it upon themselves to define who a lesbian was, what she looked like, and the kind of behaviors she engaged in. The social climate of late nineteenth-century France created an environment where lesbian art could court just enough controversy while still participating in a larger cultural conversation, as lesbians became a heightened topic of interest. Scientific discourse, prostitution, first-wave feminism, the falling birth rate, and lesbianism itself provoked disquiet about the degeneration of Third Republic society, especially in relation to female sexuality.<sup>2</sup> Lesbian imagery communicated concerns over sexuality, morality, feminism, class and gender roles, making lesbians mirrors upon which French societal anxieties were reflected. Some artworks depicted lesbians more genuinely, but nevertheless, lesbian art often relied on the sexualization of the lesbian subject, turning lesbians into objects to be consumed by the—mostly male—viewing public. Male artists presented stereotypical, voyeuristic, and ultimately non-representative images of lesbians to engage with and get the attention of a society simultaneously fascinated and repulsed by these women.

The historiography of this topic is pieced together from multiple sources and perspectives—literary, artistic, scientific, social, and historical. However, there is an overall consensus, which this paper reflects, that nineteenth-century France’s focus on lesbians partially

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<sup>1</sup> Alexandre Jean-Baptiste Parent-Duchatelet, *Prostitution in the City of Paris*, trans. Roger Ridley-Smith (Wellington, New Zealand: The Translator, 2008), 100, quoted in Chiara Beccalossi, “Female Same-Sex Desires: Conceptualizing a Disease in Competing Medical Fields in Nineteenth-Century Europe,” *Journal of the History of Medicine and Allied Sciences* 67, no.1 (January 2012): 30.

<sup>2</sup> Leslie Choquette, “Degenerate or Degendered? Images of Prostitution and Homosexuality in the French Third Republic,” *Historical Reflections/Reflexions Historiques* 23, no. 2 (Spring 1997): 217-19; Bonnie G. Smith, “Gender and the Republic,” in *The French Republic: History, Values, Debates*, eds. Edward Berenson, Vincent Duclert, and Christophe Prochasson (Ithaca: Cornell University Press), 302.

stemmed from the Third Republic's concerns about criminality and prostitution.<sup>3</sup> Using lesbianism to discuss fears of societal degeneration and female hypersexuality is prominent in artworks, as explained by Richard Thomson, Dorothy M. Kosinski, and Leslie Choquette.<sup>4</sup> Additionally, scholars tend to agree, if not always explicitly state, that representations of lesbians relied on their sexualization. This paper extends this concept to works beyond the erotic, building off of Kosinski's argument that lesbian artworks demonstrated men's fantasies about women.<sup>5</sup> Many scholars also note the Third Republic's concerns over female sexuality and/or feminism and its potential to pose a threat to social order, an idea which is fully translated to the realm of art here. Victoria Thompson writes that fears about social stability after the Revolution of 1848 led to increased policing of gender and sexual norms, while Thomson states that lesbian art reflected fears about women's sexuality that were initially expressed in social and scientific discourse.<sup>6</sup>

My categorical analysis of lesbian artworks is inspired by Nicole G. Albert's work in *Lesbian Decadence: Representations in Art and Literature of Fin-de-siècle France*.<sup>7</sup> Albert's book supplied many of the images used here, which would have been near-impossible to find otherwise. Leslie Choquette is another key influence for this paper, as she is a prominent historian writing on lesbian representation in nineteenth-century France. While her work tends to focus on actual gay and lesbian life in Paris, rather than close analyses of art, Choquette does draw attention to the stereotypical ways in which lesbians were viewed and provides vital contextual information on the lesbian experience in the city.<sup>8</sup>

Lesbian art historiography tends to focus on one mode of representation at a time or discusses lesbian art en masse, without multi-categorical synthesis. This scholarship has highlighted some types of representation and the social circumstances that produced such art, but has limited analysis of the diverse methods of portraying lesbianism. Addressing these gaps, this paper will examine four distinct lesbian representations while also showing how they all were part of a (very heterosexual male biased) cultural conversation on lesbians. By synthesizing

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<sup>3</sup> See Gretchen Schultz, *Sapphic Fathers: Discourses of Same-Sex Desire from Nineteenth-Century France* (Toronto: University of Toronto Press, 2015), 19; Victoria Thompson, "Creating Boundaries: Homosexuality and the Changing Social Order in France, 1830-1870," in *Homosexuality in Modern France*, eds. Jeffrey Merrick and Bryant T. Ragan (Oxford: Oxford University Press, 1996), 12; Beccalossi, "Female Same-Sex Desires," 27-8; Nicole G. Albert, *Lesbian Decadence: Representations in Art and Literature of Fin-de-siècle France* (New York: Harrington Park Press, 2016), 98; Francesca Canadé Sautman, "Invisible Women: Lesbian Working-Class Culture in France, 1880-1930," in *Homosexuality in Modern France*, eds. Jeffrey Merrick and Bryant T. Ragan (Oxford: Oxford University Press, 1996), 10; Choquette, "Degenerate or Degendered?," 219.

<sup>4</sup> See Leslie Choquette, "Homosexuals in the City: Representations of Lesbian and Gay Space in Nineteenth-Century Paris," *Journal of Homosexuality* 41, no. 3/4 (2001): 157-61; Dorothy M. Kosinski, "Gustave Courbet's 'The Sleepers.' The Lesbian Image in Nineteenth-Century French Art and Literature," *Artibus et Historiae* 9, no. 18 (1988): 192-5; Choquette, "Homosexuals in the City," 152; Richard Thomson, *The Troubled Republic: Visual Culture and Social Debate in France, 1889-1900* (New Haven: Yale University Press, 2005), chap. 1.

<sup>5</sup> Kosinski, "The Sleepers," 197.

<sup>6</sup> Thompson, "Creating Boundaries," 13; Thomson, *The Troubled Republic*, chap. 1. <sup>7</sup> See Albert, *Lesbian Decadence*, 159-72.

<sup>7</sup> See Albert, *Lesbian Decadence*, 159-72.

<sup>8</sup> See Choquette, "Homosexuals in the City."

different categories of lesbian art in the context of societal trends and concerns, this paper will illuminate central facets of lesbian representation, demonstrating how lesbianism specifically, and gender and sexuality in general, has been conceptualized, policed, and consumed in France and what this means for queer women, even today. It will also contribute to the limited historical research conducted on French queer history, especially regarding queer women.

Through the examination of multiple nineteenth-century artworks by male artists, this paper will highlight four key lesbian figures: the hypersexual lesbian, the lesbian prostitute, the masculine lesbian, and the bourgeois lesbian. Before delving into these categories, I will discuss how men came to control the artistic conversation on lesbians, what “lesbian” meant at the time, and the terms that I use in this paper. After my analyses of the four tropes, I will conclude by looking at two pieces by Henri de Toulouse-Lautrec that show the possibility of better lesbian representation, in the past and in the future.

I focus on male artists because there are no lesbian artworks created by women, much less lesbians, from this time. Women were largely excluded from art as a career, and were prohibited from taking life drawing classes for almost the entire nineteenth century due to their perceived “inappropriate” nature, meaning that they would not have had much chance to paint naked women.<sup>9</sup> Two of the most famous nineteenth-century French female artists, Rosa Bonheur and Louise Abbéma, could be considered queer today—the former had a long-term female partner and the latter was reported to be actress Sarah Bernhardt’s lover—but, interestingly, neither ever painted a lesbian scene.<sup>10</sup> Presumably, these and other women did not represent lesbians to avoid controversy beyond what they would have already garnered as female artists. Painting lesbians could have also stirred speculation that they were lesbians themselves, which was, as these images will show, viewed quite negatively. Women—whether lesbians or not—did not have the luxury of engaging in artistic discourse on lesbians. Of course, straight women’s art could have been just as homophobic as men’s, but lesbian’s apparent inability to represent themselves is a major loss. Male artists, guided by the concepts of male-dominated society, were able to misrepresent lesbians in a variety of ways with no contrasting narrative.

Men controlled the conversation on lesbianism all the way down to its names. *Lesbienne*, *saphiste*, and *tribade* were typical nineteenth-century French terms for lesbians.<sup>11</sup> *Lesbienne* and *saphiste*, deriving from the ancient Greek poet Sappho and her home island Lesbos, were associated with oral sex, while *tribade* was associated with the rubbing of the genitals together (tribadism).<sup>12</sup> Definitions of lesbianism were not just suggestive, but also judgmental. In Alfred Delvau’s *Dictionnaire Erotique Moderne*, he defines a lesbian as “a woman who *has her way sexually* with another woman” (my emphasis).<sup>13</sup> Clearly, the naming of lesbianism reflects a

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<sup>9</sup> Nicole Myers, “Women Artists in Nineteenth-Century France,” The Metropolitan Museum of Art, last modified September 2008, [https://www.metmuseum.org/toah/hd/19wa/hd\\_19wa.htm](https://www.metmuseum.org/toah/hd/19wa/hd_19wa.htm).

<sup>10</sup> “Rosa Bonheur,” The National Gallery, <https://www.nationalgallery.org.uk/paintings/rosabonheur>; “Louise Abbéma,” National Museum of Women in the Arts, <https://nmwa.org/art/artists/louise-abbema/>.

<sup>11</sup> Schultz, *Sapphic Fathers*, 7.

<sup>12</sup> Schultz, *Sapphic Fathers*, 6-7; Sautman, “Invisible Women,” 3.

<sup>13</sup> Alfred Delvau, *Dictionnaire érotique moderne* (Bâle: Imprimerie de Karl Schmidt, n.d.), 359, translated and quoted in Schultz, *Sapphic Fathers*, 7.

hyper-focus on sex between women. What it does not focus on, however, is the *exclusivity* of these sexual practices. It is not made clear if lesbians were thought to be solely attracted to women, as they are today, or if the term “lesbian” was applied to any woman who had sex with other women, even if she also had relationships with men. Since the representations here demonstrate specifically female/female relationships, I use the terms “lesbian,” “lesbianism,” and “female same-sex desire/attraction,” but it is to be understood that modern and historical definitions may not align. When discussing the legacy of these representations, I often use “queer women” to emphasize that portrayals of lesbians at this time impact how women who are attracted to women—exclusively or not—are seen, even to this day.

### **The Hypersexual Lesbian**

Just as lesbian terminology centered on sex acts, so did lesbian art. In particular, much lesbian art relied on the trope of the “damned women,” painting lesbians as women overtaken by lust. Although these artworks are far from scientific, their basis can be found in the nineteenth-century medicalization of lesbianism. Continental physicians generally agreed that same-sex desire was a sign of degeneracy, but France had its own unique conceptualization of lesbianism, thanks to Alexander Parent-Duchatelet.<sup>14</sup> The famous physician and hygienist led the conversation on lesbians with his 1836 study, *On Prostitution in the City of Paris*, where he paid much attention to the same-sex relationships of the city’s prostitutes, describing lesbianism as an invisible, untreatable “contagion.”<sup>15</sup> Lesbian erotica and the “damned women” trope can be seen as a sexy version of lesbianism as a disease, making the ‘illness’ visible through erotic imagery and likening its incurability to an unavoidable hedonistic fate. Some erotica was less negative than others, but all operated as a way for men to center themselves in lesbianism, ensuring that even if lesbians were not damned for their sexuality, they would still be damned to serve men.

The pathologization of lesbians did not excuse them from being eroticized; rather, it enabled artists and writers alike to comment on their degenerate ways in a profitably salacious way. Auguste Rodin’s *Femmes Damnées* sculpture, likely borrowing its title from Charles Baudelaire’s lesbian poems of the same name, shows two women in an erotic embrace (fig. 1).<sup>16</sup> The dark cast of the bronze, their writhing limbs, and the rock they lay on project the idea that if these “damned women” are not in Hell already, they are certainly heading there. Equally erotically and negatively charged, this statue turns lesbians into titillating sinners, condemning them in name yet capitalizing on their acts. Lesbian pulp fiction of this era functioned in the same way, with men writing lesbians as “monsters of depraved appetite” and banking on viewers’ obsession with these women, whether as horrific or arousing examples of female sexuality gone wrong.<sup>17</sup> The three-dimensional nature of the statue also invites viewers to

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<sup>14</sup> Beccalossi, “Female Same-Sex Desires,” 14.

<sup>15</sup> Beccalossi, “Female Same-Sex Desires,” 27-9.

<sup>16</sup> Schultz, *Sapphic Fathers*, 41.

<sup>17</sup> Waelti-Walters, *Damned Women*, 49.

examine the women in a way similar to doctors, “studying” them in the most objectifying way possible.



Fig. 1, Auguste Rodin, *Femmes Damnées*, Bronze, ca. 1885-1890, Brooklyn Museum, New York, <https://www.brooklynmuseum.org/opencollection/objects/113813>.

While the women in *L'Esprit du Mal*, or, in English, *The Spirit of Evil*, are not yet as far gone as Rodin's lovers, they are certainly approaching that threshold (fig. 2). The witch-like figure hiding in the corner is the evil spirit of lesbianism personified; her gaze follows the crouching woman's hand on the other's buttocks, making sure the viewer knows exactly where the sin lies. Their outdoor location, at best, marks these women as playful nymphs engaging in a charming romp; at worst, it likens them to animals. Either way, their sexuality is styled as something removed from humankind and imbued with a mythical or primal quality, an impression which is enhanced by the tree-like witch figure. The open-air setting also explicitly evokes voyeurism, as if the viewer has just come across these women while walking outside. The white smoke drifting up the center could be viewed as a miasma, poisoning the air—and then the women—with lesbianism, calling back to the idea of female same-sex attraction as a disease. The building in the background appears to be a church, with its spire and Gothic arched windows. The church, looming in the background like a watchful figure, could be a suggestion that what these women are doing is a direct affront to traditional morality or that they have rejected those rules, literally leaving them behind to run off into the woods together. Taken altogether, especially with its unique style, the overall impression of this image is that of a fairytale—one for heterosexual men, telling the story of two women enchanted by lesbianism, casting them as both villains and victims in this erotic tale.

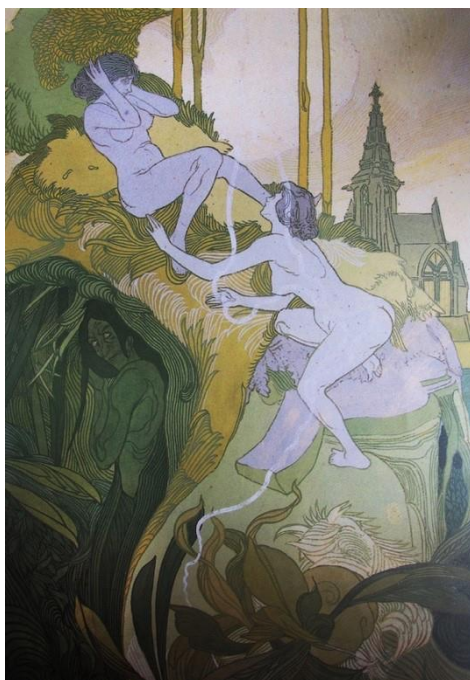


Fig. 2, George de Feure, *L'Esprit du Mal*, 1897-1898, in *Lesbian Decadence: Representations in Art and Literature of Fin-de-siècle France*, by Nicole G. Albert, Plate XI, New York: Harrington Park Press, 2016;  
[https://www.autostraddle.com/wpcontent/uploads/2017/09/30LD\\_X.-George-de-Feure-L'Esprit-du-mal\\_1500px\\_\\_300.jpg](https://www.autostraddle.com/wpcontent/uploads/2017/09/30LD_X.-George-de-Feure-L'Esprit-du-mal_1500px__300.jpg).

Some works, like Gustave Courbet's *The Sleepers*, were erotic without being condemnatory at all, highlighting women's sexuality as a positive thing—as long as it still served male sexual fantasies. In this painting, two naked women sleep draped around each other in a luxurious setting (fig. 3). The broken string of pearls, lone hairpin, and rumpled sheets suggests that they have exhausted themselves in their sexual exploits. The composition of the painting and the women's bodies makes one feel as if they have snuck into the women's bedroom to gaze at them, which is perhaps the entire point. It was, in fact, commissioned by an erotica collector and one of the women is based on model Joanna Hiffenan, lover of Courbet's contemporary James McNeill Whistler, and possibly Courbet himself.<sup>18</sup> This erotic image demonstrates how men—artists and viewers alike—fantasized about women, using lesbianism as just another way to sexualize them in service of male heterosexuality.<sup>19</sup> Representing lesbians was often not about lesbians at all, but about what women could offer to men as sex objects, their actual sexualities be damned.

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<sup>18</sup> Kosinski, “The Sleepers,” 197; “Joanna Hiffenan, ca. 1843-??” *The Correspondence of James McNeill Whistler*, University of Glasgow, [https://www.whistler.arts.gla.ac.uk/correspondence/people/biog/?bid=Hiff\\_J&initial=H](https://www.whistler.arts.gla.ac.uk/correspondence/people/biog/?bid=Hiff_J&initial=H).

<sup>19</sup> Kosinski, “The Sleepers,” 197.



Fig. 3, Gustave Courbet, *The Sleepers*, Oil on canvas, 1866, Le Petit Palais, Paris, <https://www.sartle.com/artwork/the-sleepers-gustave-courbet>.

### The Lesbian Prostitute

Lesbianism was also altered to service male heterosexuality while condemning another perceived social and moral threat: prostitution. Alexander Parent-Duchatelet again inspired this trope with his work in *On Prostitution in the City of Paris*. Describing prostitutes as women “whose depraved and unnatural tastes lead them to choose as a lover someone of their own sex,” he stated that prostitution encouraged lesbian “proclivities” to come out, often as the result of an older prostitute seducing a young one.<sup>20</sup> The hybrid figure of the lesbian prostitute, with her twin pathologies, was the perfect character for a society concerned with disease, morality, and female sexuality to latch onto. Prostitutes were already pictured as signs of social and sexual degeneracy, and adding lesbianism to the mix only made them more threatening—or alluring.<sup>21</sup> As dangerous as she was, her scandalous profession and sexuality made sure that the lesbian prostitute was always sexualized, put on display for the male gaze.

Prostitution and lesbianism were cast in similar lights, categorized as inherent sexual degeneracies, with the former leading to the latter—by triggering predispositioned homosexual desires—and threatening to spread further into society.<sup>22</sup> *Les Tribades* is an illustrative example of the corrupting evil of prostitution in Taxil’s *La Prostitution Contemporaine: Étude d’une Question Sociale* (fig. 4). The caption reads: “Jealousy, between girls adored in the vice of sapphism, often causes quarrels, and sometimes real duels, in which the most used weapon is the hair comb.” The woman in the middle, standing protectively over her lover, appears to have just hit the woman facing her as two other women watch from the corner. Lesbianism is portrayed as

<sup>20</sup> Beccalossi, “Female Same-Sex Desires,” 28-9.

<sup>21</sup> Choquette, “Degenerate or Degendered?” 219.

<sup>22</sup> Beccalossi, “Female Same-Sex Desires,” 28.



doubly sinful, being a vice in and of itself and causing envy, high tempers, and catfights (between scantily clad prostitutes with their breasts hanging out, of course). The brothel setting also highlights Taxil's idea that brothels were veritable breeding grounds for lesbianism.<sup>23</sup> Working beyond the primary threat of prostitution-lesbianism merely spreading out of the brothel and infecting society, the illustration particularly shows the drama and violence that lesbianism engenders, warning viewers of its threat to order.

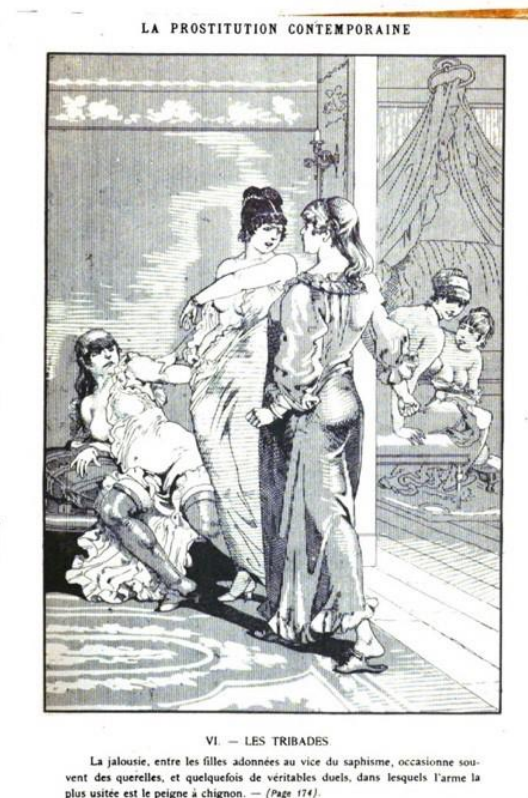


Fig. 4, Léon Choubrac, *Les Tribades*, in *La Prostitution Contemporaine: Étude d'une Question Sociale*, by Léo Taxil, Figure VI, Paris: Libraire Populaire, 1884, <https://babel.hathitrust.org/cgi/pt?id=njp.32101069163101&view=1up&seq=21&q1=Les%20tribades>.

Not all art featuring the lesbian prostitute was necessarily negative. Henri de Toulouse-Lautrec's *Les Deux Amies*, also set in a brothel, cuts a more sympathetic figure of lesbian prostitutes (fig. 5).<sup>24</sup> The title translates to "The Two Girlfriends" —meaning friends that are girls, not girls who are dating—suggesting that friendship is the most important bond here, rather than their sexual relationship. Although the women may have had or are going to have sex, given their positions, states of dress, and the discarded clothing in the corner, the painting is not

<sup>23</sup> Léo Taxil, *La Prostitution Contemporaine: Étude d'une Question Sociale* (Paris: Libraire Populaire, 1884), 172, translated and quoted in Thompson, "Creating Boundaries," 11.

<sup>24</sup> Kosinski, "'The Sleepers,'" 152.

focused on the sexual nature of their bodies. The nude woman is turned away in a relaxed pose, suggesting her comfort with the seated women, who gives a knowing glance to the viewer, almost like she is sharing a funny little secret. The crux of the painting lies in her engagement—and her companion’s disengagement—with the viewer, shifting their presentation from lesbian prostitutes as sex objects or paragons of sin to lesbian prostitutes as people. Toulouse-Lautrec lived in brothels for most of the two years prior to this painting’s creation, and his experience likely led to a more natural, positive depiction of these women.<sup>25</sup> Being more intimate with prostitutes’ “behind-the-scenes lives” allowed him to reflect the reality that he saw rather than rely on his imagination, as others did.<sup>26</sup> While the painting does confirm what Parent-Duchatelet and Taxil argued—that prostitutes engaged in lesbian relations—it does not do so in a dramatized way designed merely to feed the stereotypes surrounding lesbian prostitutes.



Fig. 5, Henri de Toulouse-Lautrec, *Les Deux Amies*, Oil on cardboard on wood, 1895, Staatliche Kunstsammlungen Dresden, Dresden, <https://skd-onlinecollection.skd.museum/Details/Index/326902>.

Nevertheless, while this piece does not draw on common lesbian tropes nearly as much as others, it did function as a product of its time, and was presumably seen as just as scandalous as any other lesbian and/or prostitute work. In his 1896 show at the Galerie Manzi-Joyant, Toulouse-Lautrec kept his lesbian and brothel artworks in a private room reserved for friends and clients, most likely to avoid censorship.<sup>27</sup> It could be that Toulouse-Lautrec and those whom he chose to view the paintings held equally accepting views on lesbians and prostitutes, but it is just as likely that his audience was merely vetted as liberal enough to enjoy the artwork, which does

<sup>25</sup> Choquette, “Homosexuals in the City,” 159.

<sup>26</sup> Kosinski, “The Sleepers,” 190.

<sup>27</sup> Thomson, *The Troubled Republic*, chap. 1.

not exclude them from independently fetishizing lesbians. Putting the works in a private room could have also communicated an additional layer of suggestiveness, reminding viewers how they were seeing things thought to be too improper for the general public. Even though the artist himself moved away from themes of degeneracy and hypersexuality, the way his art would have been consumed—in context with numerous other artworks, not to mention social discourse, that *did* objectify and condemn lesbians—probably rendered any of Toulouse-Lautrec’s intentions of a more authentic portrayal useless.

Other works stepped away from serious conversations on or more genuine portrayals of lesbians, maintaining the typical hypersexual mode of portrayal. The only real hint that the women in Edgar Degas’ *Deux Femmes (Scène de maison close)* are prostitutes is that the parenthetical translates to “scene from a brothel” (fig. 6). The women are a blur, obviously naked and in some sort of embrace that is, of course, not a close enough one to prevent the woman on the left from being entirely laid out for the viewer. The obstruction of their faces and environment, perhaps just a byproduct of a quick sketch, nevertheless drives the point home that it does not actually matter who these women are. They could be any prostitutes in any brothel, simultaneously emphasizing the idea that lesbians had infiltrated common spaces of male pleasure and that, like prostitutes, lesbians could still be a source of said pleasure through voyeurism. These women’s real identities and experiences did not matter when men purely needed them for their bodies.



Fig. 6, Edgar Degas, *Deux Femmes (Scène de maison close)*, Monotype on paper, ca. 1877-79, Museum of Fine Arts, Boston, <https://collections.mfa.org/objects/167826>.

### **The Masculine Lesbian**

Although male artists often portrayed lesbians in erotic and fantastical ways, many other artworks more clearly demonstrated the supposed threat that lesbianism posed to men and society. Here, concerns about lesbianism met with concerns over first-wave feminism, as both

were threatening to male dominance.<sup>28</sup> Men, already threatened by the falling birth rate and the resultant perceived weakness of the nation, were invested in maintaining traditional gender roles and family structure.<sup>29</sup> However, by pursuing equality, women could free themselves from the confines of the home and enter into the social sphere, engaging in activities independent from men.<sup>30</sup> And by having relationships with women—an activity incredibly independent from men—lesbian women not only revoked men’s access to them, but entered into what men viewed as a competition for other women.<sup>31</sup> Representations of lesbians centered around the feelings of emasculation and jealousy that they provoked in men, often doing more to reveal heterosexual male insecurities than to actually make lesbianism look unappealing.

Lesbianism and feminism were also negatively associated with masculinity. Female same-sex desire was medically categorized as a sign of gender abnormality, or inversion (meaning women who wanted to be, or at least acted like, men).<sup>32</sup> This medical classification translated into a social categorization as well, establishing the butch lesbian: the “man” of the relationship, who dresses and acts in direct opposition to feminine norms. Resisting femininity—especially through more modern, less feminine dress that was associated with increased independence—was also seen as a part of feminism.<sup>33</sup> Feminism was considered to be desexualizing, turning women into unattractive, unfeminine creatures that both rejected and repulsed men, much like lesbians.<sup>34</sup> Conflating lesbianism with feminism, and linking both to appropriative masculinity, men were able to characterize these “modern” women as a threat to traditional gender norms and relations.

The fear that women were co-opting masculinity and rejecting men as part of a lesbian-feminist agenda is communicated in Gabriel de Laumont’s *Don Juan Moderne*. This modern Don Juan is not the traditional man of legend, but a woman (fig. 7). She sports a fashionably masculine suit, hat, and necktie, items which marked a woman as, at best, a feminist who was disinterested in men, and at worst, a lesbian.<sup>35</sup> Well-dressed women in typical feminine clothing flock around her as they would an attractive man, suggesting that she has stolen their affections, perhaps even “turned” them gay. By centering themselves around a masculinely attired woman, they have turned their backs on men. This image speaks to the antifeminist anxiety that “New Women” were rejecting femininity and embracing masculinity—thus rejecting heterosexuality and embracing lesbianism—thereby erasing gender difference and endangering the heteropatriarchal family.<sup>36</sup>

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<sup>28</sup> Waelti-Walters, *Damned Women*, 53-4.

<sup>29</sup> Thomson, *The Troubled Republic*, chap. 1.

<sup>30</sup> Schultz, *Sapphic Fathers*, 119.

<sup>31</sup> Schultz, *Sapphic Fathers*, 5.

<sup>32</sup> Beccalossi, “Female Same-Sex Desires,” 16.

<sup>33</sup> Waelti-Walters, *Damned Women*, 53.

<sup>34</sup> Schultz, *Sapphic Fathers*, 120.

<sup>35</sup> Albert, *Lesbian Decadence*, 159.

<sup>36</sup> Schultz, *Sapphic Fathers*, 119-120.

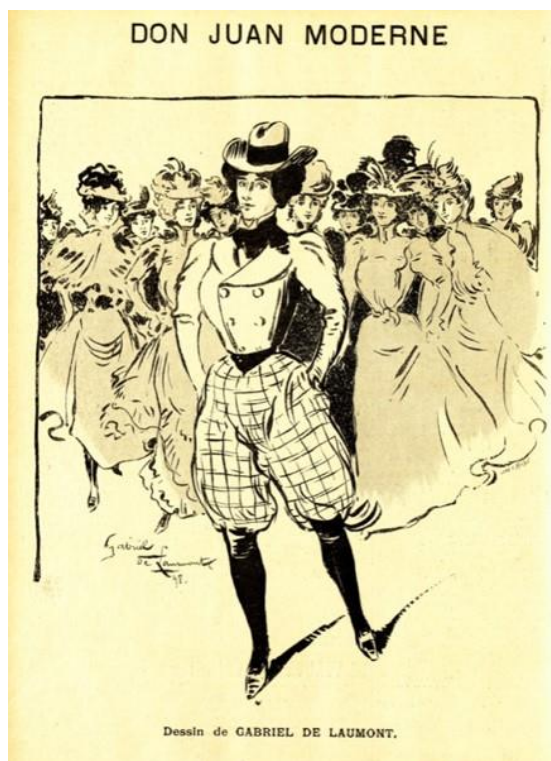


Fig. 7, Gabriel de Laumont, *Don Juan Moderne*, in *Gil Blas Illustré*, November 4, 1893, in *Lesbian Decadence: Representations in Art and Literature of Fin-de-siecle France*, by Nicole G. Albert, Figure 8.1, New York: Harrington Park Press, 2016; <https://babel.hathitrust.org/cgi/pt?id=mdp.39015085432014&view=2up&seq=356>.

Traditional partnership and femininity were also under fire due to the perceived nature of lesbian sexuality as lustful and greedy. *Don Juan Moderne* demonstrates female hypersexuality through explicit comparison with infamous fictional womanizer Don Juan. Not only is the center woman compared to him by name, she also visually has a harem of women at her disposal, marking both parties to be debauched. Nevertheless, although her sexual magnetism is highly visible, this image does reflect a fear of hidden lesbianism. “Don Juan’s” dress is a fairly exaggerated masculine look that suggests that lesbians can – or should – be able to be easily spotted. However, her gaggle of appropriately feminine-looking admirers emphasizes that even if women did not appear to be lesbians (i.e., masculine) they could still in fact be so, especially if brought under the influence of such a seductress as this well-tailored Don Juana.

While feminists were becoming a prominent topic in public discourse, lesbians were becoming prominent figures in the urban landscape. By the 1890s, lesbian cafés, *brasseries* (restaurants serving more alcohol than food), and other social spaces were cropping up in Montmartre.<sup>37</sup> Increased public visibility met with increased concern about, as well as voyeuristic interest in, this lesbian subculture, generating numerous artistic and literary works, including many satirical representations of lesbian café culture.<sup>38</sup> Albert Guillaume’s *Madame*

<sup>37</sup> Choquette, “Homosexuals in the City,” 158.

<sup>38</sup> Choquette, “Homosexuals in the City,” 159-60.

*est au Cercle!* (*Madame is at her Club!*), mocks these establishments as a bad imitation of men and their clubs, its title poking fun at how grand “madame” figures herself and her club to be (fig. 8). It also suggests that female social spaces were full of lesbians, expressing a fear of what happens when women socialize without male supervision. Men’s unstable place in a world of lesbians is demonstrated in a unique way here: the man (consequently, the only one pictured) in the background helping a woman with her coat could either be a concerned partner escorting her out of this undignified place, or a waiter taking her coat as she enters. The former would speak to the need for men to keep their women from these places, while the latter interpretation highlights the worry that men would become subservient to women, replaced by their masculine girlfriends.



Fig. 8, Albert Guillaume, *Madame est au Cercle!*, in *Gil Blas Illustré*, February 14, 1892, in *Lesbian Decadence: Representations in Art and Literature of Fin-de-siecle France*, by Nicole G. Albert, Figure 3.6, New York: Harrington Park Press, 2016; <https://babel.hathitrust.org/cgi/pt?id=mdp.39015026115546&view=2up&seq=321>.

“Masculine girlfriends” could perhaps be a good alternative title for this image. The woman seated on the right—sporting a tuxedo-like top—looks suggestively at her fellow card player, smoking a cigarette (fig. 8). To the left, another smoking woman in a bowtie hovers around the much more feminine player, pointing to her cards. She could perhaps be the club owner or at least an older patron, evidenced by her less distinctly masculine (i.e., less modern) dress and hair one could picture as grey. Her instruction of the younger, immodestly dressed card player could be read as her giving directions of an entirely different nature, a clandestine nod to lesbian relations and the predation often attributed to them. Another butch-femme pair watches

the card game, the woman on the left clad in an especially masculine getup, from the hat and cigarette to the boxy vest and suggestion of trousers. More smoking women, and one dressed very clearly as a man, populate the background. This club is lesbianism on a small scale, giving viewers a window into a world—that they are ultimately meant to find unattractive—where women’s social and sexual relations would entirely revolve around other women, rather than men, disintegrating the gender-stratified, male dominated society that they knew and were supposed to cherish.

### **The Bourgeois Lesbian**

The fears that lesbians would replace men and disrupt society were felt especially strongly among the upper class. Lesbian café culture and lesbian prostitutes, seen above, were already threatening to the bourgeoisie due to their connections to people of all classes—the rich as well as the poor could visit Montmartre’s brothels or *brasseries*, interacting with lesbians in cross-class, or even classless, spaces, encouraging such defiance of gender and class norms in the wider public.<sup>39</sup> Femme lesbians, depicted above with their butch girlfriends, defied gender norms in an especially threatening way—invisibly. Because they dressed in a traditional feminine style (hence the “femme” designator), they blended into the crowd as hidden lesbian figures amongst the heterosexual masses. This meant that not only could they trick other women into relationships with their unassuming appearance and steal them away from men, but also that any seemingly respectable upper-class woman could secretly be a lesbian. Lesbianism, instead of just being a part of lower-class corruption, was also part of upper-class degeneration, and it was doubly upsetting that bourgeois women could be so impure while masquerading as the most upright of citizens. The idea of lesbians infiltrating the upper class in this way and spreading immorality was frightening, and artworks reflected that fear. Marcel Châtelaine’s *Il Est Des Choses* explicitly illuminates the immoral threat that lesbianism posed to bourgeois society and the gender roles inherent to it. The title and captions read: “There are things...that the law tolerates...that virtue disapproves...that virtue bemoans” (fig. 9).<sup>40</sup> The law allows marrying for money over love, as evidenced by the bride holding the hand of her groom who is conveniently in possession of a sack labelled “100000.” Even visiting prostitutes—and perhaps committing adultery—is not so bad, as the man being embraced by a bare-shouldered woman while holding something marked “1000” is merely disapproved of. However, two women being together, especially publicly, is intolerable. Stepping outside of heterosexual norms and decentering men, lesbianism disrespects polite society itself.

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<sup>39</sup> Choquette, “Homosexuals in the City,” 153-55.

<sup>40</sup> Albert, *Lesbian Decadence*, XV.



Fig. 9, Marcel Châtelaine, *Il Est Des Choses...*, in *Gil Blas Illustré*, January 27, 1899, in *Lesbian Decadence: Representations in Art and Literature of Fin-de-siècle France*, by Nicole G. Albert, Figure P.1, New York: Harrington Park Press, 2016; <https://babel.hathitrust.org/cgi/pt?id=mdp.39015085432006&view=2up&seq=34>.

These fashionable women, strolling arm-in-arm, show how lesbianism is endangering the upper class (fig. 9). The woman on the left is dressed similarly to the star of *Don Juan Moderne*, with a masculine double-breasted jacket, large black necktie, and hat, while also sporting a cane and cigarette, persistent markers of both lesbianism and lesbian “maleness.” The woman on the right is her “femme,” allowing herself to be escorted down the street while delicately raising her skirt. The public nature of their homosexuality makes it particularly disgraceful. Although they are not pictured erotically, or even in a bedroom as in the scene above them, the idea that they could be seen in public, strolling past a gawking man while ignoring him completely, even perhaps defiantly, constitutes enough of a threat to sexual and gender norms, or “virtues.” The man watching them from afar—not to mention the man who created them—demonstrates how even in nonsexualized contexts, lesbianism was automatically demonized and viewed, especially by men, as a profane choice not fit for the public eye.

Other works, like Louis Anquetin’s *Le Rond-Point des Champs-Élysées*, chose to focus on the threat that lesbianism specifically posed to upper class women, presenting it as a dark shadow falling upon them (fig. 10). This image may look innocent enough, and to viewers unfamiliar



with lesbian symbolism, it likely was.<sup>41</sup> However, in Léo Taxil's *La Corruption fin-de-siècle*, he states that "elegant lesbians" prowl around the Champs-Élysées in "search of a partner in vice," always accompanied by a poodle.<sup>42</sup> This knowledge turns the formerly mysterious woman into a lurker, waiting for another woman—perhaps the one who is about to pull up in the carriage—to whisk off into the night. Anquetin's choice to portray lesbians in such a clandestine way serves a twofold purpose—to show lesbianism without getting censored for erotic content, and to communicate its dangers, rather than its potential delights.<sup>43</sup> However, this portrayal still reduces lesbians to their sexual activity. Although the woman is not pictured in an erotic manner, her entire interpretation hinges on the threat that is her sex life. It also calls back to the idea of lesbians—whether prostitutes, butch, or, as seen here, bourgeois ladies—stealing women away, possibly against their will. Forming a dialogue with Taxil's text, the picture casts lesbians as predators, covertly warning upper-class people, especially women, of the transgressive figures hiding among their ranks.

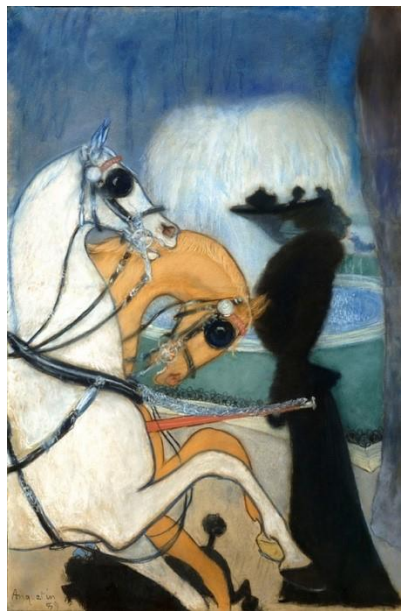


Fig. 10, Louis Anquetin, *Le Rond-Point des Champs-Élysées*, Pastel on paper, 1889, the Maurice Denis Museum, France, <https://www.musee-mauricedenis.fr/lescollections/galerie-des-oeuvres/article/rond-point-des-champs-elysees>

Toulouse-Lautrec's *Le Lit* and *Dans le Lit, le Baiser* are incredibly rare exceptions to artworks that villainized, eroticized, or otherwise stereotyped lesbians. These women are not wicked prostitutes or masculine man-haters threatening to ruin society, rather, they are shown comfortably tucked into bed, sharing a moment with one another (figs. 11 and 12). *Le Lit* is

<sup>41</sup> Thomson, *The Troubled Republic*, chap. 1.

<sup>42</sup> Léo Taxil, *La Corruption fin-de-siècle* (Paris: Georges Carré, 1894), 263, translated and quoted in Thomson, *The Troubled Republic*, chap. 1.

<sup>43</sup> Thomson, *The Troubled Republic*, chap. 1.

perhaps the tamest lesbian image of its time, with its two figures merely gazing sleepily at each other from across the pillows (fig. 11). Even its sister work, *Dans le Lit, le Baiser*, in which these women share a kiss, shows a moment of affection more than anything else, leaving the burden of sexualization on the viewer (fig. 12). While both scenes depict the women in bed, they are far from voyeuristic—the women’s nudity and possible sexual relationship is merely hinted at, not shown, and neither woman is engaging with the viewer—they are completely enwrapped in each other. It is clear why few artists followed this route—the shock, the sex appeal, even the threats of lesbianism are all gone, leaving viewers with rather mundane images that does not speak to their concerns, or even their sexual fantasies. These images would have likely still been considered offensive for merely depicting lesbians in any state, but do not seem to have been created with any other purpose beyond capturing a slice of life for these women, and the genuine relationship between them.



Fig. 11, Henri de Toulouse-Lautrec, *Le Lit*, Oil on cardboard, ca. 1892, Musée d’Orsay, Paris, [https://www.musee-orsay.fr/en/collections/index-of-works/resultat-collection.html?no\\_cache=1&zoom=1&tx\\_damzoom\\_pi1%5Bzoom%5D=0&tx\\_damzoom\\_pi1%5BxmlId%5D=000704&tx\\_damzoom\\_pi1%5Bback%5D=en%2Fcollections%2Findex-of-works%2Fresultat-collection.html%3Fno\\_cache%3D1%26sz%3D9](https://www.musee-orsay.fr/en/collections/index-of-works/resultat-collection.html?no_cache=1&zoom=1&tx_damzoom_pi1%5Bzoom%5D=0&tx_damzoom_pi1%5BxmlId%5D=000704&tx_damzoom_pi1%5Bback%5D=en%2Fcollections%2Findex-of-works%2Fresultat-collection.html%3Fno_cache%3D1%26sz%3D9).



Fig. 12, Henri de Toulouse-Lautrec, *Dans le Lit, le Baiser*, 1892, Private collection, <https://www.wikiart.org/en/henri-de-toulouse-lautrec/in-bed-the-kiss-1892>.

Much like these paintings show an ordinary experience for these women, lesbians were an ordinary part of Toulouse-Lautrec's life. Outside of his aforementioned brothel stays, he frequented places like the lesbian brasserie La Souris and the Moulin Rouge, painting the queer women he met there, often in quite everyday scenes: sitting at a bar, dancing, at the theater.<sup>44</sup> Perhaps his social connections with lesbians made him represent them in more respectful ways – not necessarily even to encourage acceptance, but to purely portray what he witnessed, in contrast with artists who painted their greatest fears or fantasies. Toulouse-Lautrec proves that better lesbian representation was possible and that male artists did not universally demonize lesbians, but even the work of this prolific artist was not enough to challenge the dominant narrative.

Late nineteenth-century French society fostered the creation of certain lesbian figures, designed to reflect peoples' attitudes towards women and their sexuality. The hypersexual, prostitute, masculine, and bourgeois lesbian figure all demonstrated stereotypes, sexual fantasies, and societal fears about lesbianism. These representations were often grounded in lesbians' sexualization, morphing lesbianism into a show for the public and erasing the real experiences of these women in favor of male invention. Lesbians were rendered hypervisible through the reductive lens of the male artist, seen only as objects of desire, derision, or disgust. By applying a historical perspective, we can see how and why lesbians were portrayed in such ways, understanding the different facets of lesbian art as products of artistic, social, and scientific discourse. Lesbian representation is not a monolith, but it stems from intertwined contexts and functions as a part of a sexist, homophobic, and fetishistic cultural conversation on lesbians as a

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<sup>44</sup> Choquette, "Homosexuals in the City," 160-1.

whole. Even today, queer women are still viewed and depicted in very similar ways as they are in these artworks—sinners, nymphomaniacs, too butch or too femme, threats, predators, or even objects for heterosexual male pleasure—and the current state of queer female representation as a legacy of nineteenth-century lesbian art warrants further research. As these artworks have shown, representation matters—whether accurate or not, it sends a message and contributes to narratives about real people and real experiences. Better representation for queer women is possible, but not until we understand and work to combat tropes that have only served to paint lesbians in the worst light.

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# **The Tanganyika Groundnut Scheme: A Site of Change and Conservatism**

Jane A. O'Connell  
Mount Holyoke College

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“These strangers have organized a dance in our village, and it is a good dance, but they ought first to have asked the permission of the village elders, according to our custom,” commented one Tanganyikan villager on the invasive Groundnut Scheme.<sup>1</sup> This was a much more flattering statement than the Scheme perhaps deserved. Nevertheless, the quote captures key elements of British colonial development policy in Tanganyika following the Second World War. The so-called “strangers” were, in fact, just that. The Tanganyika Groundnut Scheme was both conceptualized and actualized by British actors. Managing Director of the United Africa Company, Frank Samuel, and Director for Agricultural Production in Tanganyika, R.W. Miller, initially proposed the notion of planting groundnuts in 1946. John Wakefield, a British Director of Agriculture in Tanganyika, conducted a study to determine the location, funding, and extent of the Scheme, which was to begin in Kongwa, Urambo, and Nachingwea in 1947. In 1951, the Groundnut Scheme, after clearing a mere seven percent of Wakefield’s projected area, was pronounced unceremoniously over. In the four years of the project’s brief lifespan, the Scheme frittered away over £36 million of the British taxpayers’ money—£12 million more than initial estimates.<sup>2</sup> This development scheme was unprecedented in its failure, which often eclipses an even more remarkable component of the project; namely, how the scheme embodied Britain’s evolving approach to colonial policy in Tanganyika. While the large-scale, socialist nature of the Groundnut Scheme marked a dramatic departure from conservative colonial development efforts in the interwar period, the continual dismissal of African wisdom and intention to impose a British vision on an African colony bears a striking resemblance to pre-WWII colonial development policy.

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<sup>1</sup> Nathan Jumba Anyonge, *British Groundnut Scheme in East Africa: Labour Government’s Dilemma* (Kansas State University, 1966), 136.

<sup>2</sup> Alan Wood, *The Groundnut Affair* (London: Bodley Head, 1950), 36.



## A Historiographical Tradition

The Tanganyika Groundnut Scheme, being one of the most notorious failed development projects in Africa, has drawn much intellectual curiosity and discourse over the decades. Alan Wood's intimate telling of the developmental fiasco in his book, *The Groundnut Affair*, criticizes the Scheme's many flaws but, in an apologist fashion, insists on the admirable intentions of the Groundnutters to industrialize—read: modernize—East Africa.<sup>3</sup> Modernization theory, popularized in the 1960s with the publishing of Walt Rostow's *The Stages of Economic Growth: A Non-Communist Manifesto*, promoted Westernization as tantamount to civilization, grossly dismissing African agency.<sup>4</sup> In a pendulum-like reversal, Michael Havinden and David Meredith's 1991 book, *Colonialism and Development: Britain and Its Tropical Colonies, 1850-1960*, depicts the Scheme as an exploitative endeavor designed to enrich the British empire.<sup>5</sup> Havinden and Meredith exemplify the postmodernist approach to development that dominated academia during the 1980s and 90s and entailed a heightened awareness of the persistence of hierarchical structures. The work, in pursuing a postmodernist narrative, however, characterizes the indigenous people as passive recipients of a villainous British plot. Writing on African development in the 2000s has focused more on the agency of native actors and the specific local context. Juhani Koponen's piece on the Tanganyika Groundnut Scheme, "From Dead End to New Lease of Life: Development in South-Eastern Tanganyika," attempts to understand the lasting legacies of British colonialism in East Africa while being mindful of the Tanganyikan response to development policy, but at times neglects the broader global context.<sup>6</sup> This paper, instead, aims to understand structuralist forces that informed colonial development policy following World War Two while remaining mindful of individual actors; to examine the collaborative efforts of English and African workers while recognizing the persistence of racialized hierarchical structures; and to consider the Groundnut Scheme as an embodiment of Britain's evolving post-war development policy without overlooking the conservatism inherent in periods of change.

## The Idealization of Groundnuts: A 'New Era' in Colonial Development?

British colonial policy towards Tanganyika in the interwar years entailed a system of indirect rule and minimal investment. Tanganyika was, in a sense, foisted upon the British after the defeat of the colony's former subjugator, Germany, in World War One. Much to the chagrin of the Colonial Office, which subscribed to the belief that colonies should offset their own costs,

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<sup>3</sup> Wood, *The Groundnut Affair*.

<sup>4</sup> Walt Rostow, *The Stages of Economic Growth: A Non-Communist Manifesto* (Cambridge: Cambridge University, 1960).

<sup>5</sup> Michael Havinden and David Meredith, *Colonialism and Development Britain and Its Tropical Colonies, 1850-1960* (London: Routledge, 1993).

<sup>6</sup> Juhani Koponen, "From Dead End to New Lease of Life: Development in South-Eastern Tanganyika From the Late 1930s to the 1950s," *Developing Africa: Concepts and Practices in Twentieth-Century Colonialism* (Manchester University Press, 2014).

Britain received a territory in financial ruin. The British provided funding after the proposal was vetted and greenlighted by a special meeting of Parliament to the Tanganyika territorial government.<sup>7</sup> Once stabilized, however, the colonial overseers defaulted to their policy of minimizing colonial government expenditures while maintaining their hold on power. British expatriate officials governed the colony via an executive council, including the governor, chief secretary, and treasurer. When a legislative council was formed in 1926, the thirteen official members opted to nominate a European from the committee to represent the interests of Tanganyikans.<sup>8</sup> The British Administrative Office, providing an illusion of agency, established the Institution of Native Commissioners and relied on local chiefs to collect taxes. In reality, a system of paternalism and conservatism dominated.<sup>9</sup> The benefits of utilizing local authorities as resources were threefold. Firstly, shifting the duty of tax collection to local authorities allowed Britain to avoid the downfall of many a vast empire: overextension. In fact, in 1930 fewer than 1,000 British civil servants worked in Tanganyika's Colonial Administration.<sup>10</sup> Secondly, indirect rule fomented tribalism and ethnic tensions, further mitigating the threat of local rebellion in what the historian Fred Burke has dubbed a "divide-and-rule" tactic.<sup>11</sup> And lastly, a close relationship with local chiefs allowed the British colonial government to, in the words of former colonial governor Donald Charles Cameron, "keep them modern."<sup>12</sup> In summary, before World War Two British colonial rule in Tanganyika was characterized by negligible investment, nonexistent native autonomy, and almost exclusively served British interests.

The shortage of fats and oils following World War Two, however, upended Britain's conservative investment policy towards Tanganyika. The destruction from World War Two was extensive and far-reaching. Many East Asian oil-producing plantations had been decimated, whaling limited, and Britain's colonial relationship to India severed as a result of the country's burgeoning independence movement.<sup>13</sup> Furthermore, postwar production of groundnuts by the world's leading growers, India, China, and Indonesia, was sixteen percent of prewar production. This posed an especial problem for Britain, which depended on imports for over ninety percent of its oils and fats supply.<sup>14</sup> This was the context in which Frank Samuel presented his, now notorious, Groundnut Scheme for East Africa. The ambitious proposal, which the Wakefield report estimated to cover 2,555,000 acres within five years through the miracle of mechanized agriculture, found the right audience in the newly elected British socialist Labour government headed by Prime Minister Clement Attlee.<sup>15</sup> Frank Samuel successfully argued his case in the House of Commons, gaining parliamentary approval to commence the Scheme in January of

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<sup>7</sup> Fred Burke, *Tanganyika; Preplanning* (Syracuse University Press, 1965), 17.

<sup>8</sup> Burke, *Tanganyika; Preplanning*, 48.

<sup>9</sup> Bernard Chidzero, *Tanganyika and International Trusteeship* (London: Oxford University Press, 1961), 131.

<sup>10</sup> Burke, *Tanganyika; Preplanning*, 9, 14.

<sup>11</sup> Burke, *Tanganyika; Preplanning*, 24.

<sup>12</sup> Chidzero, *Tanganyika and International Trusteeship*, 130.

<sup>13</sup> Wood, *The Groundnut Affair*, 30.

<sup>14</sup> J.S. Hogendorn and K.M. Scott, "The East African Groundnut Scheme: Lessons of a Large-Scale Agricultural Failure," *African Economic History* 10, (1981): 83.

<sup>15</sup> Wood, *The Groundnut Affair*, 32.

1947. The urgency of the postwar context certainly helped win Samuel government clearance, but a socialist element also accounted for such a drastic change in development policy. In the words of Samuel, “[W]e have moved, by inevitable development, into an era when the capitalist is losing the nineteenth-century glamour of dash and daring: risk-taking is no longer the job of the entrepreneur, but of the taxpayer.”<sup>16</sup> The socialist government was not alone in celebrating a new direction in colonial development. One member of the Conservative Party indicated his support for a “battle of mechanised science against the forces of nature.”<sup>17</sup> Edith Penrose, a renowned British economist, praised the Scheme in a 1948 edition of *Scientific American*, positing, “[l]arge-scale modern farming is the only way in many areas to produce enough to maintain or improve the living conditions of increasing populations.”<sup>18</sup> Even scientists who expressed reservations about the feasibility of the project applauded its goal of bringing modern and efficient mechanized farming to East Africa. The fervor for the Groundnut Scheme and willingness to invest significant sums of money starkly contrasted with the Empire’s former policy of costless rule, and a sense of urgency in the post-War period helped shape this new approach.

The experience of World War Two also imbued the Groundnut Scheme with a military-style *modus operandi*. From the terminology used, the personnel and machinery involved, and source of inspiration, the War figured prominently in the execution of the Groundnut Scheme. One newsreel from the British Pathé corporation, released in 1948, panned across a flat landscape of scraggly, unforgiving brush as the narrator described the pioneers’ efforts, “Men and machines had to fight to conquer— but conquer they did.”<sup>19</sup> This newsreel, and its use of categorically militaristic language, represents the prevailing consideration of the Scheme as an extension of Britain’s Wartime exploits. Alan Wood, a member of the groundnut team, was also unable to resist military analogies in his account of the project. Wood referred to the various officials as a “groundnut army,” and described the “fleets of bulldozers... bashing down brush.”<sup>20</sup> The term ‘groundnut army’, while intended to be somewhat humorous, did accurately portray the makeup of the Scheme’s men in charge. John Strachey, Minister of Food and spearhead of the project, served in the Royal Air Force (RAF) as an Air-Raid Warden and rooted his inspiration for a large-scale project in the War years. During one session in the House of Commons Strachey read an excerpt from a journal he kept at the RAF, revealing the effect of the War on his developmental planning strategy:

Thus far it has been possible to produce these major collective efforts for the purposes of war alone. What could not be done if an expedition of this scope could be fitted out, not in

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<sup>16</sup> Wood, *The Groundnut Affair*, 31.

<sup>17</sup> Stefan Esselborn, “Environment, Memory, and the Groundnut Scheme: Britain’s Largest Colonial Agricultural Development Project and Its Global Legacy,” *Global Environment* 6, no.11 (2013): 66.

<sup>18</sup> Hogendorn and Scott, “The East African Groundnut Scheme,” 84.

<sup>19</sup> Pathé Newsreels, *Groundnuts—The Facts* (London: British Pathé, 1949).

<sup>20</sup> Wood, *The Groundnut Affair*, 169, 41.

order... to decide who should have the right to develop Africa, but in order actually to develop Africa?<sup>21</sup>

Other military figures included a head contractor of the Paulings & Company at Kongwa, Sir John Gibson, who was celebrated for his contributions to the building of Mulberry Harbor in 1944. The Agent at Kongwa from Paulings & Co—another veteran, Major Peter Rush—only hired men with whom he had wartime experience.<sup>22</sup> The position of Unit Manager was generally reserved for people from the United Africa Company, but Army veterans filled other high-ranking positions. In fact, a former employee at the War Office, Major-General Desmond Harrison, took over control of the Scheme in 1948. This pronounced bias towards hiring military men, as opposed to those actually knowledgeable in large-scale agriculture, soon became a point of tension. One official at Kongwa, after resigning, expressed this frustration, “The whole trouble is that the heads of departments are all ex-Army, with no idea of business.”<sup>23</sup> The Scheme contained more literal relics of the War as well. Much of the machinery provided for the Scheme came secondhand from various army reserves; hence the high rate of breakdowns—in Nachingwea over eighty percent of tractors failed.<sup>24</sup> When the groundnutters found themselves low on tractors, John Wakefield suggested revamping old Sherman tanks. These tank-tractor hybrids, commonly called Shervicks, however, were ill-suited for the terrain of Tanganyika and quickly broke down.<sup>25</sup> This blind faith in a military-style agricultural campaign, regardless of the financial cost or feasibility, further reflected the lasting impression the War cast; the preference for all things military was so endemic that it guided the philosophy of colonial development in Tanganyika. However, the sheer brutality of the War also raised global expectations of universal human rights and welfare, including in Tanganyika.

The Groundnut Scheme, in fact, prioritized African welfare and eventual independence to a much greater degree. An indicator of Britain’s new direction in colonial policy was the Colonial Development and Welfare Act created in 1940. The act, promulgated during the war years, was initially only a marker of intent. While the Colonial Office bristled at the emphasis on welfare and social services, a Statement of Economic Policy for Tanganyika released in 1946, which “[aimed] at increasing the wealth of the territory by the maximum development of its natural resources, with the objective of progressively raising the general standard of living... of the indigenous inhabitants,” suggested that the winds of colonialism were changing.<sup>26</sup> The report stressed protection for economically vulnerable indigenous groups, expanding education services, and preparing Tanganyikans for self-governance. Articles Eight and Ten of the Tanganyika Trusteeship Agreement, also released in 1946, underlined Britain’s obligation to develop Tanganyika economically through land alienation without infringing on native rights.<sup>27</sup>

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<sup>21</sup> Wood, *The Groundnut Affair*, 44.

<sup>22</sup> Wood, *The Groundnut Affair*, 51.

<sup>23</sup> Derek Marks, “Official Resigns—Says” ‘No Plans’,” *The Sunday Times* (December 5, 1948).

<sup>24</sup> Hogendorn and Scott, “The East African Groundnut Scheme,” 90.

<sup>25</sup> Wood, *The Groundnut Affair*, 179.

<sup>26</sup> Burke, *Tanganyika; Preplanning*, 41.

<sup>27</sup> Chidzero, *Tanganyika and International Trusteeship*, 233.

The Groundnut Scheme was a logical solution to this want for a more holistic approach to development. The Scheme would quite literally sow the seeds for a lucrative agricultural industry in Tanganyika that local Africans were to take over within a generation or so. Writing in 1961, Bernard Chidzero, a renowned Zimbabwean economist, even praised the Groundnut Scheme for selecting tsetse-infested or drought-ridden land for the development project because it avoided uprooting native settlers. However, Africans were still not allowed to hold top administrative positions in the Scheme and were instead relegated to the role of spectators. A White Paper from 1947 insisted on the benefits of an “ocular demonstration of... modern agricultural methods” for Tanganyika.<sup>28</sup> This was a policy of planned disengagement that would allow Britain to gradually break away from colonial rule while simultaneously preparing Africans for self-governance and economic prosperity.

The attempt to build camaraderie between African and European workers on the Scheme marked another evolution in British colonial policy in Tanganyika. The United Africa Company instructed European laborers on the Scheme to befriend their Wagogo coworkers: “DON’T be stand-offish. DO crack a joke with them. If slightly salacious so much the better.”<sup>29</sup> British officers also attempted to be more mindful of local customs. Adam Noble, Manager of the Kongwa growing region, enlisted Chief Simango’s help to inspire workers, “He kept on the job all day, encouraging the workers and making jokes with them when necessary.”<sup>30</sup> Urambo held dances and sports games and even set up local schools; by 1949 Kongwa had five schools.<sup>31</sup> Education was also provided to a far greater degree than in the interwar period. Adolph Myers, a language instructor, established an Educational Development Unit at Ifunda to teach Africans English, and the Englishmen a working understanding of Swahili in an attempt to facilitate communication between laborers. The education of African workers also covered less traditional arenas— in Dar-es-Salam British trade unionists instructed their African counterparts on how to effectively strike.<sup>32</sup> This kind of interaction between local and English workers, which focused more on accommodating African customs, starkly contrasted with earlier British practice.

The most significant break with previous colonial policy, however, came in the form of massive external funding for the Scheme. John Wakefield’s initial estimate called for an investment of £24,000,000, which the British government unflinchingly approved—the same government that several years earlier touted a doctrine of non-spending. The staggering amount of money invested matched the scale and ambition of the project—the government bankrolled the transportation of goods, imports of expensive machinery, farming supplies such as seeds and fertilizers, and more. These expenditures, however, did not translate into massive returns for the British government but a mortifying deficit; the British government even exported more seeds than it ultimately imported groundnuts.<sup>33</sup> Despite the Scheme’s failings, money was still

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<sup>28</sup> Esselborn, “Environment, Memory, and the Groundnut Scheme,” 80.

<sup>29</sup> Wood, *The Groundnut Affair*, 73.

<sup>30</sup> Wood, *The Groundnut Affair*, 77.

<sup>31</sup> Wood, *The Groundnut Affair*, 172.

<sup>32</sup> Wood, *The Groundnut Affair*, 127, 79.

<sup>33</sup> Esselborn, “Environment, Memory, and the Groundnut Scheme,” 61.

successfully injected into the local economy. One local newspaper in Nachingwea remarked on “these days of great prosperity” regarding the Groundnut Scheme in 1952.<sup>34</sup> A colonial official observed the proliferation of local vendors, who supplied high-priced fruit, meat, and vegetables to the scheme’s employees.<sup>35</sup> Ultimately, through its focus on social welfare, native rights, bettering the local economy, and training Africans for eventual self-governance, the Tanganyika Groundnut Scheme reflected a significant shift from the British government’s former colonial development policy in Tanganyika. Even so, in the Tanganyika Groundnut Scheme some features of pre-WWII era colonial development practice prevailed.

### **The Actualization of the Scheme: *Plus ça change...***

Similar to the pre-War era, most executive decision-making for the Scheme was conducted in London, not Tanganyika. Top officials spent the majority of their time in England. In what Alan Wood termed a “grasshopper administration,” general Managers and chief officials, including Major-General Harrison, frequently flew between London and the various growing locations in Tanganyika.<sup>36</sup> Moreover, from the outset, the Scheme was more aimed at Britain, and British politics, than Tanganyika itself. John Strachey even asserted that the success of the scheme “depends, more than on any other single factor, whether the harassed housewives of Britain get more margarine, cooking fats and soap, in the reasonably near future.”<sup>37</sup> More significantly, in appealing to the British voter, officials and politicians who supported the Scheme failed to report the myriad delays and issues with growing—at times even obstinately funneling more machinery and money into what they were informed was a lost cause. In 1948 a South African Professor of Ecology, John Phillips, visited the growing sites and, after estimating that between the three regions only 55,000 acres could realistically be cleared, attempted to advise the Board in London against sending more seeds. The Board, in response, shipped as many supplies as their imaginations saw fit—including “political sunflower” seeds to artificially inflate the number of acres under cultivation.<sup>38</sup> The decision-makers in London, far removed from the realities of soil and rainfall patterns of Tanganyika, failed to comprehend the agricultural logistics of growing groundnuts in East Africa. In 1947, one South African scientist, Hugh Bunting, conducted experiments on the soil to determine the ideal growing locations for the project. After measuring the levels of calcium, potassium, phosphorus, magnesium, and nitrogen in the soil at sample plots, Bunting determined that Kongwa would be an ideal location—even though Kongwa’s rainfall statistics were well below the amount necessary to cultivate groundnuts. However, Bunting’s measurements, regardless of their accuracy, were perfunctory—the board had chosen Kongwa as a growing site before Bunting had

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<sup>34</sup> Emma Hunter, “A History of Maendeleo: The Concept of ‘Development’ in Tanganyika’s Late Colonial Public Sphere,” *Developing Africa: Concepts and Practices in Twentieth-Century Colonialism*, (2014): 89.

<sup>35</sup> Esselborn, “Environment, Memory, and the Groundnut Scheme,” 82.

<sup>36</sup> Wood, *The Groundnut Affair*, 127.

<sup>37</sup> Havinden and Meredith, *Colonialism and Development in Britain*, 278.

<sup>38</sup> Wood, *The Groundnut Affair*, 157, 200.

even conducted his tests.<sup>39</sup> The selection of equipment posed a similar problem. The tractors and Shervicks, when not out of commission, were suited for neither the rock-hard clay dirt and blinding clouds of dust during the dry months nor the muddy cascades during rainy spells; they were designed for British agricultural plots. One camp in the Nachingwea region also suffered from the groundnutters' incomprehension of local history, and after building the Ruponda camp on an old millet shamba the place was overrun by vermin.<sup>40</sup> The Tanganyika Groundnut Scheme may as well have been called the London Groundnut Scheme considering where the decision-making primarily took place. Disheartened officials and workers in Tanganyika put on a play in 1950 mocking the external decision-making nature of the scheme in their adaptation of *Cinderella*. In the play, one group of secretaries jested with each other, "Altogether we're quite redundant, though we're grossly overpaid. Hush! Don't tell the Board in London, Where else should we make the grade?"<sup>41</sup> The Board did not generally seek out or heed the advice of the Heads of Departments located in Tanganyika either. An exasperated executive on the Scheme fumed, "The Board sits aloft in a solitary state making decisions without knowing the facts to go on: but fortunately its decisions don't have any effect, because the Board treats them as so sacred and secret that nobody is ever told what they are."<sup>42</sup> London was the epicenter of colonial planning for Tanganyika in the interwar period, and the Tanganyika Groundnut Scheme proved no different.

The view of Europeans and European knowledge as inherently superior also harkened back to Britain's colonial presence in Tanganyika during the interwar years. Instead of consulting locals to understand typical growing practices, British officials barreled ahead with their purportedly superior calculations. Rainfall patterns in Kongwa, Urambo, and Nachingwea—areas considered as "country of perpetual drought" by East Africans—were deemed choice spots by British officials.<sup>43</sup> The historian Fred Burke remarked on this dismissal of African knowledge: "Had the eager planners learned the language of the Wagogo and listened closely to their minstrels tell of years of famine, they might have been less optimistic than they were."<sup>44</sup> Similarly, when the groundnutters believed high-tech machinery could overcome any obstacle of nature, the locals respected the limits of modern agriculture in the face of dense forests of baobab trees. The British officials, however, plowed ahead, destroying many tractors on the bulbous roots of the baobabs.<sup>45</sup> This preference for external European technology and information as opposed to internal African wisdom was intrinsically linked to the belief that Europeans were inherently superior to Africans. Even the language with which the groundnutter Alan Wood described bees and beekeeping implied an ingrained consideration of Africa as an inferior land. To Wood, African bees were "savage" and the African technique of beekeeping was a

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<sup>39</sup> Wood, *The Groundnut Affair*, 58-61.

<sup>40</sup> Wood, *The Groundnut Affair*, 138.

<sup>41</sup> Wood, *The Groundnut Affair*, 193.

<sup>42</sup> Wood, *The Groundnut Affair*, 185.

<sup>43</sup> Esselborn, "Environment, Memory, and the Groundnut Scheme," 74.

<sup>44</sup> Burke, *Tanganyika; Preplanning*, 36.

<sup>45</sup> Esselborn, "Environment, Memory, and the Groundnut Scheme," 73.

“primitive” relic of an ancient past.<sup>46</sup> Africans themselves were also dismissed as lazy and primitive for preferring hoes to tractors.<sup>47</sup> In a condescending statement, John Strachey justified the British government’s primary focus on developing agriculture, as opposed to education, in Tanganyika: “What is the use of providing schools for people whose primitive methods of production condemn them to ever-growing malnutrition?”<sup>48</sup> The debate over what common language to use—Swahili or English—also reflected the staid conservatism of some British officials. The more traditional officials opposed Africans learning English because they did not want “servants understanding the conversation when they wait a table,” and posited that “Africans who have learned English tend to get uppish, and feel superior to the white man.”<sup>49</sup> This desire for a hierarchical division between English and local Africans extended to shops as well; one luxury European store built for the groundnutters in Tanganyika prohibited Africans from entering.<sup>50</sup> Evidently, racial hierarchies and a colonial understanding of European superiority persisted in the Scheme.

## Conclusion

World War Two had a profound impact on the British Empire. The War produced greater demands for human rights and independence as well as an environment no longer tolerant of subordinate colonial statuses. The War also resulted in a food shortage for Britain, and thus a desperate urge to increase fat and oil rations. The newly elected socialist prime minister Clement Attlee suggested Britain’s peacetime direction, which focused on bettering the lot of British citizens through significant social investment. These factors culminated to provide an ideal background for Britain to launch an ambitious new agricultural development project in East Africa. The Groundnut would alleviate Britain’s fats and oil shortages and boost the country’s prestige by including a more welfare-oriented program for Africa to demonstrate Britain’s forward-thinking. To achieve this goal Britain spent exorbitant amounts of money—a drastic divergence from former colonial practice, but vestiges of prewar British colonialism prevailed. Insistence on planning from England, rejections of African knowledge, and refusals to abandon racialized hierarchies beneficial to Europeans plagued the Scheme, ultimately undermining the same qualities that separated the project from previous colonial development practices. Despite the Scheme’s admirable intentions, these British “strangers” had imposed an unsolicited “dance” on an optionless colony, and in the new epoch, the old remained.

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<sup>46</sup> Wood, *The Groundnut Affair*, 162.

<sup>47</sup> Esselborn, “Environment, Memory, and the Groundnut Scheme,” 81.

<sup>48</sup> Wood, *The Groundnut Affair*, 42.

<sup>49</sup> Wood, *The Groundnut Affair*, 126.

<sup>50</sup> Wood, *The Groundnut Affair*, 171.



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# Property Laws, White Settler Power, and the Kingdom of Hawai'i

Martin Rakowszczyk

Swarthmore College

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The history of the Kingdom of Hawai'i is ultimately remembered solely as the tragic yet inevitable demise of a native-ruled polity in the face of overwhelming military pressure from great Western powers. While this may be the popular image, it is important to realize that many events and scenarios led up to and contributed to the destruction of the kingdom and its eventual annexation by the United States. Although much focus has historically been on the military pressures exerted by the United States and the United Kingdom on the so-called "Sandwich Islands," these states' economic and legalistic pressure was also important, especially with regards to land. Faced with rising government debt and a growing settler population threatening outright invasion, Hawai'i was forced to implement property laws formalizing foreign norms of real estate ownership. These laws, aimed mainly for the benefit of the settler population, did not work with native Hawaiian modes of living, causing widespread native impoverishment and ecological devastation and concentrating wealth and political power in white populations who eventually annexed Hawai'i to the United States.

Prior to Captain James Cook's fateful voyage in 1776, Hawai'i operated on a system of land ownership not conducive to Western economic means of production, such as plantation agriculture or forestry. The basic unit of 'āina, or land, was the ahupua'a, "pie-shaped land areas running around the ridges of the mountains or the banks of streams down to the ocean."<sup>1</sup> Each island was divided into these units, which were self-sufficient in all aspects; in fact, trade was "not a central culture practice."<sup>2</sup> The peasant population, or maka'āinana, meanwhile, was not formally tied to allocated plots, but rather lived in villages in the ahupua'a and raised chickens and pigs and farmed taro fields on small informally defined (and often overlapping) plots shared among extended families. According to historian Jocelyn Linnekin, for much of their diet,

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<sup>1</sup> Jon M. Van Dyke, *Who Owns the Crown Lands of Hawai'i?*, (University of Hawai'i Press, 2008), 13.

<sup>2</sup> Mark Rifkin, "Debt and the Transnationalization of Hawai'i," *American Quarterly* 60, no. 1 (2008), 51.

villages as a whole had “*kuleana, right, responsibility...* to forage and gather in the common uplands and forests... and to fish”<sup>3</sup> in the ahupua’a’s coastal area. Leaving one’s ahupua’a was uncommon and discouraged for commoners and the ali’i (chiefs) ruled one or several ahupua’a, spending time at each one and given these areas of land as responsibilities by the mō’i, or king of each island, in exchange for tribute. The concept of individual land ownership was foreign to native Hawai’ian thought, as the ahupua’a were thought of as unchangeable units of a community as a whole and chieftdom over each unit was seen as more of a customary role than a proprietary one. This system was relatively stable for around 500 years but could not withstand the pressure brought on by Western contact.

European arrival quickly destroyed this traditional system of land tenure and social organization. Beginning with the plagues brought by white voyagers and compounded by the introduction of alcohol and the musket, the native population of Hawai’i dropped from, according to one estimate, around 800,000<sup>4</sup> in 1776 to just 80,000 by 1850. Widespread population loss led to many ahupua’a losing their ability to be self-sufficient and subsequent rural migration to ports frequented by Western sandalwood traders and whalers. These traders frequently visited ali’i, offering them guns, iron tools and food products in exchange for sandalwood or cash equivalent. These products’ prices were “grossly inflated”<sup>5</sup> by profit-seeking merchants and many ali’i, either assuming they were gifts or not understanding the concept of interest, fell into debt, so much so that by 1826, the ali’i of Hawai’i collectively owed \$150,000 to American traders.<sup>6</sup> This problem was augmented by the fact that, according to historian Ralph Kuykendall, “as the Hawai’ians did not keep written records... [American merchants] tended to prejudice their figures.”<sup>7</sup> In 1825, the United States, fearful of British and Russian incursions into the islands and facing a monetary crisis of its own, sent the *USS Peacock* to Honolulu in order to force the ali’i to “pay all of the ‘debts’ in full,”<sup>8</sup> signing an agreement to that effect backed with the implicit threat of bombardment. This violation of sovereignty, combined with increased trader presence and the decline of the native Hawai’ian population, greatly weakened Hawai’i and led to even more opportunity for foreign influence in the economy, which eventually ended the islands’ sovereignty.

While much of the Hawai’ian élite believed that these early incursions were isolated incidents and that traditional Hawai’ian modes of living could continue, increased Western interference in Hawai’ian affairs continued and it became clear that major reform was needed. The use of foreign warships to force debt repayment did not stop, as the *USS Potomac* visited

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<sup>3</sup> Jocelyn Linnekin, "Statistical Analysis of the Great Māhele: Some Preliminary Findings," *The Journal of Pacific History* 22, no. 1 (1987), 17.

<sup>4</sup> Robert C. Schmitt, "New Estimates of the Precensal Population of Hawai’I," *Journal of the Polynesian Society* (June 1971), 237-48.

<sup>5</sup> Rifkin, *Debt and the Transnationalization of Hawai’I*, 49.

<sup>6</sup> Rifkin, *Debt and the Transnationalization of Hawai’i*, 48.

<sup>7</sup> Robert H. Stauffer, "The Hawai’i-United States Treaty of 1826," *The Hawai’ian Journal of History* 17 (1983), 50.

<sup>8</sup> Stauffer, *The Hawai’i-United States Treaty of 1826*, 49.

Oahu in 1832 for this purpose<sup>9</sup> and in 1839, French Captain C. P. T. Laplace “threatened to fire on Honolulu unless given \$20,000”<sup>10</sup> in compensation for, among other things, unpaid debts. Contemporaneously, according to scholar Jon van Dyke, “representatives of overseas nations began expressing their concern over their subjects’ inability to own property, sometimes supported by warships.”<sup>11</sup> The worst such incident was the Paulet Affair. In 1825, Prime Minister Kalanimoku awarded British Consul Richard Charlton “a 299-year land grant,”<sup>12</sup> the first of its kind, for him to build a house near Honolulu; in 1840, part of Charlton’s claim was invalidated by the mō’i, who was both wary of Western concepts of land ownership and who claimed exclusive authority to grant leases. A British naval convoy, under the command of Lord George Paulet, responded by annexing Hawai’i and keeping the mō’i under house arrest for five months. Although the Royal Navy repudiated Paulet and restored the Kingdom’s independence, this instance shocked Hawai’ian society. After this affair, the Hawai’ian state realized that it could not continue its traditional mode of existence and had to implement land legislation to please white populations or risk outright annexation.

After the Paulet Affair, as immigration continued to increase, native Hawai’ian populations to decrease and ali’i debt to grow, “the pressure on the mō’i to grant landownership to protect the capital investments of immigrants likewise multiplied”<sup>13</sup> and Hawai’i was forced to implement land reform. By 1845, the British government publicly floated the idea of military “interference... to compel a change in... Hawai’ian land policy.”<sup>14</sup> Simultaneously hoping to avoid the fate of New Zealand, fearful of the growing power of the United States and eager to use a Western style of governance for the benefit of his subjects, the mission-educated Kamehameha III established in 1846 the Board of Commissioners to Quiet Land Titles, aiming to establish a land regime for his state.<sup>15</sup> The board consisted of two ali’i, a mixed-race trader and two haole (white) merchants, one of whom, William Little Lee, was one of two lawyers in the entirety of Hawai’i.<sup>16</sup> After two years of deliberation and negotiations between foreign consuls, members of the court and the ali’i, in 1848, the Board began what is now termed the Great Māhele. Under this program, all land in the Kingdom would be surveyed and roughly two-thirds chosen by the mō’i, half of which was “added to the government lands,”<sup>17</sup> mostly consisting of economically useless high mountaintops and swamps, while the other half would become private Crown Lands. The remainder would be given to the ali’i, who had a right to claim much of their ahupua’a, and the commoners, who could claim small fee simple entails.<sup>18</sup>

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<sup>9</sup> Ralph S. Kuykendall, *1778-1854: Foundation and Transformation*, 5th ed. Vol. I of *The Hawai’ian Kingdom*, (Honolulu, HI: University of Hawai’i Press, 1938).

<sup>10</sup> Rifkin, *Debt and the Transnationalization of Hawai’i*, 59.

<sup>11</sup> Van Dyke, *Who Owns the Crown Lands of Hawai’i?*, 27.

<sup>12</sup> State of Hawai’i, “The Charlton Land Claim,” Department of Accounting and General Services, accessed April 20, 2019, <http://ags.Hawai’i.gov/archives/online-exhibitions/centennial-exhibit/kekauluohi/the-charlton-land-claim/>.

<sup>13</sup> Van Dyke, *Who Owns the Crown Lands of Hawai’i?*, 25.

<sup>14</sup> Kuykendall, *Foundation and Transformation*, 294.

<sup>15</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 15.

<sup>16</sup> Van Dyke, *Who Owns the Crown Lands of Hawai’i?* 33.

<sup>17</sup> Kuykendall, *Foundation and Transformation*, 289.

<sup>18</sup> Linnekin, *Statistical Analysis of the Great Mahele*.

The Board's hope was that by giving lands to the ali'i in perpetuity, chiefs could continue the ahupua'a system and please Western powers by settling their debts through land leases, while permanent grants to commoners would, in the words of a contemporary journalist, "rouse the industry of the people"<sup>19</sup> and contribute to internal economic growth to fend off Western domination. Thus, although such legislation was in essence forced upon Hawai'i, it was hoped that the process could be done in such a way as to also benefit native Hawai'ians and their way of life.

However, poor planning, infighting and corruption quickly destroyed this ideal and resulted in the near-total economic domination of the country by a growing class of haole planters. The Board itself was corrupt, with William Little Lee actively denying land rights to natives and after learning that many poorer Hawai'ians could not afford the filing fee to the Board, "purchas[ing] the[ir] claims" at the same time he was "adjudicating such claims"<sup>20</sup> and in the process becoming one of the richest landowners in the islands. Simultaneously "some [ali'i], motivated by self-interest ... encouraged their commoners"<sup>21</sup> to refrain from making claims, hoping to expand their own. Augmented by "an insufficient number of competent surveyors,"<sup>22</sup> the belief of many maka'āinana that their kuleana rights would be protected on others' fees simple estates and a lack of advertisement to the commoners, the majority of claims went unfiled and by the Board's dissolution in 1855, there was "only one claim for every six maka'āinana."<sup>23</sup> The lack of land rights for the maka'āinana led to many of these farmers moving to cities when ali'i sold their estates to white debt-holders, losing their traditional rural safety nets and often falling into poverty as a result. This inadvertent impoverishment and dispossession of the commoners' land greatly contributed to Hawai'ian poverty and paved the way for growing haole economic dominance.

Increased Western pressures for land combined with a series of flawed government and personal decisions by the mō'i led to a substantial increase in white landownership, causing an increase in haole power. At the end of the Māhele filing period, the ali'i received a total of around 2,300 square miles of grants, while commoners collectively received only fifty.<sup>24</sup> Given the evident failure of the Māhele in this regard, the Hawai'ian government passed the Kuleana Act of 1850, "which granted some gathering and use rights to the maka'āinana"<sup>25</sup> on private lands. Many whites viewed this as a violation of their holdings and American consul Tan Eyck warned Kamehameha that the Kuleana Act and the few land awards granted to haole "afford[ed] just cause for the active intervention of foreign governments."<sup>26</sup> However, Western displeasure with the Hawai'ian land regime soon subsided, as Kamehameha's new law in 1850 requiring taxes to be paid in species, in order to raise a balance of trade and maintain Hawai'ian economic

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<sup>19</sup> Kuykendall, *Foundation and Transformation*, 292.

<sup>20</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 39.

<sup>21</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 18.

<sup>22</sup> Kuykendall, *Foundation and Transformation*, 281.

<sup>23</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 27.

<sup>24</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 27.

<sup>25</sup> Van Dyke, *Who Owns the Crown Lands of Hawai'i?*, 39.

<sup>26</sup> Kuykendall, *Foundation and Transformation*, 296.

independence, led many commoners and ali'i to sell their lands and move to cities<sup>27</sup> and the death of Kamehameha in 1854 led to "a significant portion of the King's land [being] auctioned off" due to his nearly \$31,000 in personal debt.<sup>28</sup> Flawed financial decisions by the Hawai'ian government led to desperate attempts to raise revenue, such that "by 1873, more than 590,000 acres of the Government lands had been sold"<sup>29</sup> to haole investors. Missionaries and their families quickly bought these Māhele land plots being resold and established large plantation farms of pineapple and, after the collapse of the South's sugar industry in the wake of the abolition of slavery, sugarcane. This new oligarchy of planters wrecked ecological and economic devastation upon the native Hawai'ians and used their wealth and connections to the United States to increasingly control Hawai'ian institutions for their benefit and eventually end Hawai'ian independence. In such a way, critically flawed land legislation and government decisions led to the emergence of a haole élite economically dominating the islands and eventually annexing them to the United States.

The establishment of a haole planter élite led to substantial ecological changes to Hawai'i's landscape that further undermined the ability of native Hawai'ians to continue their traditional way of life and of the Hawai'ian government to provide for its own people. As whaling died down and sugarcane plantations became the backbone of Hawai'i's economy in the second half of the 19<sup>th</sup> century, sugar planters of haole, Chinese and Hawai'ian descent required massive amounts of water to grow the crop. Mō'i Kalākaua, in particular, looked to sugar as an economic activity in which native Hawai'ians could participate and subsequently sold much of the Government lands to Hawai'ian planters.<sup>30</sup> Kalākaua was also no doubt influenced by the fact that his tight victory in a special election to the throne was almost entirely due to lobbying by sugar planters.<sup>31</sup> However, Western planters, backed by steam power and American capital, vastly outcompeted native owners, who, unable to remain profitable, "sold [their lands] to Haole capitalists,"<sup>32</sup> resulting in much of these lands ending up in American hands. According to scholar Carol Wilcox, the sugar planters, often based inland and upriver of taro fields, "transported enormous quantities of water permanently out of the streams" and rivers that fed native Hawai'ian villages; this, in turn, caused these villages and traditional lands to be abandoned, as farmers could not get "a sufficient quantity of water"<sup>33</sup> to continue traditional agriculture and sold their lands to these same planters. This led to a near-exponential increase in the amount of sugar cane, to the point that there were 60,787 acres planted in 1889.<sup>34</sup> The

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<sup>27</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 33.

<sup>28</sup> Van Dyke, *Who Owns the Crown Lands of Hawai'i?*, 43.

<sup>29</sup> Van Dyke, *Who Owns the Crown Lands of Hawai'i?*, 54.

<sup>30</sup> Carol Wilcox, "Water Use and Rights," In *Sugar Water: Hawai'i's Plantation Ditches*, (University of Hawai'i Press, 1996), 30.

<sup>31</sup> Summer La Croix, "Economic History of Hawai'i," EH.net Encyclopedia, last modified September 27, 2001, accessed April 20, 2019, <https://eh.net/encyclopedia/economic-history-of-hawai'i/>.

<sup>32</sup> MacLennan, Carol A. "Sugar's Ecology." In *Sovereign Sugar: Industry and Environment in Hawai'i*, (University of Hawai'i Press, 2014),37

<sup>33</sup> Wilcox, *Water Use and Rights*, 29.

<sup>34</sup> MacLennan, *Sovereign Sugar*, Appendix.

destruction of native streams also led to the drying of land, a problem compounded by cattle. Cows, introduced to the islands by Europeans in 1804,<sup>35</sup> formed an important part of haole agriculture and were often left to roam free on upland pastures. The cattle often trampled native Hawai'ian lands, devastating the maka'āinana, who “would have been unlikely to hire a lawyer” and get compensation due to the high cost of a lawsuit.<sup>36</sup> More devastatingly, however, the cattle, referred to by ecologist Christopher Lever as “the single most destructive animal in the islands,”<sup>37</sup> killed young trees, which, when combined with water diversion from streams, led to a noted decrease in rainfall, increased soil erosion and a reduction in the beneficial wind patterns which enabled much of native Hawai'ian agriculture, leading to “denuded hills”<sup>38</sup> in formally thriving villages and the ecological devastation of much of rural Hawai'i. This devastation further increased the poverty of native Hawai'ians, as the settler élite continued accumulating wealth, leading to massive haole political influence and a weakened Hawai'ian government further unable to defend its own people against foreign influence.

Badly implemented laws and government directives, which provided no limits on cattle grazing and inadvertently increased the size of holdings by haole sugar planters, led to a devastating economic situation for native Hawai'ians, compounded by immigration and increasing haole influence in the government, particularly in education. With traditional lands essentially agriculturally worthless and an ever-decreasing native population, Hawai'i was left with a large population of native urban poor workers and little to counter the economic power of sugar planters, with the white and Portuguese<sup>39</sup> population outnumbering natives by 1853.<sup>40</sup> Benefiting from their American connections, haole planters grew incredibly wealthy and soon commanded the Hawai'ian economy, producing the majority of Hawai'i's exports. Concerned about the decrease in the size of the native labor pool and with strong influence over mō'i Kalākaua, whose throne they helped gain, these planters pushed immigration strategies to get indentured servants for sugar plantations. By 1890, more than 50,000 workers, predominantly Chinese, Puerto Rican and Japanese,<sup>41</sup> had moved to the islands. These workers, with little to no legal rights, were significantly cheaper than native Hawai'ian labor, leading to a substantial decrease in the hiring of Hawai'ians on plantations, further stressing the economic situation and forcing even more natives to sell their plots. Additionally, the decrease in salaried positions for Hawai'ians diminished the share of native representation in the government, as many Hawai'ians found themselves under the income line to vote, increasing haole representation and influence in the Legislature. By 1890, haole, despite being a minority of the population, owned nearly three-

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<sup>35</sup> John Ryan Fischer, "Landscapes," in *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai'i*, (University of North Carolina Press, 2015), 56.

<sup>36</sup> Linnekin, *Statistical Analysis of the Great Mahele*, 32.

<sup>37</sup> Fischer, *Landscapes*, 61.

<sup>38</sup> Fischer, *Landscapes*, 62.

<sup>39</sup> Who were not legally considered white in Hawai'i.

<sup>40</sup> La Croix, *Economic History of Hawai'i*.

<sup>41</sup> Carol A. MacLennan, "Planters Organize," In *Sovereign Sugar: Industry and Environment in Hawai'i*, (University of Hawai'i Press, 2014), 223.

quarters of all private land<sup>42</sup> and comprised half the electorate. With this newfound wealth and political influence, planters began pushing for more political change to their benefit, changing the Hawai'ian educational system from primarily mission-run schools to "a system of manual training and rudimentary literacy conducive to an expanded laboring class that served haole planter interests"<sup>43</sup> intended mainly for native and Asian children. Not only was this economically useful for plantation owners, but it also caused further marginalization of the Hawai'ian population, who, with the exception of élites at private schools, were not given the education and training to pursue careers outside the planter system. By destroying native agriculture and not allowing native Hawai'ians the education to pursue independent business opportunities and later employment at the increasingly powerful plantations, the settler élite thus further marginalized the native population, reducing their power at the same time as massive immigration reduced the native share of the population and led to a Hawai'ian kingdom almost completely dominated by settlers.

The political consequences of this increased settler wealth and native Hawai'ian dispossession ultimately led to the end of Hawai'ian independence and annexation to the United States. Sugar planters organized in societies such as the Hawaiian Club of Boston and its successor, the Planters' Labor & Supply Company (PL&SC).<sup>44</sup> These lobbying groups worked in both the United States and Hawai'i, seeking trade deals with Washington to augment sugar interests and simultaneously pushing the Hawai'ian government to pass legislation for their benefit, often with the implicit threat of annexation should their goals not be obtained.<sup>45</sup> Pressure reached a boiling point in 1886 when Kalākaua, having recently been asserting policy more independent from the planters, sought to increase government spending by applying for a \$2 million loan from the British government, to the chagrin of Claus Spreckels, a planter who was owed \$720,000 by the Hawai'ian government and who was worried that this loan would weaken his political influence.<sup>46</sup> Many planters, worried that the loans would mean an increase in taxes, similarly turned against the mō'i. After a bitter election season with overt calls by native politicians to Hawai'ian nationalism and a policy of "Hawai'i for Hawai'ians," in 1887, planters teamed up with the haole Hawaiian League and its paramilitary arm, the Hawaiian Rifles, ideologically supported by the PL&SC,<sup>47</sup> to force the mō'i, upon the pain of death, to accept a new constitution, the Bayonet Constitution, in what can be described as a coup. Under this new state of law, the royal family was reduced dramatically in power and new property requirements for the legislature "were steep enough that the House of Nobles was primarily selected by and composed of Westerners."<sup>48</sup> Noticeably, the new constitution placed economic interests at the

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<sup>42</sup> La Croix, *Economic History of Hawai'i*.

<sup>43</sup> Clif Stratton, "Hawai'ian Cosmopolitans and the American Pacific," In *Education for Empire: American Schools, Race, and the Paths of Good Citizenship*, (Oakland, California: University of California Press, 2016), 91.

<sup>44</sup> MacLennan, *Planters Organize*, 235.

<sup>45</sup> Van Dyke, *Who Owns the Crown Lands of Hawai'i?*

<sup>46</sup> MacLennan, *Planters Organize*, 234.

<sup>47</sup> MacLennan, *Planters Organize*, 235.

<sup>48</sup> Van Dyke, *Who Owns the Crown Lands of Hawai'i?* 122.



forefront and consisted of an all-white cabinet, which made overtures to the United States for outright annexation, seeing better sale prices for their sugar crop as an American territory. After Kalākaua's death and the ascension of his sister, Lili'uokalani, to the throne, many planters dismissed her outright as a puppet. Only after the new mō'i "signaled a possible return to the 1864 constitution"<sup>49</sup> in 1893 did the Hawaiian Rifles, backed by the U.S. Navy, overthrow the monarchy and create the strictly white-ruled Republic of Hawai'i, subsequently annexed by the United States in 1898. An economically and politically empowered haole élite, supported by the wealth of their large landholdings, thus ended ninety-eight years of Hawai'ian independence.

To claim that a historical event was due to just one cause or person is often to ignore the complexities and nuances that define history and life. In the case of the Kingdom of Hawai'i, American military pressure and eventual intervention was not the sole cause of the loss of independence. Forced to please American and British business interests, the Hawai'ian government instituted land reform simultaneously intended to aid haole settlers and merchants and maintain Hawai'ian sovereignty and control over the land. Given the constant threat of annexation by Western powers and the pressures of the haole lobby, it is not surprising that Hawai'ian land legislation was critically flawed, transferring vast amounts of land to white settlers, creating a plantation economy and ultimately leading to the destruction of Hawai'i as it was. Corruption, bad economic decisions and constant settler pushback created imperfect legal processes, which led to haole accumulation of land and subsequent economic dominance and the simultaneous environmental and economic destruction of native, particularly maka'āinana, lands. These two phenomena led to native Hawai'ian impoverishment, a growing settler influence on the government and the eventual overthrow of Hawai'i by a landed settler class with economic interests better suited by annexation to the United States. More than one hundred years after annexation, Hawai'i remains a settler state, with the military-industrial complex and mega-corporations' tourist enterprises replacing the plantations of yore; whether the status of native Hawai'ians, currently a subaltern minority in their own islands, will ever change and Hawai'ian sovereignty will ever be regained is an open question. However, with an increasingly activist Hawai'ian sovereignty movement, Lili'uokalani's prayer that *e ola e ola ka mō'i*, that god smile upon the islands' independence, is still the hope for thousands.

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<sup>49</sup> Van Dyke, *Who Owns the Crown Lands of Hawai'i?* 221.

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# **Bastardy and the New Poor Law: Redefining the Undeserving**

Bianca M. Serbin

University of Pennsylvania

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Enacted in 1834, the New Poor Law set the stage for a new era of welfare in England. Widespread discontent with the inefficiency and costs of the Old Poor Law created the impetus for its successor. The New Poor Law instated new terms for poor relief, creating a structure of indoor relief based on the principle of less eligibility. Included in the New Poor Law was the Bastardy Clause, which overturned the existing bastardy laws. The Bastardy Clause was, at its core, an absence of charity. Charity or poor relief were no longer the rights of the poor, but privileges to be attained through the new liberal, free market system. Both the Whigs and the Tories had been critical of the Old Poor Law, and the New Poor Law, which was designed and implemented by the Whigs, received support from both Tories and Radicals. However, the Bastardy Clause did not receive such support, and was “described by contemporaries as provoking ‘the most violent opposition’ of all New Poor Law features.”<sup>1</sup> The discourse among Whigs and Tories, and more broadly, liberals and radicals, demonstrates a fundamental shift in how British politicians had begun to think about poverty and charity. Existing scholarship focuses on the economic and political debates surrounding the conception of the Bastardy Clause. Exploring this debate is essential to understanding how the relationship between capitalism and charity was transforming at this moment in time, impelled by new conceptions of who was deserving of charity and who should provide it. Born of an emphasis on economic individualism, the Bastardy Clause labeled unwed mothers a category of the undeserving poor.

## **I.**

Broadly speaking, by the beginning of the 19th century, the conditions of charity had greatly evolved. Charity was increasingly institutionalized, and its objectives had fundamentally

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<sup>1</sup> Lisa Forman Cody, “The Politics of Illegitimacy in an Age of Reform: Women, Reproduction, and Political Economy in England's New Poor Law of 1834,” *Journal of Women's History* 11, no. 4 (2000): 131-156.

changed. Considering earlier conceptions of charity is requisite to understanding why the New Poor Law marks the codification of new thinking about poor relief.

The English poor laws were first developed in the 16th century and remained in existence until the 20th century. Voluntary charity also existed outside of the poor laws. However, over time, “the priorities of state and society shifted towards more, not less, public welfare,” and charity became increasingly part of the state’s agenda.<sup>2</sup> Although more informal efforts to target poverty existed during the 14<sup>th</sup> and 15<sup>th</sup> centuries, the Poor Law of 1597-1601 laid the groundwork for a national system. In 1601, the Act for the Relief of the Poor—commonly known as the Elizabethan Poor Law—created a formal system by which “each parish was to be responsible for the maintenance of its own poor.”<sup>3</sup> The law created the position of “Overseers of the Poor of the same Parish.” These overseers were responsible for

“Setting to work the Children of all such whose Parents shall not by the said Churchwardens and Overseers, or the greater Part of them, be thought able to keep and maintain their Children: And also for setting to work all such Persons, married or unmarried, having no means to maintain them, and use no ordinary and daily Trade of Life to get their living by.”

The law distinguishes between outdoor and indoor relief, two different methods of allocating charity. The above provision refers to the sanction of indoor relief. The overseers were also required to collect “competent Sums of Money for and towards the necessary Relief of the Lame, Impotent, Old, Blind, and such other them being Poor, and not able to work.”<sup>4</sup> Thus, the Old Poor Law offered relief to several categories of the poor: the deserving and able-bodied, as well as the impotent. One of the major attributes of the old poor laws was its “reliance on the parish as a unit of government.”<sup>5</sup> Indeed, the Old Poor Law was far more local than its replacement, and its operations depended on the leadership of local Justices of the Peace. This parish-based system of aid prioritized the poor within a community. The poor laws would eventually transform into a system that implicated the government in more nuanced ways.

The Elizabethan Poor Law does not specifically address the question of bastardy, which was regulated in subsequent legislation. The Bastardy Law of 1733 stated that “any Single woman [who] shall be delivered of a Bastard Child which shall be chargeable or likely to become chargeable’ was to be brought by the parish to be examined on oath before two magistrates.” The putative father of a bastard child was required to pay a weekly sum toward the care of the child. The mother would also pay a lesser sum “so long as the said bastard child shall be chargeable to the said parish.”<sup>6</sup> The legislation of 1733 can be said to have “reflect[ed] formally what had

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<sup>2</sup> Alan J. Kidd, *State, Society, and the Poor In Nineteenth-Century England*, (Houndmills, Basingstoke, Hampshire: Macmillan Press, 1999), 66.

<sup>3</sup> J. D. Marshall, *The Old Poor Law, 1795-1834*, 2nd ed. (Houndsmills, Basingstoke, Hampshire: Macmillan, 1985), 10.

<sup>4</sup> “An Act for the Relief of the Poor,” (1601). <http://www.workhouses.org.uk/poorlaws/1601act.shtml>.

<sup>5</sup> Marshall, *The Old Poor Law, 1795-1834*, 9.

<sup>6</sup> From 6 George II c. 31, *An Act for the Relief of Parishes and other Places from such Charges as may arise from Bastard Children Born in the same* (1733), as quoted in Nutt, 337.

probably always existed as a de facto gendered division of parental labour: mothers as primary carers, and fathers as financially responsible.”<sup>7</sup>

From the 16th to the 18th century, “public relief” was largely available to those who were unable to work. In 1782, Gilbert’s Act allocated relief to the “able-bodied” by making it so that they did not have to enter the workhouse. The 1795 Speenhamland system attempted to diminish poverty by supplementing wages. By and large, the old poor laws did not enforce consistent rules; their application varied by locality due to “differences in trade, industry or agriculture.”<sup>8</sup> Some historians believe that the local nature of the poor laws may have led to “greater humanity, and sometimes to more extensive, well-meant and indiscriminate granting of relief to individuals.”<sup>9</sup> By 1795, the administration and effectiveness of the poor laws was increasingly called into question, a fact which would, in the eyes of the state, necessitate the reform that was to be implemented in 1834.

Traditionally, women were disproportionately favored by relief efforts. In the village of Campton and the town of Shefford between 1770 and 1834, aid was largely tied to life-cycle poverty. Women were more likely to receive relief than almost any other category of people, with exception of the elderly.<sup>10</sup> In Campton and Shefford, “broken families”—those that were composed of widows and their children or unmarried mothers—were more likely to receive aid than “complete families.”<sup>11</sup> The overseers’ efforts to support unwed mothers suggests that they “showed less sympathy to the poverty of couple-headed families than to lone parent ones.”<sup>12</sup>

Gendered notions of work had existed for millennia before the poor laws, well-documented in ancient texts including the Bible. In the 19th century, as the period of industrial revolution altered the English economy, the gendered division of labor became ingrained in the development of English capitalism. Women were expected to participate in the economy and earn their own wages. Technological innovations created new roles for women in the factory, though women had been important economic players in the 18th century prior to industrialization. However, “the gendered distribution of work was the outcome neither of the requirements of capitalism nor of economic forces.”<sup>13</sup> In the 19th century, this gendered division of work—that which designated women to the home and men to the workplace—became a sustaining factor of capitalism. It became “relevant to the stability both of the industrial capitalist system and of society more generally.”<sup>14</sup> Despite the fact that industrialization and factory employment opportunities enabled women to become more independent by earning their own salary, they could not subsist on their wages alone, but only on their wages in combination with some other supplement.<sup>15</sup>

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<sup>7</sup> Thomas Nutt, “Illegitimacy, Paternal Financial Responsibility, and the 1834 Poor Law Commission Report: The Myth of the Old Poor Law and the Making of the New,” *The Economic History Review* 63, no. 2 (2010): 337.

<sup>8</sup> Marshall, *The Old Poor Law, 1795-1834*, 12.

<sup>9</sup> *Ibid.*, 9-10.

<sup>10</sup> Samantha Williams, *Poverty, Gender and Life-Cycle Under the English Poor Law, 1760-1834*, (Woodbridge, Suffolk: Boydell Press, 2011), 124-125.

<sup>11</sup> Williams, *Poverty, Gender and Life-Cycle Under the English Poor Law, 1760-1834*, 125.

<sup>12</sup> *Ibid.*, 164.

<sup>13</sup> Katrina Honeyman, *Women, Gender, and Industrialisation In England, 1700-1870* (New York: St. Martin's Press, 2000), 52.

<sup>14</sup> Honeyman, *Women, Gender, and Industrialisation In England*, 53.

<sup>15</sup> *Ibid.*, 54.

The old poor laws were largely regarded as problematic and ineffective. This was inevitable, given that the poor laws had been designed for a paternalistic economic system by which the government regulated economic activity.<sup>16</sup> By the end of the 18th century, poverty had become a genuine societal problem in England. Charity was no longer simply about helping the poor, but about alleviating a social issue. In 1832, the Poor Law Commission was charged with investigating the current state of the poor laws. The *Poor Law Commissioners' Report* was completed in 1834, and in it, the commissioners proposed that: "All relief whatever to able-bodied persons or to their families, otherwise than in well-regulated workhouses [...] shall be unlawful."<sup>17</sup> This limited, government-imposed conception of charity differs greatly from what was envisioned under the Old Poor Law. The economic changes that took place over these few hundred years can account for why thinking about the ideas of giving and receiving transformed.

## II.

Reformer Edwin Chadwick and political economist Nassau Senior were the two primary authors of the 1834 *Poor Law Commissioners' Report*, though seven other royal commissioners contributed to its authorship.<sup>18</sup> Though scholars have cautioned against overestimating the role of "theorists and officials" in the formation of the New Poor Law, the influence of Chadwick and Senior remain paramount in that they advanced "a powerful and principled hostility to the practice of paternalism, and an optimism about the ability of a free economy to secure the social order of the countryside in its stead."<sup>19</sup>

Though there were variations in their views, both Chadwick and Senior ascribed to laissez-faire views of the economy and of welfare. Senior believed that the "scope of governmental interference [...] must be limited to activities which would not diminish 'industry, forethought, and charity,' but he acknowledged that the government played a necessary role in intervening where public welfare was overtly threatened."<sup>20</sup> The Whigs' understanding of economics and policy was greatly influenced by Benthamites—those who had adopted the theories and ideas of Jeremy Bentham.<sup>21</sup> Indeed, Chadwick was a devout Benthamite, and Bentham's utilitarian views can thus be said to have shaped Chadwick's thinking about poor relief. Chadwick sought serious reform of the poor laws. He aspired toward a system that would work to the advantage of the independent

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<sup>16</sup> Kidd, *State, Society, and the Poor*, 14.

<sup>17</sup> Poor Law Commissioners, *The poor laws, their present operation, and their proposed amendment, chiefly drawn from the evidence and reports of the Poor-Law Commissioners* (London: C. Knight, 1834), 262.

<sup>18</sup> Peter Mandler, "Tories and Paupers: Christian Political Economy and the Making of the New Poor Law," *The Historical Journal* 33, no. 1 (1990): 81.

<sup>19</sup> *Ibid.*, 82.

<sup>20</sup> Nicholas C. Edsall, *The Anti-Poor Law Movement, 1834-44* (Manchester, Eng.: Manchester University Press, 1971), 5.

<sup>21</sup> The Benthamites were "an older generation of utilitarians" who ascribed to Bentham's theory of utility. The axiom most commonly associated with Bentham's utilitarianism is that "the greatest happiness of the whole community ought to be the end pursued in all human actions." This principle was applied on a societal level by the Benthamites, who believed that that which benefitted the majority was best for society. For a more detailed description of Bentham's theory, see Atkinson, Charles Milner, *Jeremy Bentham; His Life and Work*. London: Methuen & co., 1905.

laborers and, more broadly, the labor market.<sup>22</sup> Thomas Malthus' theories are also evident in the text of the Commissioners. A contemporary of the poor law Commissioners, Malthus himself was an outspoken opponent of the Old Poor Law. In his 1795 book *An Essay on the Principle of Population*, he wrote,

“The poor laws of England tend to depress the general condition of the poor in these two ways. Their first obvious tendency is to increase population without increasing the food for its support. [...] Secondly, the quantity of provisions consumed in workhouses upon a part of the society that cannot in general be considered as the most valuable part diminishes the shares that would otherwise belong to more industrious and more worthy members, and thus in the same manner forces more to become dependent.”<sup>23</sup>

Malthus believed that the poor law depressed the conditions of society without actually relieving the struggles of the poor. In their 1834 report, the Commissioners state that:

“It is now our painful duty to report, that in the great part of the districts which we have been able to examine, the fund, which the [Elizabethan Poor Law] directed to be employed in setting to work children and persons capable of labour, bust using no daily trade, and in the necessary relief of the impotent, is applied to purposes opposed to the letter, and still more to the spirit of that Law, and destructive to the morals of the most numerous class, and to the welfare of all.”<sup>24</sup>

They echo Malthus' statements that the poor laws are opposed to the “welfare of all.” Evident is a greater concern for the organization and stability of society.

Like Malthus, Senior was preoccupied by the economic factors that could limit population growth. In 1850, he would publish *Political Economy*, “an outline of the Science which treats of the Nature, the Production, and the Distribution of Wealth.”<sup>25</sup> Senior believed that the “Science of Political Economy” rested on four main propositions, the second of which was that “the Population of the world, or, in other words, the number of persons inhabiting it, is limited only by moral or physical evil, or by fear of a deficiency of those articles of wealth which the habits of the individuals of each class of its inhabitants lead them to require.”<sup>26</sup> Senior cites Malthus, who had determined that there were both preventative and positive checks to population growth: “The first are those which limit fecundity, the second those which decrease longevity. The first diminish the number of births, the second increase that of deaths.”<sup>27</sup> Senior's agreement with Malthus suggests that concerns about population size were at the forefront of debate surrounding the Old and New Poor Laws.

The *Poor Law Commissioners' Report* was informed by the testimony of poor-rate collectors, vestries, and overseers from across the country. These overseers provided the evidence

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<sup>22</sup> Edsall, *The Anti-Poor Law Movement*, 6-7.

<sup>23</sup> Thomas Robert Malthus, *An Essay on the Principle of Population* (1798; reprint, Harmondsworth, England: Penguin, 1970), 34-35.

<sup>24</sup> Poor Law Commissioners, *The poor laws, their present operation, and their proposed amendment*.

<sup>25</sup> Nassau William Senior, *Political economy* (London: J.J. Griffin, 1850), 1.

<sup>26</sup> *Ibid*, 26.

<sup>27</sup> *Ibid*, 31.

upon which the Commissioners based their conclusions about the severity of bastardy. Some of these overseers had given testimony before the House of Lords' Committee on Poor Laws in 1831. Others had provided written evidence to the Commissioners on the state of bastardy in their towns. One source of such evidence was Absalom Barnett—the assistant overseer of St. Mary's parish in Nottingham—who submitted his report to the Commissioners in 1833.<sup>28</sup> In it, he ventures to record the causes of pauperism as he observed them. Barnett devotes an entire chapter to bastardy, “the most prolific of all the causes productive of the pauperism in large towns.” “The pauperism of bastardy is generally the result of vicious indulgence, essentially degrading in its character, and permanent in its effects,” Barnett writes.<sup>29</sup> He emphasizes the burden placed on parishes. Barnett's text is one contemporary example of why bastardy was perceived as such an enormous social issue. As he describes it, the bastardy laws were a cause of poverty themselves: as a provision of welfare, they had accomplished the opposite of what they were intended to do. Scholars have debated the validity of these claims, pointing out that the report lacks quantitative corroboration for the anecdotal evidence included.<sup>30</sup>

Similarly, in a letter to both houses of Parliament entitled “Consequences Resulting from the Poor Laws in England,” an anonymous author speaks of the “disgrace” upheld by the poor laws.<sup>31</sup> This author refers to himself as “A Friend to the Industrious and Oppressed,” and, aside from criticizing the old bastardy laws, speaks to the “erroneous notions of charity” established by the poor law.<sup>32</sup> Perhaps the most powerful aspect of his letter is its epigraph, which reads: “Among a multitude embarked in the same vessel, there are several that, in a tempest, would rather perish than work.” The author of the epigraph is Joseph Addison, an English poet and essayist who occupied government positions under the Whigs in the 18th century. The epigraph condemns the idle, those who would “rather perish than work.” This sentiment recurs later in the letter, where the author writes,

“The Poor's Rate in England is a bounty on population, and equally so on idleness. The higher, or even middle classes, do not marry if portionless, because it would aggravate the evil. Paupers have no such forbearance; matrimony is to them the direct road to parochial provision. [...] The finger of contempt and scorn is justly pointed at those who may

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<sup>28</sup> Absalom Barnett is known as one of the Nottinghamshire Reformers. Also from Nottingham was George Nicholls, one of the poor law commissioners. Barnett is described as a “stern critic of the Old Poor Law and one who was not inclined to minimize any social evils that might have been thought to flow from its applications.” According to scholar J. D. Marshall, Barnett “became known as one of the pioneers of less eligibility.” For more information on Barnett and the Nottinghamshire Reformers, see Marshall, J. D. “The Nottinghamshire Reformers and Their Contribution to the New Poor Law.” *The Economic History Review*, New Series, 13, no. 3 (1961): 382-96. Accessed December 13, 2020. doi:10.2307/2599510.

<sup>29</sup> A. Barnett, *The poor laws and their administration, being an enquiry into the causes of English pauperism and the failure of measures intended for its relief: also practical suggestions to reduce the amount of parochial assessments and improve the condition of the poor* (London: Simpkin and Marshall, 1833), 21.

<sup>30</sup> Mark Blaug, “The Myth of the Old Poor Law and the Making of the New,” *The Journal of Economic History* 23, no. 2 (1963): 177.

<sup>31</sup> Though the identity of this author is unknown, his text was very clearly addressed to the Poor Law Commissioners.

<sup>32</sup> Friend to the industrious and oppressed, *Consequences resulting from the poor laws in England* (London: T. Flint, 1830), 3.



publicly seek assistance from this eleemosynary fund; and should a man prosper there in trade, or otherwise, whose ancestor to the almonry for pecuniary aid, it is remembered to his reproach, that some of his progenitors had been mean enough to claim public charity.”<sup>33</sup>

Though this author does not specifically address the issue of bastardy, he exposes the stigma surrounding poverty and charity. Dependence on the eleemosynary, or *charitable*, fund is scornful. The author differentiates the rich from the poor: for paupers, marriage is a path to assistance. Dependence on this aid is something that follows a person: “it is remembered.” The text links idleness to poverty, which was an important connection given the growing emphasis on work and productivity in England’s industrialized economy. It also bears some marks of utilitarian thinking. The paupers help to “aggravate the evil” resulting from the poor rate, whereas the high and middle classes refrain from doing so. The poor are depicted as a group that, under the system of the Old Poor Law, did not help to maintain the prosperity of the whole of society.

The association between idleness and immorality is established in other texts. Written in 1822 by an unknown author<sup>34</sup>, one text on the topic of the “injustice, immorality, and inhumanity of the present system” states the following:

“Morality is outraged, in every shape, by the present system; not only are improvidence and idleness universally encouraged, and the earnings of prosperity consumed in riot and debauchery, but from the absurd plan, too generally adopted, of equalising the wages of labor from the poor rates, all idea of character, or of motive for its preservation, is set aside; skill and industry are superseded by ignorance and idleness...”<sup>35</sup>

The author disparages the Old Poor Law. According to this author, morality can be understood as the antithesis of “improvidence” and “idleness.” The author juxtaposes idleness with “skill and industry,” two traits of a burgeoning capitalist system. The author continues to describe how bastardy exists as a result of the Old Poor Law:

“Not only are the most improvident marriages daily contracted, but bastardy, with all its numerous evils, is legally encouraged, inundating the country with a degraded and vicious population. The girl of marriageable age, who brings no other burthen than herself on the parish, boasts of it as an instance of great merit, or of good fortune; [...] and the lower orders of society, having lost all respects for the sacred rights of property, claim and demand on every emergency, whatever may have been their improvidence or misconduct, adequate support for themselves and families.”<sup>36</sup>

Bastardy was considered a problem of the poor, and it was one that degraded society by reproducing an impoverished population. There was concern across England about the legality of illegitimacy. The Commissioners argued that by supplying parish aid to those women who were the mothers of illegitimate children, they were encouraging the behavior.

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<sup>33</sup> Friend to the industrious and oppressed, *Consequences resulting from the poor laws in England*, 12.

<sup>34</sup> There is very little information on this source, other than the fact that it was published in Barnet, a borough of London, in 1822. It helps to elucidate popular attitudes toward the poor law in 19th century England.

<sup>35</sup> *Poor laws: the injustice, immorality, and inhumanity of the present system: and an account of the great success of some new modes of diminishing paupers and pauperism- 5th ed.* (Barnet: Printed and sold by J.J. Cowing, 1822), 2.

<sup>36</sup> *Poor laws: the injustice, immorality, and inhumanity of the present system: and an account of the great success of some new modes of diminishing paupers and pauperism- 5th ed.*, 2.

The Commissioners cited two main problems with the bastardy laws: that they incentivized women to have more illegitimate children in order to earn a profit off of poor relief, and that they encouraged improvident marriages, whereby women could convince men to marry them after becoming pregnant. In the text of the Commissioners' report, women are predominantly defined and treated as daughters, wives, or widows: women were either accessories to men or were categorized by the absence of men. Inherent in this definition is an understanding that women were not independent actors in societal or economic terms. In the text of their report, the Commissioners describe bastard children as a "great burden [to the] parish," referring to the parish in which the child was born. They continue to recount that under the existing law—the Old Poor Law—the relief of bastard children has caused the "defrauding of the relief of the impotent and aged, true poor of the same parish."<sup>37</sup> The Commissioners distinguish the deserving from the undeserving, citing the "true poor" as those who have been transgressed by the bastardy laws. The Commissioners stress that the existing laws cause more harm to society by obliging the "guilty": "the mode in which they oppress the innocent, revolting as it is, is far less mischievous to society than that by which they punish the guilty."<sup>38</sup> The mothers of illegitimate children were taking unfair advantage of a system that was created to benefit them. This portion of the report is evidence of how Bentham's utilitarianism found its way into the reform efforts of the 19th century. The Commissioners are much more concerned with the threat that the poor posed to the rest of society than with the condition of the poor. The Commissioners even go so far as to allude to the notion of legality, insinuating that the Bastardy Laws have made illegitimate mothers and fathers "guilty."

The old bastardy laws implicated both men and women. The alleged father of a bastard child was required to pay a sum of money for the care of the child: an average of about 2s. or 3s., but ranging from 1s. to about 7s. or 8s., a week.<sup>39</sup> Under the Old Poor Law, parochial authorities served as intermediaries between men and women with the power to "enforce paternal financial responsibility."<sup>40</sup> When the father of a bastard child was unable to pay the sum he owed, the parish "pays to the woman the sum, whatever it may be, that has been charged on the man, whether paid by him or not."<sup>41</sup> According to the Commissioners, "in most cases the sum is as great, in many it is greater, than that for which a child can be put out to nurse, or than that which would be allowed by the parish if it were legitimate and its father dead."<sup>42</sup> The sum provided to mothers of illegitimate children was thought to have exceeded that which was provided for widows or mothers of legitimate children, and because of this, the Commissioners believed that some women felt inspired to mother illegitimate children: "To the woman, therefore, a single illegitimate child is seldom any expense, and two or three are a source of positive profit."<sup>43</sup> Thus, though both fathers

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<sup>37</sup> Poor Law Commissioners, *The poor laws, their present operation, and their proposed amendment*, 165.

<sup>38</sup> *Ibid.*, 167.

<sup>39</sup> *Ibid.*, 169.

<sup>40</sup> Nutt, "Illegitimacy, Paternal Financial Responsibility, 337.

<sup>41</sup> Poor Law Commissioners, *The poor laws, their present operation, and their proposed amendment*, 169.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

and mothers bore some responsibility for the care of a bastard child, it was women who the Commissioners believed were taking advantage of the system.

According to the Commissioners, the bastardy laws encouraged women to have illegitimate children by providing them with monetary compensation. The Commissioners' concerns about the spread of illegitimacy reflect their attentiveness to the impact of the population on the economy and the rest of society. Malthus argued that the poor laws were increasing dependency by providing a disproportionate amount of relief to the poor. The Commissioners make essentially the same claim: that illegitimate mothers were receiving an inordinate and undeserved amount of relief. The Commissioners believed that if left unchecked under the bastardy laws, this would lead to the overall detriment of society.<sup>44</sup> The Commissioners' invocation of Malthus involves a negative definition of charity; they believed that they would be able to deter women from a particular behavior by withholding monetary assistance.

The aforementioned testimony that the commissioners collected spoke to the "social demoralization" that "flowed from the abuses of existing law and practice."<sup>45</sup> According to the evidence, women would perjure themselves in order to gain money; blackmail men in order to get married; and even lie about pregnancy in order to reap the benefits promised to single women. The Commissioners' use of testimony to confirm these facts erases the stories of women who genuinely depended on this sort of poor relief. They conclude with an excerpt from the evidence provided by Mr. Simeon in 1831 before the House of Lords' Committee on Poor Laws. In response to the question of "What alterations can you suggest in the Bastardy Laws?", Mr. Simeon responds: "By refusing to give any order upon the father for support, or upon the parish even. I would throw the onus entirely upon the woman."<sup>46</sup>

In proposing the enactment of the Bastardy Clause, the Commissioners made clear that poor relief was no longer meant to be a "burden" on society. The individual—in this case, a woman—was responsible for her own relief. The Bastardy Clause thus represents an absence of charity. Nowhere in the Bastardy Clause do the Commissioners reference women's income or economic opportunities; they only state that women should be allowed to take care of their children on their own. The omission of this information suggests a few conclusions: that the Commissioners did not have information about women's incomes, that they deliberately chose to exclude it, or that perhaps they did not consider it necessary to include. Whatever the correct conclusion, there is a major gap in the Commissioners' analysis, as they are unable to prove that poor women would actually be *capable* of raising a child on their own. Whereas under the old bastardy laws women had been aided by the parish, they were now required to support themselves and their children on their own. The Commissioners justified this new form of poor relief—or a lack thereof—on moral

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<sup>44</sup> Scholar Thomas Nutt supports this view of the New Poor Law, and stresses the distinction between the old and new laws: "Whereas the old poor law had for centuries stressed the importance of paternal responsibility, Malthus provided the Commissioners with a theoretical and providential justification for shifting the entire burden of responsibility of illegitimacy onto the mother. This allowed the Commissioners to attack both the moral and the material failings of the poor law, since the shift to maternal responsibility would in theory deprive women of the material incentive to become pregnant outside wedlock" (358).

<sup>45</sup> Poor Law Commissioners, *The poor laws, their present operation, and their proposed amendment*.

<sup>46</sup> Poor Law Commissioners, *The poor laws, their present operation, and their proposed amendment*, 177.

grounds in addition to economic. In fact, the two are almost inextricably linked: in many ways, the immorality of women's actions stems from the burden placed upon society and the economy.

Regardless of whether the Commissioners believed women were capable of supporting children on their own, it is clear that they did not envision that women would continue to be dependent. This view is supported by historian Anna Clark, who challenges the notion that the New Poor Law ignored women workers: "the commissioners regarded women, like men, as atomistic individuals responsible for their own destiny." This is exemplified by the Bastardy Clause itself, which made it so that Edwin Chadwick, along with the other poor law Commissioners, "assumed that poor single women must earn wages." Chadwick was of the belief that the New Poor Law would raise women's wages.<sup>47</sup> Those who shared Chadwick's views believed that the unregulated market would present women with opportunities for economic gain. This view would change by the late 1840s and 1850s, when the poor law Commissioners "did begin to define single women, not as potential wage-earners, but as dependents who deserved outdoor relief if they could not find a man to support them."<sup>48</sup> Women became implicated in the discourse surrounding liberalism and individualism: "For working-class critics, the new clauses, which laid economic responsibility on the single mother, epitomized the true political logic of the new Liberal regime."<sup>49</sup> The Commissioners believed that the absence of an established religious or social system of relief would best benefit the poor: "relief" would come by way of the market. In fact, it was these older systems that had perpetuated the kind of dependence that the Whigs believed was detrimental to the economic order.<sup>50</sup>

### III

Before the New Poor Law was officially enacted, it was subject to debate in the House of Commons. The Bastardy Clause was heavily debated. Though Whigs were generally proponents of the law, the debate was not divided entirely along party lines. On April 17, 1834, Lord Althorp, a Whig, presented the new law to Parliament.<sup>51</sup> While it was received approvingly in the House of Lords, some politicians in the House of Commons protested the proposed law.<sup>52</sup> At the

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<sup>47</sup> Anna Clark, "The New Poor Law and the Breadwinner Wage: Contrasting Assumptions" *Journal of Social History* 34, no. 2 (Winter, 2000): 267.

<sup>48</sup> Clark, "The New Poor Law and the Breadwinner Wage: Contrasting Assumptions," 268.

<sup>49</sup> Cody, "The Politics of Illegitimacy."

<sup>50</sup> The work of historian Peter Dunkley proved to be influential in shaping my understanding of this topic. He writes that the New Poor Law "promised virtually to eliminate individual judgement in the crucial matter of arbitrating appeals of the poor for aid" (142). He develops the idea that the New Poor Law constituted a major departure from earlier forms of charity in that it mirrored the development of the free market: "Not only was reformed relief administration founded on efforts to substitute universal sanctions for those that had been circumscribed and variable under the old system; but their operation was seen as essentially mechanical and impersonal, much like the market constraints they were designed to uphold" (148). The path to a liberal economy necessitated a change in thinking about charity, and the Bastardy Clause was necessarily a product of this change. For more information, see: Dunkley, Peter. *The Crisis of the Old Poor Law In England, 1795-1834: An Interpretive Essay*. New York: Garland Pub., 1982.

<sup>51</sup> Lord Althorp held the office of Chancellor of the Exchequer until 1834.

<sup>52</sup> Cody, "The Politics of Illegitimacy."

June 18th sitting of the House of Commons, bastardy was the chief subject debated. Mr. George Robinson, a Whig, was the first to speak.<sup>53</sup> He asks, “What would the situation of the unfortunate mother then be?” and “he maintained that, in nineteen out of twenty cases, in which a female gave birth for the first time to a bastard child, it would be found that she was not able to maintain herself and child.” Placing the economic burden on women would ultimately be unsuccessful. He refers to the proposed clause as “monstrous” and challenges the notion that it would reduce licentious behavior. He believes that,

“If you were to hold out to persons who were seduced under promise of marriage, that they should not receive any support from the fathers of their children for those children, but that they should find it for them themselves, it would not prevent licentiousness among the lower classes of society. Prudential considerations might suspend for short periods, but they never could annihilate the natural desires of woman.”<sup>54</sup>

Mr. Robinson’s view does not reflect some enlightened, moral view of women, unlike some of the other members of Parliament. Instead, he believes that the Bastardy Clause will not solve the problem it was created to address, and that sexual immorality will persist. Later in the session, Mr. Robinson expresses that he thought the burden of caring for a child should not fall solely on the woman, but on the husband or the grandparents as well. He emphasizes that “He feared that such a law would have the effect of demoralizing and brutalizing the people, and tend to pauperize those who would otherwise be industrious and independent.”<sup>55</sup> In the absence of charity, the condition of the poor would be made worse. Mr. Robinson’s statements reflect the more conservative reasoning that called for protecting the weak.

Lord Althorp was among those who defended the law, stating that:

“it was necessary to consider whether those laws had had the effect of deteriorating the morals of those classes; and whether, by the proposed alteration, they might not anticipate some correction of the evils of the existing system, and some improvement both in the morals and the conduct of the classes to which he had referred.”<sup>56</sup>

Lord Althorp raises the question of morality: the issue of bastardy is depicted as a moral issue that might be ameliorated by the new law. Later in his speech before Parliament, Lord Althorp expands his argument to say that the current bastardy laws are actually an “inducement” against female “chastity and morality.”<sup>57</sup> Another Whig Mr. Charles Buller underscored the belief that the law was an incitement to perjury. Others echoed his concern and added that “It was perfectly clear, that the present Bastardy-laws not only were destructive of chastity and other female virtues, but also tended, in an alarming degree, to encourage perjury.”<sup>58</sup>

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<sup>53</sup> At the time when the New Poor Law was debated in the House of Commons, Robinson was a member of Parliament for the city of Worcester. Robinson was registered as a Whig in 1826.

<sup>54</sup> Parl. Deb. (June 1834) 522-523.

<sup>55</sup> Ibid, 542-543

<sup>56</sup> Ibid, 524.

<sup>57</sup> Ibid, 525.

<sup>58</sup> Ibid, 529-530.

Mr. John Benett, a representative of Wiltshire South, spoke adamantly against the law. Though he was a Whig, he did not align politically with the reformers. He attested that “in the whole course of thirty years’ practice as a Magistrate, he had never reason to suspect, that any woman who had sworn her child before him acting as a Magistrate had perjured herself. [...] he never knew them [...] to commit perjury for the purpose of obtaining support for their bastard children.” Benett challenged the claims of other members of Parliament, who believed that perjury was a motivating factor to overturn the existing bastardy laws. He continues, professing “he did not see why the punishment, in the shape of being burthened with the maintenance of the child, should be thrown upon one party, and that party the most defenceless, and the most exposed to the seductive influence and power of the other.”<sup>59</sup> Mr. Benett describes the Bastardy Clause as a punishment. Not only had it removed a source of poor relief, but it had imposed a new economic burden on those who were the “most defenceless.” Mr. William Cobbett, a Radical, spoke in agreement with Mr. Benett. He, too, referred to the Bastardy Clause as a punishment: “It was the custom to speak of the poor as immoral, and profligate, and guilty of all sorts of crimes for having bastards; and it was gravely proposed, that punishment should be inflicted on them for such a heinous offence.” Mr. Cobbett raises a key consideration in the debate. He questions why the poor should be punished for having illegitimate children when the issue of bastardy is not restricted to the least fortunate. “Poverty was here the cause of all the crime,” he said. “To adopt a proper remedy, it should be applied to the cause of the evils complained of, and not to the effects.”<sup>60</sup> Mr. Cobbett argues that bastardy was a symptom of a larger societal issue. At the June 18<sup>th</sup> meeting of the House of Commons, Mr. Cobbett was the only member of Parliament to direct address the correlation between poverty and bastardy.

On July 28, the debate in the House of Commons continued. The Bishop of London, Charles James Blomfield, spoke in support of the law, believing that “the community at large would be greatly benefited” by its passing.<sup>61</sup> Blomfield’s view is reflective of how traditional moral arguments still survived. The arguments of those in favor of the law show that moral concerns remained—alongside material calculations—central to deciding who was deserving of charity: unwed mothers were not deserving because they were abusing the sustenance of the parish, but also because their actions were perpetuating immorality. As a result, it seems that “immorality” refers not only to sexual deviance, but to the impact that a woman’s actions had on society. By mothering an illegitimate child, a woman was placing an undue burden on society and increasing its poverty, which were also “immoral.”

The shifting language around welfare is apparent in these debates. The poor no longer had a right to assistance, but a *duty* to care for themselves and their children without government aid. Liberals believed that women’s promiscuity was not only the source of their own misfortune, but of the growth of poverty and societal destruction. Far more members of Parliament spoke in support of the law than against it. Opponents feared that women, the most defenseless sector of

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<sup>59</sup> Parl. Deb. (June 1834), 531-532.

<sup>60</sup> Ibid, 532.

<sup>61</sup> Ibid.

society, would be unable to support themselves. They were becoming victims of a new system, a system which would punish them by assigning them economic responsibility. Critics and supporters of the law disputed the “rights and responsibilities” of single mothers. Some members of the opposition “defended paternalism and the old bastardy provisions because they saw women disadvantaged as childbearers and caretakers trying to survive in a gendered marketplace. Not only were women’s wages significantly lower than men’s, [...] but bastardbearers also had the added burden of caring for their children while trying to earn a living.”<sup>62</sup> Economic questions were central to the debates on the Bastardy Clause. These opponents were concerned with the place of women in a changing economic system, as evidenced by members of Parliament like William Cobbett. To them, bastardy was merely a consequence of poverty, the true evil.

#### IV

The New Poor Law is a distinct example of the shift from paternalism to liberalism, a transition that had occurred over the course of centuries in the English economy. Unlike ever before, capitalism’s virtues—individualism, labor, and competition—became affiliated with government action. As such, the state’s conception of poor relief was subject to change. This is reflected in the Bastardy Clause, which charged unwed women, like all other members of society, with the responsibility of supporting themselves and their children without the aid of the parish. Existing scholarship has firmly positioned the political debate surrounding the New Poor Law and its Bastardy Clause in the context of economic history. This paper has ventured to explain how this political debate reflected not only shifting views on the economy, but on charity itself. In resolving that illegitimate mothers were no longer deserving of poor relief, the Commissioners of the New Poor Law situated them among the undeserving. Bastardy was not solely an economic problem but a moral and social evil, one that reproduced an impoverished population and encouraged degenerate behavior among women. The Commissioners believed that withholding aid would diminish these issues. But as evidenced by the parliamentary debates, the issue at hand was not bastardy, as the Commissioners suggested, but poverty. What the Commissioners did not consider was that deprived of poor relief, unwed mothers might resort to abortion or infanticide to appease their suffering.

The New Poor Law manifested a new attitude toward charitable giving. The state, which had long occupied a paternalistic role, would no longer provide aid to those who should be capable of earning for themselves. Ultimately, the Bastardy Clause was subject to much reform in the decades that followed, but its impact posed lasting questions about who was deserving and undeserving of poor relief.

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<sup>62</sup> Cody, “The Politics of Illegitimacy.”

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